



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 15 OCTOBER, 2012  
COMMENCING AT 3.00pm  
IN THE GREENHILLS HALL,  
GREENHILLS**



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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, 15 OCTOBER 2012, 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 and thanked the Greenhills ladies for a wonderful afternoon tea.*
- 1.2 Chief Executive Officer to read the disclaimer  
*Ray Hooper, Chief Executive Officer, read the disclaimer*
- 1.3 Announcement of Visitors  
*Nil*
- 1.4 Announcement of any Declared Financial Interests  
*Cr Denese Smythe – Item 9.1.1 – Proximity*  
*Cr Tony Boyle - Item 9.2.6 – Impartiality*  
*Cr Roy Scott - Item 9.2.6 – Impartiality*  
*Cr Denese Smythe - Item 9.4.2 – Proximity*  
*Cr Roy Scott - Item 9.4.2 - Proximity*

### 2. ATTENDANCE

- 2.1 Members  
*Cr Tony Boyle, Shire President; Cr Roy Scott, Deputy Shire President; Cr Brian Lawrance; Cr Pat Hooper; Cr Mark Duperouzel, Cr Denese Smythe*
- 2.2 Staff  
*Ray Hooper, Chief Executive Officer; Jacky Jurmann, Manager Planning Services; Gordon Tester – Manager Environmental Health & Building Services; Glen I Jones, Manager Works & Projects; Helen D'Arcy-Walker, Executive Support Officer*
- 2.3 Apologies  
*Tyhscha Cochrane, Deputy Chief Executive Officer*
- 2.4 Leave of Absence Previously Approved  
*Nil*
- 2.5 Number of People in Gallery at Commencement of Meeting  
*There were 13 people in the Gallery at the commencement of the meeting.*

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

#### 3.1 Previous Public Questions Taken on Notice

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

#### 4.1 Written Questions – Current Agenda

**Mrs Tanya Richardson**

#### **Follow Up To Public Question Time 17<sup>th</sup> September, 2012**

Thank you for the above in relation to responses given to questions submitted to the Ordinary Council Meeting held on the 17<sup>th</sup> September, 2012.

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

Is it not the responsibility of the SOY to send me notification that the application was received and explain that a fee must be paid as opposed to just sitting on the request for three weeks assuming I know the procedure?

#### **Response:**

It is assumed that people utilising statutory processes such as FOI are aware of the basic processes and requirements.

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

I did not ask if the SOY was participating in Face book. There is already a dedicated Avon Tourism Inc Face book page. I am simply asking if the Visitor Information Services staff is permitted to share information like Wildflower updates on the page.

#### **Response:**

Not at this stage as procedures for social media such as Face book have not been developed.

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

I understand the payments are spread across various monthly reports. I assume the SOY uses MYOB or similar and can print a financial report relating to Mr Carbone's payments very quickly and easily. Can the SOY please embark on this 5 minute task and print this report for me?

#### **Response:**

While the task requested can be done it would be an unnecessary cost burden on the community without any relevant benefit.

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

This document has now gone out for public comment with none of my suggested amendments. Am I to assume none of my comments have warranted any changes? If the answer is no then I am very disappointed as I believe I had some knowledge in this area and my suggestions were warranted. If the answer is yes, am I to assume this means the document will be changed again after 28 days, have to be voted on again and go out for public comment yet again?

#### **Response:**

Your comments on the draft policies will be treated as a submission in exactly the same manner as any other submission by a community member.

The process with Local Government draft policies is for the whole community to have the opportunity to comment and draft documents are not amended on the views of an individual before advertising.



**Mr Brett Sherry**

**Road Closure – Trigg Street, York**

We would like to formally note our objection to the closure of the portion of Trigg Street as specified in the Shire of York's recent letter.

**Response:**

The Trigg Street closure will be considered at Agenda Item 9.2.1.

**Mrs Heather Saint**

**Agenda Item 9.2.6**

**Question 1:**

Could Council now respond to the unanswered Council deferred from the Ordinary Council meeting on 20<sup>th</sup> August, 2012.

**Deferred Question 2:**

Have the tender documents been published for transparency purposes?

**Response:**

Noted

**Deferred Question 3:**

What are the terms of reference contained in the tender document outlining the services to be provided?

**Response:**

Noted

**Deferred Question 4:**

If an independent review of planning processes and compliance is to be undertaken, can it be demonstrated that the review is indeed independent?

**Response:**

Noted

**Deferred Question 5:**

Is Council aware that anyone engaged directly by the Council that is a commercial business will not be independent?

**Response:**

Noted

**Deferred Question 6:**

Is Council aware that the implementation of a planning review and compliance check by McLeod's would appear to be a means of legitimising their handling of development applications and their interpretation of breaches of code and pursue individual whom they wish to discriminate against whilst giving the impression that they are operating a due process with independent review?

**Response:**

Noted

**Deferred Question 7:**

Is Council aware that, to use McLeod's to carry out planning reviews and compliance checks and then use the same firm to undertake prosecutions on behalf of the Council taints the firms independence as the firm can effectively determine its own caseload and income stream?

**Response:**

Noted

**Deferred Question 8:**

Is Council aware that this approach is designed to use the full financial resources of the Council to silence ratepayers and developers and threaten them with the consequences of unconscionable persecution through unnecessary litigation thus stagnating the growth of York by deterring any new development?

**Response:**

Noted

**Question 2:**

With reference agenda item 9.2.1 – Statutory Environment – does Council agree that the Planning & Development Act 2005 already enables the Shire adequate provision of various option of legal action that may be taken in relation to unauthorised development and that, with regard to good governance, Council will now be deciding whether they are creating an unnecessary expense from the Shire budget relating to a duplication of external costs for legal expenses as there is an existing legal process and legal options are currently available, could this not be perceived as an abuse of process?

**Response:**

No

**Question 3:**

With reference to Social Implications – would the community not expect that developers should be held fully accountable for compliance with planning conditions associated with all developments and not just commercial developments?

**Response:**

Noted

**Question 4:**

Will Council be correctly answering and dealing with my pre written questions of the 12<sup>th</sup> September? Will I receive responses other than 'noted' and if not, please justify on what basis the decisions for the responses of 'noted' were given?

**Response:**

Noted

*Cr Boyle stated that in view of practical governance and the time wasted in Question Time over the last 6 years no further verbal questions will be taken from the Saints at this forum. Questions will only be received in writing and will be notated as Noted.*

## 4.2 Public Question Time

### **Mrs Jenet Ryan**

#### **Question 1:**

Will Council arrange the cleanout of culverts after they are inspected?

#### **Response:**

Yes

#### **Question 2:**

Can road maintenance be done to prevent gravel being graded to the verges and drains?

#### **Response:**

This will be raised with the grader operators.

#### **Question 3:**

Will Council take action to remove dangerous trees from road verges?

#### **Response:**

The Shire of York has to follow due process for the removal of trees from road verges under the clearing of Native Vegetation Regulations.

Cr Duperouzel advised that the Shire of York had supported a WA Local Government Association motion for the power to remove vegetation from road verges.

#### **Question 4:**

Is it possible to have further money for the refurbishment of the Greenhills Hall floor?

#### **Response:**

Cr Boyle suggested the request be put in writing to the Shire of York.

### **Mrs Tanya Richardson**

#### **Question 1:**

Do Councillors actually answer questions to Council via Public Question Time?

#### **Response:**

Councillors are provided with copies of any responses.

#### **Question 2:**

Can Council please explain why I did not get an acknowledgement of my FOI application being received.

#### **Response:**

As there was a large amount of work on at the time no acknowledgement was issued. An apology is given. A new procedure has now been put in place that when a FOI is presented at the front counter it is not accepted until a payment is made.

#### **Question 3:**

How much in time and monetary expenditure would the cost burden be in answering my question 3 at the September Council meeting?

**Response:**

Details of payments have already been published which relate to both Shire of York and Regional Transition Group activities and the questioner could research the information.

**Question 4:**

Can Council please advise exactly what Dominic Carbone was paid in total in the last financial year and the year to date?

**Response:**

Details of payments have been published and this matter is considered to be dealt with.

**Question 5:**

By what method of determining does the CEO come to the conclusion that this question is asked with no 'relevant benefit'.

**Response:**

Noted.

**Question 6:**

Why was my submission on the draft Shire of York Events Policy not published?

**Response:**

Submissions will be published at the appropriate time when Council considers adoption of the policies.

**Question 7:**

Why were the York Town Hall or the Forrest Oval Recreation Centre not mentioned in the draft policy?

**Response:**

The policies will be reviewed.

**Ms Patricia Walters**

**Question 1:**

The unconfirmed minutes as shown on the website are not a correct record of the meeting as they do not contain all the comments/information the Shire President said would be recorded. Why is this?

**Response:**

We do not record verbatim.

**Question 2:**

Announcement of Visitors

(a) Council did not acknowledge the presence of the Police in the Gallery. Why not?

**Response:**

Noted.

(b) If not a visitor did the Police attend at the invitation/request of the Council or CEO?

**Response:**

No

**Mrs Tanya Richardson**

**Question:**

Did anyone give my database from the York Antique and Collectors Fair to the person now running it?

**Response:**

No

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Nil*

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

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

7.1 Minutes of the Ordinary Council Meeting held September 17, 2012

Corrections

Confirmation

**RESOLUTION**

**011012**

**Moved: Cr Hooper**

**Seconded: Cr Lawrance**

***“That the minutes of the Ordinary Council Meeting held on September 17, 2012 be confirmed as a correct record of proceedings.”***

**CARRIED: 6/0**

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

*Cr Boyle congratulated Sgt Gubanyi on the Community Safety Day held on Saturday, 13 October, 2012. The York Tennis Club held their Open Day at the new tennis courts on Sunday, 14 October, 2012. The York Mill also held the Opening of their new ventures at the Mill on Sunday, 14 October, 2012. Once again thanked the Greenhills ladies for a wonderful afternoon tea.*

**9. OFFICER'S REPORTS**



## **9.1 Development Services**





## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.1 Grouped Dwelling in Restricted Building Materials Area – Lot 265 (64) Herbert Road, York

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

**FILE NO:** HE4.11480, P800  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 27 September 2012  
**LOCATION/ADDRESS:** Lot 265 (64) Herbert Road, York  
**APPLICANT:** V Knight  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** K Robinson, Planning Assistant  
**DISCLOSURE OF INTEREST:** Cr Denese Smythe - Proximity  
**APPENDICES:** 1 – Site Plan  
2 – Architectural Plans  
**DOCUMENTS TABLED:** Nil

#### **Summary:**

Council is in receipt of a planning application to construct a grouped dwelling on Lot 265 (64) Herbert Road, located within the Restricted Building Materials Area. The proposed additional dwelling will be externally clad in fibro weather board cladding and will not have a outwards brick appearance.

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

As the policy states an exemption to the outwards brick appearance may be made by a Council resolution, it is recommended that this application be approved subject to conditions.

#### **Background:**

The Restricted Building Materials Policy was introduced to ensure that new development is sympathetic to the existing buildings. The construction of a weatherboard clad dwelling in this area is unlikely to detrimentally impact the cultural significance of the area, particularly due to the distances from the boundary roads.

A review of a new Restricted Building Materials Policy was carried out in February 2012 in which 32% of landowners responded. The Council passed a resolution at the Council meeting 21 May 2012 to:

*1. Initiate a review of the Local Planning Policy – Heritage Precincts and Places, the Municipal Inventory of Heritage Places, the York Town Planning Scheme No. 2 Heritage List, in consultation with the community and peak community groups.*

*2. The Local Planning Policy – Restricted Building Materials Policy – Restricted Building Materials be superseded following adoption of the amended Local Planning Policy – Heritage Precincts and Places.*

Within the Eastern Side of the Restricted Building Materials Precinct which consists of 51 properties there have been 2 previous variations to the policy.

The proposal is for an additional house of 64.8sqm for the owner's son to occupy. The original proposal was made for ancillary accommodation and after discussions with the owner it was decided that the application should be assessed as a grouped dwelling as ancillary accommodation consists of a maximum of 60sqm and other restrictions of occupancy.

**Consultation:**

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

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

The site is zoned Residential R2.5 under the provisions of the Scheme.

Under the York Town Planning Scheme No. 2 a residential building or grouped dwelling is a use permitted as "AA" which is defined as a use not permitted unless the local government has exercised its discretion by granting planning consent.

The matters for consideration outlined in clause 7.5 of the Scheme have been assessed as follows:

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

Under the York Town Planning Scheme No. 2 this property is zoned Residential R2.5 in which a planning application must be submitted for a Residential Building including a Grouped Dwelling. The Scheme dictates that the objective for the zone is for single houses as the predominant form of residential development.

- (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 this site.

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

There are no statements from the commission applicable to this proposal.

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

There are no environmental protection policies applicable to the proposal.

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

State Planning Policy 3.1 – Residential Design Codes

Clause 6.1.1 – A1.1 – The open space requirement of the R-Codes is that each dwelling consists of 4,000sqm. The total size of the lot is 22,611sqm, the existing buildings equal 511sqm with the addition of the new building of 151.2sqm this still equates to in excess of 4,000sqm per dwelling.

Clause 6.2.1 – The proposed house is setback 73.6m from Herbert Road, R-Codes requirement is 15m. The secondary street setback is approximately 87m which is sufficient to meet the R-Codes 7.5m requirement. The side setback exceeds 1.5m which complies with the requirements of the R-Codes.

Clause 6.2.4 – Surveillance is available between the dwellings

Clause 6.3 (A1) – Grouped dwelling buildings on the same site, or facing portions of the same multiple dwelling building, setback from each other as though there were a boundary between them. There is sufficient space between the dwellings with existing vegetation to meet the setback requirements as if there was a boundary between them.

Clause 6.4.1 – Open space provision is for the dwelling to have sufficient open space around buildings to complement the building and allow for attractive streetscapes. The proposed one bedroom dwelling is on a large block with sufficient surrounding area to suit the needs of the resident and meet the requirements of the R-Codes.

Clause 6.4.2 – Outdoor living areas – there is a deck of the living/kitchen on the southern side and a carport/deck off the northern side.

Clause 6.4.5 – All grouped and multiple dwelling common property areas and communal open spaces are fully developed with appropriate planting, paving and other landscaping that

- Meets the projected needs of the residents.
- Enhances security and safety for residents.
- Retains significant existing trees; and
- Contributes to the streetscape.

The proposal is in addition to the existing dwelling and has sufficient vegetation surrounding. There is no application to remove any vegetation for the proposed development.

Clause 6.5.1 – Parking – must have 2 spaces per dwelling on site parking plus 1 visitor space. The proposal has a large area surrounding the proposed dwelling and is sufficient distance from the primary street and secondary street to meet all parking requirements.

Clause 6.5.4 – no further crossovers are to be constructed as there are existing crossovers to each dwelling.

Clause 6.5.5 – The proposal will allow safe pedestrian and carparking access between individual dwellings.

Clause 6.6 – Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from and adjoining property. The proposed development does not have any visual impact on the natural level of the property from the street and will be obscured from view of the primary and secondary street which is sufficient to meet the requirements.

6.7 – The proposed residential building is consistent with the height of the existing residential development. The proposed dwelling does not exceed the height of a normal residential development.

Clause 6.8.1 – The proposed development meets the visual privacy requirements of the R-Codes, there is 10m distance between the existing shed and the existing dwelling. Then another 4.6m from the existing shed to the proposed dwelling making the distance between dwellings over 14.6m.

Clause 6.9 – The proposed development does not have any climatic impacts on neighbouring properties, there are no outdoor living areas, major openings, solar collectors, balconies or verandahs that will be overshadowed by this development.

Clause 6.10.3 – There is sufficient area surrounding the development that adequate clothes drying facilities can be screened from view of the street. The proposed house is set between existing sheds so will not be visible from Herbert Road or Panmure Road and is set at the rear of the property from Steere Road and should not be visible from any of the adjoining 3 road frontages.

6.11.3 – Single bedroom dwellings – dwellings that provide limited accommodation, suitable for one or two persons. Single bedroom dwelling with a maximum floor area of 60sqm. The proposed house is one bedroom cottage totalling 64.8sqm does not meet this requirement, this variation has been discussed in the background that it was originally ancillary accommodation but did not meet those requirements.

Clause 7.1 – Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality. The proposed development is a residential building which is consistent with surrounding development and the objective of the York TPS No. 2 for residential development.

Clause 7.3.3 – There is sufficient on site parking area to meet the two car bay requirement of the development.

Clause 7.3.4 – design of car parking spaces, there is sufficient space available at the existing and proposed dwelling to ensure all carparking remains on site.

Clause 7.3.5 – vehicle access should not detract from the streetscape. A5.1 states that vehicle access is limited to one per 20m street frontage. There are currently two existing crossover access to the property one is off Herbert Road (approx road frontage 109m and one entrance off Steere Road (approx 168m). Both current crossovers are sufficient to meet this clause.

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

#### Local Planning Policy – Restricted Building Materials

This property is listed in the area covered by the Restricted Building Materials Policy.

The Council may consider an exemption from this policy which has been sought via the application. The points that have been considered are:

\* Within this Eastern Side of the Restricted Building Materials Precinct there have been variations previously such as.

- 5 Mount Street, York – approval for an exemption from LPP construction of a non brick dwelling approved 15 October 2007.
- Lot 15 (111) Herbert Road – variation to the Shire of York Planning Policy – Restriction on Building Materials for the construction of a single house. Approved at Council meeting 18 October 2010 with one objection.

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

This land 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 in a heritage precinct.

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

The property is 22611sqm and the surrounding properties range from 16,070sqm to 1,501sqm and the addition of an additional dwelling would not impact on the existing setting.

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

There are no social issues associated with this proposal.

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

The Restricted Building Materials Policy was introduced to ensure that new development is sympathetic to the existing buildings. The construction of a weatherboard clad dwelling in this area is unlikely to detrimentally impact the cultural significance of the area, particularly due to the distances from the boundary roads.

- (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.*

No issues likely to effect the natural environment.

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

There are no issues to which the land is unsuitable for the development.

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

The construction of the grouped dwelling will not adversely affect the amenity of the location.

- (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 proposed small second dwelling located approximately 73.6m from the primary street meets the setback requirements of the R-Codes. It is unlikely due to its size and the size of the block that it would be in detriment to the appearance of the surrounding area or neighbouring properties.

- (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.*

There are 2 existing crossovers, one leading to the existing house and one leading to the two sheds adjacent to the proposed site of the new dwelling, which will be sufficient to cater for the additional dwelling.

- (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.*

There is sufficient area for parking and access to the existing and proposed dwelling which is a 1 bedroom house, this development is unlikely to impact on the amount of traffic.

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

There is no public transport available and is not required for this proposal.

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

Water, electricity and telecommunication utilities are available and connected to the existing dwelling. No reticulated sewerage service is available to the site; however there is sufficient land area for on-site disposal.

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

Not applicable to residential development or this proposal.

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

Not applicable to a residential dwelling.

- (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.*

The current proposed development is between two existing sheds and there is no significant vegetation that will be affected.

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

Erosion controls may be required during construction of the dwelling.

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

No community services will be affected by this development.

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

No submissions were received during the advertising period.

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

There are no impacts associated with a residential use.

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

Not applicable to this proposal.

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

The discussion under the Policy Implications section of this report is relevant.

**Policy Implications:**

Local Planning Policy – Restricted Building Materials Area

1. *All class of buildings, except class 10 buildings, which may be erected in that portion of the district of the Shire of York bounded in the first instance by Ulster Road, Macartney Street, Grey Street, Tenth Road and Henry Road and in the second instance by Panmure Road, Steere Street, Pioneer Road, Chandos Road, Mount Street, Cemetery Road and Herbert Road as indicated by the are bordered black on the plan being the schedule hereto shall comply with the following requirements:*
  - (a) *All dwellings, extensions or renovations shall have external walls constructed of brick, stone or other like substance, whether finished in facework or render.*
  - (b) *External walls of dwellings, additions or renovations are not to be constructed wholly or partly of wood, iron, straw, or fibro cement sheets.*
  - (c) *Any building being erected as a habitable dwelling shall have a minimum floor area of 100m<sup>2</sup>. Such specified area to exclude carports or garages associated with the building.*
2. *The Council may consider an exemption from this policy where the applicant establishes that special or extraordinary circumstances exist or where the building material proposed has the same outwards appearance and texture of face or rendered brick work. An exemption shall be made by a resolution of the Council and will be for a particular application for a permit to build.*

3. *Where the Council receives an application for an exemption the Council shall give notice in the following manner:*
  - (a) *Notice of the proposed development to be served on all owners and occupiers of land within an area determined by the Council as likely to be affected by the proposal stating that submissions may be made to the Council within twenty-one days of the serving of such notice; and*
  - (b) *Notice of the proposal to be published in a newspaper circulating in the district stating that submissions may be made to the Council within twenty-one days from the publication thereof.*

The weight of any Policy in a court of law is on the consistency of the application of the policy. This Policy has been varied by Council and under delegation a number of times, even within this small precinct of 51 properties.

As the construction of the dwelling will not be in clear view from any street frontages it is considered that the variation of the Policy is considered acceptable.

**Financial Implications:**

Complying with the Policy will place additional building costs on the landowner that is proposing affordable housing for her son.

**Strategic Implications:**

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

**Social**

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

**Environmental**

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

**Economic**

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

The addition of a grouped dwelling to this lot will provide additional housing on a block which is considerably larger than any surrounding properties. This addition will not impact on neighbouring properties and is consistent with the goals listed above.

There will be no environmental impact as the proposal does not involve the removal of significant vegetation. The block has dense vegetation which will obscure the new development from the view of the road.

The goal of the applicant was to provide affordable accommodation for a family member.

**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 for the Shire of York, all planning fees and charges have been paid.

**Social Implications:**

There are no social implications associated with this proposal for the Shire of York or for the wider community.

**Environmental Implications:**

There are drainage issues around this area, however none currently relating directly to this property. It is suggested that if stormwater is managed the additional dwelling should not impact on current water flow.

**Comment:**

In conclusion it is not considered that the approval of the grouped dwelling and variation to the Restricted Building Materials Policy will have a detrimental impact on the area.

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

**RESOLUTION**

**021012**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

***“That Council:***

***APPROVE the planning application for the construction of a grouped dwelling with a variation to the Restricted Building Materials Policy on Lot 265 (64) Herbert Road, York, subject to the following conditions:***

- (a) Development must substantially commence within two (2) years from the date of this decision.***
- (b) Development must take place in accordance with the stamped approved plans.***
- (c) Prior to the issue of a building permit a stormwater management plan must be submitted for approval to Council.***

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

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

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

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

***CARRIED: 5/0***

*Cr Smythe returned to the room at 3.31pm.*



**Item 9.1.1 Appendices**



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.2 Croquet Club Redevelopment – Lot B (8) Glebe St, 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:** P.801, CCP.38  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 27 September 2012  
**LOCATION/ADDRESS:** Lot B (8) Glebe Street, York (Croquet Club)  
**APPLICANT:** York Croquet Club (P Bailey)  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** J Jurmann, MPS  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** A – Location plan  
B – Flood mapping  
C – Environmentally Sensitive Area mapping  
D – Plans  
**DOCUMENTS TABLED:** Nil

#### **Summary:**

Council is in receipt of a planning application for the demolition of the existing and construction of new clubrooms at the York Croquet Club located at Lot B (8) Glebe Street, York.

No submissions were received from the public during the exhibition period. However, three (3) submissions were received from government agencies/utilities raising concerns regarding the development, which are the subject of this report.

It is recommended that the application be approved to provide certainty to the Croquet Club and the ability to raise funds and the submission of funding applications. This approval is recommended on the condition that further details regarding location and sewage disposal are approved in accordance with the provisions of Clause 7.11 of the York Town Planning Scheme No. 2 – Approval subject to later approvals.

#### **Background:**

The York Croquet Club is located on Glebe Street, York on the corner of Janet Millet Lane. The site shares a boundary with the Avon River and the Water Corporation's pumping station. (Refer to plan at Appendix A.)

It is proposed to demolish the existing clubrooms and construct a new larger, more modern clubroom in front of the existing location further towards the river. The new building will be 28 metres in length and 9 metres deep with a cantilevered balcony on the river side. However, these plans may change depending on the availability and success of fundraising.

#### **Consultation:**

The application was advertised for a period of 14 days in accordance with the provisions of the York Town Planning Scheme No. 2. Adjoining landowners were directly notified in writing and advertisements were placed in the newspaper and on Council's website. The application was also available for viewing at the Council Administration Office.

No submissions were received from the general public or adjoining landowners in response to the advertising.

Letters of referral were also sent to appropriate government agencies and utility providers. Submissions were received from the Department of Water, Department of Environment and Conservation and the Water Corporation. The issues raised in these submissions have been considered in the assessment of this application. (Refer to Statutory Environment section of this report.)

Discussions have also been held with the applicant throughout this process.

**Statutory Environment:**

York Town Planning Scheme No. 2

The site is owned by the Shire of York and is reserved under the provisions of the York Town Planning Scheme No. 2 (TPS2) for Recreation and Open Space Purposes.

Clause 2.1 of TPS2 sets out the provisions relating to Scheme Reserves as follows:

“The land shown as Scheme Reserves on the Scheme Map, hereinafter called “Local Reserves”, are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE  
RECREATION AND OPEN SPACE  
STATE FOREST  
RAILWAY  
ROAD”.

TPS2 does not contain any other specific provisions, including assessment and advertising of planning applications relating to the use of Scheme Reserves. The Scheme is currently under review and it is proposed to initiate an ‘Omnibus’ amendment in the near future as an interim measure, and then to undertake a full scheme review to adopt a new scheme.

The *Town Planning Amendment Regulations 1999* contain the Model Scheme Text for town planning schemes and includes the following clause regarding the use of Scheme Reserves and it is proposed to insert the following clause after Clause 2.1 to better define the use and development of local reserves as part of an upcoming Omnibus Amendment:

- “2.1.1 A person must not –*
- (a) use a Local Reserve; or*
  - (b) commence or carry out development on a Local Reserve,*
- without first having obtained planning approval under Part 7 of the Scheme.*
- 2.1.2 In determining an application for planning approval the local government is to have due regard to:*
- (a) the matters set out in Clause 7.5; and*
  - (b) the ultimate purpose intended for the Reserve.*
- 2.1.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”*

If this clause formed part of TPS 2, it is considered that the proposal is consistent with the provisions for the following reasons:

1. A planning application has been submitted in accordance with Part 7 of the Scheme; and
2. The matters in Clause 7.5 have been considered (assessment follows).

As indicated earlier, there are no specific provisions relating to reserve use. However, it is important to consider the matters for consideration listed in Clause 7.5 of the Scheme to ensure that the use of the reserve and the proposed structures will not result in an adverse impact on the locality.

### Matters for Consideration

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

The Scheme objectives are:

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

This is a proposal for the construction of a new clubhouse associated with the existing Croquet Club activities on site. It is considered that the proposal is generally consistent with the scheme objectives.

(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 planning schemes or amendments applicable at present.

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

There are no approved statements applicable to the proposal.

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

The Avon River is designated as an Environmentally Sensitive Area and the proximity of Lot 8 and the proposed development to the Avon River may increase the risk of waste and effluent impacts on this sensitive ecosystem, both within a site specific and overall cumulative Avon River context.

A Clearing Permit would be required for any clearing of native vegetation, and the DEC have advised that exemptions do not apply to Environmentally Sensitive Areas.

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

There are no strategies or policies applicable to the proposal.

- (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.*

There are no planning policies applicable to the proposal.

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

As indicated earlier in this report, the land is reserved for Recreation and Open Space Purposes and at present there are no adopted Management Plans or the like for the Reserve, with the exception of the lease. The proposal is within the lease area and consistent with the purposes of the lease.

- (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 within a heritage precinct or subject to a heritage listing.

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

The current use will remain unchanged and the development will result in improved facilities for the club.

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

The new facilities will enable the club to operate more effectively and efficiently and it is hoped will attract more members.

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

Sporting clubs have cultural significance to communities by providing social meeting places and interaction with like-minded persons. This proposal will enhance the cultural significance of the place.

- (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 existing club room is located approximately 25 metres from the lot boundary, which is on the river's edge. It is proposed to construct the new clubhouse in front of the existing building on the western side approximately 5 metres from the lot boundary and river's edge.

The Department of Water and Department of Environment and Conservation have been consulted regarding the proposal. Both agencies have raised concerns regarding the location of the new building and have made recommendations for mitigation of potential environmental impacts.

Refer to further discussion later in this report.

- (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 land is identified on the Department of Water's flood mapping as being located in the floodway and flood fringe of the Avon River. The Department of Water have recommended that the new clubroom be constructed in a similar location to the existing clubroom with a minimum floor level of 174.44m AHD, which will provide approximately a 0.3 metre freeboard in a 100 year ARI flood event.

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

The proposed demolition and construction of a new clubroom will not affect the amenity of the location. However, the location of the new clubroom requires careful consideration in light of the comments provided by the government agencies. Additionally, the new location has the potential to affect Shire and public access along this portion of the riverbank.

(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 design of the building is in context with the setting with regards to bulk, scale, orientation and appearance.

(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.*

The existing access to the site from Glebe Street will remain unchanged. Upgrades for disabled access may be required.

(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.*

As a result of the development, there may be a small increase in traffic generated by the use. However, the car parking and street system is capable of catering for any increase.

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

The site is accessible from the town centre. For tournaments, transport is generally organised by the club(s).

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

The Water Corporation have raised concerns regarding the availability of gravity sewer located in Janet Millet Land, which is at a higher elevation than the development site if located where proposed. This issue needs to be investigated further, as it is recommended that connection to the sewer is required for environmental protection reasons.

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

The new clubrooms include appropriate facilities for players and visitors.

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

A new disabled toilet facility will be constructed in the proposed clubroom. Access from the car park to within the clubroom will need to be provided in accordance with the requirements of the Building Act 2011.

- (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 existing landscaping will be affected. DEC has advised that a clearing permit will be required for the removal of any native vegetation. Landscaping around the new facility will be encouraged.

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

Preventative measures will be required during construction.

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

Public access to river is currently available. However, if the location of the new clubroom is approved as proposed, the access to the river by pedestrian and for Shire or maintenance purposes would be restricted.

The applicant has advised that the awning is proposed to be cantilevered and that there will be public pedestrian access underneath the building. As proposed, this would still restrict vehicular access.

This is considered a significant issue and a loss of a community benefit. It is recommended that the new building is located in the position of the existing clubroom, which will preserve public access along the river foreshore.

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

No submissions received from the public regarding the proposal.

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

No impacts identified.

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

#### Department of Water

The applicant sought the advice of the Department of Water (DoW) prior to submission of the application and was advised as follows:

“The Department of Water, in carrying out its role in floodplain management, provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The Avon River Flood Study shows that the site of the proposed clubhouse is affected by major flooding with the 100 year ARI flood level estimated to be 174.14 m AHD (refer to Flood Map at Appendix B).

More importantly, the site of the proposed clubhouse is entirely within the floodway. When development is proposed within the floodway our department assesses each proposal based on its merits and the factors examined include depth of flooding, velocity of flow, its obstructive effects on flow, possible structural and potential flood damage, difficulty in evacuation during major floods and its regional benefit.



For this particular proposal, the following comments are provided:

- The proposed clubhouse (9m x 28m – as shown on plans provided) is not considered to detrimentally affect the 100 year ARI flooding regime.
- No further development (i.e. filling, building) outside of the shaded “new clubhouse” area shown on the provided plans is considered acceptable with regard to major flooding (this includes the proposed raised deck area).
- The proposed floor level of 174.44 m AHD provides 100 year ARI flood protection with ~0.3 metre freeboard.

Consequently, the proposal is considered acceptable with regard to major flooding subject to the above discussion.

It should be noted that this advice is related to major flooding only and other planning issues, such as environmental and ecological considerations, may also need to be addressed.”

Upon receipt of the application, the advice of the DoW was again sought and the following advice was provided:

“Further to our previous advice (to the applicant) the following comments are provided:

- The proposed raised deck areas at the back of the new clubhouse is considered acceptable with regard to major flooding provided it is constructed without stilts as shown on the most recent plans as provided with your letter.
- In the original proposal for which the below advice was provided the new clubhouse was located further from the river, which is the preferred option with regard to major flooding.”

Following receipt of this advice, the applicant was requested to provide the original plans. The applicant advised that the location of the clubhouse had been revised from the original plan provided to DoW so that the existing light poles would not have to be relocated.

Clarification was sought from DoW on the revised location, who advised as follows:

“Whilst the original plans are the preferred option, the proposed clubhouse as shown in the latest plans is considered acceptable with respect to major flooding. However it should be noted that the proposed clubhouse will be subject to potential flood damage during major river flows. Aside from my comment with regards to the potential flood damage, we don’t have any major objections to the amended plans which show the clubhouse located slightly further towards the river.”

#### Department of Environment and Conservation

The advice of the DEC was also sought as part of the assessment process and the following advice was provided:

##### 1. *Environmentally Sensitive Areas (ESA) and proposed buffer distances*

No known threatened and/or priority flora and/or fauna, threatened ecological community or DEC-managed nature reserve are known to occur on and/or in close proximity to Lot 8. The Avon River is however a designated Environmentally Sensitive Area (see Appendix C).

The proximity of Lot 8 and the proposed development to the Avon River may increase the risk of waste and effluent impacts on this sensitive ecosystem, both within a site specific and overall cumulative Avon River context. The local groundwater discharge dynamics of this area are unfortunately unknown. A proposed buffer of at least 30 – 50 metres for the boundaries of the lots from the Avon River is recommended given the sensitive nature of the Avon River in general. This proposed buffer distance could assist in reducing the risk associated with ecological impacts arising from residential development on a floodplain. This buffer could potentially also reduce any potential adverse impacts on the sensitive riparian vegetation

contained on and adjacent to Lot 8. A larger buffer distance would be preferred, but this may be unrealistic given the small size of Lot 8.

The Avon River also contains a number of Deep Pools (Priority Ecological Community 1) which, although not in close proximity to Lot 8, are particularly vulnerable to offsite and downstream sedimentation and other types of pollution associated with increased runoff and nitrification.

Amendments to the *Environmental Protection Act 1986* (EP Act) were introduced on 8 July 2004 whereby clearing of native vegetation is prohibited, unless a clearing permit has been granted, or the clearing is for an exempt purpose. Exemptions under the Native Vegetation Clearing regulations of 2004 are not however applicable to designated Environmentally Sensitive Areas.

## 2. *Management of drainage into the riparian zone*

The Department of Water is the most appropriate authority to comment on drainage management. DEC advice is that drainage should follow best practices and prevent the discharge of litter (including leaching) into the Avon River, and the installation of associated infrastructure should avoid disturbing native vegetation and not create erosion.

## 3. *Additional considerations*

The public safety aspects associated with residential development on a floodplain in close proximity to a major watercourse (within the Wheatbelt context) should also be considered in the overall risk assessment.”

### Water Corporation

The advice of the Water Corporation was also sought as part of the assessment process and the following advice was provided:

“The Water Corporation has no objections to the proposal.

Reticulated water and wastewater services are currently available in the locality.

It is noted that the new club rooms are proposed to be built closer to the Avon River. The site slopes away from Janet Millet Lane towards the river. The nearest available gravity sewer is located within the Janet Millet road reserve which is at a higher elevation than the development site. The proponent’s engineer should be encouraged to liaise with the Water Corporation as early as possible to determine the feasibility of connecting the club rooms to the sewerage system.”

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

Access to the river for maintenance and activities, such as revegetation of riparian areas is an important consideration together with public access. This area could be included in the walk trails or as a dual use path in the future.

### **Policy Implications:**

Policies relating to river environments in regards to access generally aim to maximise public access to the foreshore. The DEC has suggested a buffer of 30 – 50 metres for environmental reasons and although it is not practical in this instance, it is a consistent policy approach by the DEC to have appropriate buffers to watercourses and the buffer to the river should be maximised. It is recommended that the clubhouse be situated further back from the river on the location of the existing clubhouse.

### **Financial Implications:**

There are no financial implications associated with this proposal for the Shire.

### **Strategic Implications:**

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

#### **Social**

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

#### **Environmental**

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

#### **Economic**

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

If the recommendations in this report are supported, then the approval of the application will have no strategic implications. If approved as proposed, the application is considered inconsistent with the Community's Environmental goals.

#### **Voting Requirements:**

**Absolute Majority Required:           No**

#### **Site Inspection:**

**Site Inspection Undertaken:           Yes**

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

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

The relocation of the clubhouse to the original location of the existing building may have some economic implications for the Club. However, this cannot be quantified until further investigations are carried out into the relocation of the light poles and connection to the reticulated sewerage system.

The approval of the application, subject to further details, will enable the community group to commence their fundraising activities.

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

The construction of a new clubroom will provide modern facilities to cater for the Club's current and future members and activities. Sporting clubs are an important component of the social fabric of a community.

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

As discussed throughout this report, there are valid concerns regarding environmental impacts of the proposal as submitted. However, these concerns can be adequately addressed through the review of the location of the proposed clubhouse to maximise the buffer to the river and to maintain the current level of access to the river.

Additionally, the new clubhouse will be required to be connected to the reticulated sewerage system. As proposed, the Water Corporation have advised that connection may not be feasible due to the proposed location being lower than the gravity sewer connection point. Council cannot accept the continued use or installation of a new on-site sewerage management system (septic) due to the proximity of the river and location in the floodway. The review of the location may also resolve this issue.

**Comment:**

Clause 7.11 of the York Town Planning Scheme No. 2 enables Council to grant approval subject to matters requiring subsequent planning consent of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as Council thinks fit. An application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

It is recommended to Council that the provisions of Clause 7.11 of TPS2 be utilised to enable approval to be granted in principle for the proposed development, acknowledging that some details of the project require further investigation and approval.

**RESOLUTION  
031012**

**Moved: Cr Lawrance**

**Seconded: Cr Smythe**

***“That Council:***

***APPROVE the planning application for the demolition of the existing clubroom and construction of a new clubroom for the York Croquet Club location at Lot B (8) Glebe Street, York, subject to the following conditions:***

- 1. This approval is current for a period of two (2) years from the date of determination. Details required by condition 2 must be submitted within this period. If the required details are not provided within 2 years, then this approval will lapse and be of no further effect.***
- 2. Prior to the issue of a Building Permit, an application for planning consent is to be submitted for approval as follows:***
  - (a) An amended site plan, drawn to scale, indicating that the location of the proposed clubhouse relocated so that the eastern boundary of the new clubhouse is in the same position as the existing clubhouse;***
  - (b) Details demonstrating that the new clubhouse can be connected to the gravity sewer to the satisfaction of the Water Corporation.***
  - (c) Architectural plans, drawn to scale, indicating the final elevations of the building, including a colour and materials schedule.***
  - (d) A stormwater management plan indicating that stormwater can be satisfactorily managed to prevent any impacts on the river, including erosion.***
  - (e) Location and construction of the bin storage area. The storage area must not be within the floodway indicated on the Department of Water mapping.***
- 3. The development must substantially commence within two (2) years from the date of final planning determination.***
- 4. The development must take place in accordance with the stamped approved plans.***
- 5. The development must comply with the relevant disabled access and facilities standards.***
- 6. Prior to commencement of works, submission of a Demolition and Construction Management Plan.***
- 7. Prior to commencement of works, sediment and erosion control measures shall be installed to the satisfaction of Council.***

- 8. The applicant shall notify the Shire of York prior to the commencement of any works.**
- 9. Storage of building materials during construction must not be within the floodway.**

**Advice Note 1:** If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of final planning approval, the approval will lapse and be of no further effect.

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

**Advice 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 from the date of the determination.

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

**Advice Note 5:** The Planning Approval is not a commitment by the York Shire Council to any level of contributory funding for the construction of facilities.

**Advice Note 6:** Proponent to ensure that Native Title clearance has been obtained prior to any development commencing on the lot.”

**CARRIED: 6/0**

*The Officer Recommendation was varied by the inclusion of Advice Notes 5 & 6 to ensure clarification.*



## Item 9.1.2 - Appendices





## 9.2 Administration Reports



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.1 Closure of Portion of Road Reserves**

**FILE NO:** BR1  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 3 October 2012  
**LOCATION/ADDRESS:** Broome Street, Third Road, Trigg Street, Ashworth Road.  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** K Robinson, Planning Assistant  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Appendix A – Broome Street  
Appendix B – Third Road  
Appendix C – Trigg Street  
Appendix D – Ashworth Road  
**DOCUMENTS TABLED:** Nil

**Summary:**

To formally close a portion of Broome Street, York, as shown on the attached map (appendix A), Third Road (Appendix B) Trigg Street (Appendix C), and Ashworth Road (Appendix D) in accordance with Section 58 of the Land Administration Act.

**Background:**

It is proposed to close the portion of Broome Street between Railway Street and the railway line. This portion of Broome Street is currently used only by the owners and customers of The York Mill who have recently purchased Lot 631 Railway Street. The closure of the road reserve would enable the land to be sold to the owners of The Mill for use as carparking. This would allow for the existing 7 lots to be amalgamated with the closed road and possibly Lot 631 Railway Street enabling the Mill and all carparking to be combined within the one lot. The Shire would then no longer be required to maintain the road between Railway Street and the railway line.

Third Road traverses Springbett Reserve from Spencers Brook Road to the Avon River. The road reserve is unmade and unused. It is proposed to close this road and amalgamate into Recreation and open space (Springbett Airfield)

It is proposed to close the portion of Trigg Street east of Forbes Street. This portion of road reserve is currently unmade and is located between two residential dwellings and the York Pony Club grounds. The closure of the road reserve will enable one or both landowners to purchase the land through the Department of Regional Development and Lands processes. The land is required for drainage purposes and a drainage reserve of a minimum of 4m wide would be required for the length of the reserve. The existing road reserve would not be suitable as access to future residential development or the Pony Club Grounds.

A portion of Ashworth Road traverses through Lot 126 which is private property. It is proposed to gazette the current alignment of Ashworth Road by acquiring the affected private land. The land gazetted for Ashworth Road will remain road reserve and will be kept in its current state as vegetation off set. It is proposed to negotiate a suitable land swap with the owner of the subject land for all or a portion of Reserve 2643.

**Consultation:**

Bronzwave Pty Ltd have been consulted regarding the partial Broome Street closure, as yet no response has been received.

Consultation for the partial Trigg Street closure has been with neighbouring property owners B & D Sherry & S & K Fewster, as yet no response has been received.

Partial closure of Ashworth Road has been with Potala Nominees Pty Ltd and is ongoing. Potala Nominees have shown an interest in a land swap including the Reserve to rationalise Ashworth Road.

**Statutory Environment:**

Land Administration Act, 1997 (as amended) Section 58

*“Closure of roads*

58.

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolved to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -*
  - (a) *by order grant the request;*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (5) *If the Minister grants a result under subsection (4) -*
  - (a) *the road concerned is closed on and from the day on which the relevant order is registered;*
  - (b) *any rights suspended under section 55 (3) (a) cease to be so suspended; and*
  - (c) *the Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.*
- (6) *When a road is closed under this section, the land comprising the former road -*
  - (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57 (2), remains Crown land.”*

Land Administration Regulations, 1998 (as amended), Part 2 – General, Regulation 9 –

Preparation and Delivery by Local Government of Request to close a road permanently.

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

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

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

**Policy Implications:**

Nil

**Financial Implications:**

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

Determination of land values are needed to enable any offset of costs.

**Strategic Implications:**

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

**Social**

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

**Environmental**

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

**Economic**

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

The closure of parts of the proposed roads Broome Street, Trigg Street, and Ashworth Roads will allow Council to rationalise ongoing maintenance costs. Broome Street and Ashworth Roads are currently maintained by the Shire, with the expenditure being costed to roads maintenance.

Trigg Street is a small track which is not currently maintained, there has been interest from the adjoining landowners to purchase this part of Trigg Street should the closure be finalised.

The closure of Whitfield Road is part of a road safety approach to enable safer access and egress to existing residential blocks. Maintaining safe access is essential for future and existing and future development.

Third Road is currently unused and unmade, the closure of this Road will enable amalgamation into Springbett Reserve which will allow any future development to proceed.

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection:**

**Site Inspection Undertaken: No**

**Triple bottom Line Assessment:**

**Economic Implications:**

If the Minister agrees to the closure, the road reserve then becomes crown land. The applicant then liaises with the Department for Regional Development and Lands to purchase the land. It is standard practise for the Department to get a valuation and offer it for sale to adjoining landowners who would then amalgamate into their existing lots.

**Social Implications:**

This process would rationalise existing road reserves. Currently Broome Street is used for The Mill parking, Trigg Street is currently an overgrown track which is not used by the owners, a drainage easement will be required in place of the closed portion of this reserve. Part of Ashworth Road is actually on the wrong alignment and this closure will create a true and correct record.

**Environmental Implications:**

Drainage easements and offsets are being considered and investigated for Ashworth Road.

**Officers Comment:**

All processes will be carried out in accordance with the Land Administration Act

**RESOLUTION  
041012**

**Moved: Cr Hooper**

**Seconded: Duperouzel**

***“That Council:***

- 1. Accede to the proposed road closures of Broome Street, Third Road, Trigg Street and Ashworth Road as per the attached Appendix A, B, C and D for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended);**
- 2. In the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure;**
- 3. Make a budget allocation for all the associated costs in relation to the road closures and any costs from the Department of Regional Development and Lands.”**

**AMENDMENT**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

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

***“That Council***

- 1. Accede to the proposed road closures of Broome Street and Ashworth Road as per the attached Appendix A, B, C and D for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended);**
- 2. In the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure;**
- 3. Make a budget allocation for all the associated costs in relation to the road closures and any costs from the Department of Regional Development and Lands.”**

***CARRIED: 6/0***

**RESOLUTION  
051012**

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

***CARRIED: 6/0***

*The Officer Recommendation was amended to delete Third Road and Trigg Street to allow further review.*





**Item 9.2.1 – Appendices**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.2 Extension of Emmet Place**

**FILE NO:** Em1  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 4 October 2012  
**LOCATION/ADDRESS:** Emmet Place  
**APPLICANT:** Shire of York  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** K Robinson, Planning Assistant  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Appendix 1 – Location and Zoning  
**DOCUMENTS TABLED:** Nil

**Summary:**

To open a portion of Emmet Place which is currently zoned recreation and open space and is used as a carpark for the York School in accordance with section 56 of the Land Administration Act 1997.

**Background:**

It is proposed to continue Emmet Place to the driveway of Lot 340 (3) Emmet Place which has recently been sold. On the 26<sup>th</sup> April 2007 a building application for additions and alterations to the dwelling was approved with the inclusion of a garage/carport facing Emmet Place. A letter received from S. King on March 2008 advised that they (the owners) used this entrance to access their property. Currently the property has legal access off Ulster Road however this is adjacent to Trews Road a busy intersection i.e. school entry and exit to the property.

The rezoning of a small portion of R20364 being 10.08m wide and less than 30m long would ensure that safe access to Lot 340 (3) Emmet Place would continue. Currently this portion is already used as access and would not require upgrading to a higher standard than it is currently.

Lot 602 (R20364) was vested on the 21 February 1930 in the Shire of York for Camping, on the 6 November 1984 this vesting was revoked and as per Section 33 of the Land Act 1933, Reserve No. 20364 was vested in the Shire of York for the purposes of "Park and Vehicle Parking".

**Consultation:**

Consultation will be with surrounding owners and advertised on approval following the Council meeting.

**Statutory Environment:**

Land Administration Act, 1997 (as amended) Section 56

*"Dedication of Roads"*

(1) *If in the district of a local government -*

(a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;*

(b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*

(i) *the holder of the freehold in land applies to the local government, requesting it to do so; or*

- (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) If a local government resolves to make a request under subsection (1), it must -
  - (a) in accordance with the regulations prepare and deliver the request to the Minister; and
  - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then –
  - (a) subject to subsection (5), by order grant the request;
  - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
  - (c) refuse the request
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.
- (5) To be dedicated under subsection (3) (a), land must immediately before the time of dedication be –
  - (a) unallocated Crown land; and
  - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.
- (6) If land referred to in subsection (1) (c) is dedicated under subsection (3) (a), the holder of the freehold in that land is not entitled to compensation because of that dedication.

Planning and Development Act 2005 section 168(5)  
“Roads, creation of etc. on subdivision etc.”

All land on a diagram or plan of survey of a subdivision, or a plan lodged for registration under the Strata Titles Act 1985, deposited with the Authority that is shown as a new road is dedicated as a road.

- (2) The local government within the district in which the dedicated road is situated has the care, control and management of the road.
- (3) All land on a diagram or plan of survey of a subdivision, or a plan lodged for registration under the Strata Titles Act 1985, deposited with the Authority that is shown as a road widening or is for the purpose of extending or adding to a road forms part of the road and is dedicated to the public use.

- (4) Subsections (1) and (3) operate —
- (a) in the case of a plan lodged for registration under the Strata Titles Act 1985, at the time the Registrar of Titles registers the plan under that Act; and
  - (b) in any other case, at the time the new certificate, or if more than one, all the new certificates, for the land the subject of the diagram or plan have been registered under the Transfer of Land Act 1893.
- (5) When a portion of land is transferred to the Crown or a local government for the purpose of extending or adding to a road, the transferred portion is to be taken —
- (a) to be dedicated to the public use; and
  - (b) to form part of the road,
- as and from the date of registration of the transfer.
- (6) When a road corner shown on a plan deposited with the Authority or the LAA Department is subsequently rounded off or truncated, the portion of land so excised forms part of the road and is dedicated to the public use.
- (7) The local government within the district in which the land referred to in subsection (6) is situated has the care, control and management of the land.
- (8) Subsection (6) operates —
- (a) in the case of a plan lodged for registration under the Strata Titles Act 1985, at the time the Registrar of Titles registers the plan under that Act;
  - (b) in the case of a plan lodged with an application for a new certificate or certificates, at the time the new certificate, or if more than one, all the new certificates, for the land the subject of the plan have been registered;
  - (c) in the case of a plan lodged with an application for registration of a document giving effect to the rounding off or truncation, at the time of the registration of that document.
- (9) Land referred to in subsection (1), (3) or (6) does not form part of a parcel comprised in a plan that is registered under the Strata Titles Act 1985.
- [Section 168 amended by No. 60 of 2006 s. 147(7).]

**Policy Implications:**

Nil

**Financial Implications:**

Costs associated with the dedication of the road will incur administration costs associated with staff time and advertising fees. Any fees applicable from the Department of Regional Development Lands will also be payable as the reserve is vested in the Shire of York for designated park and vehicle parking.

**Strategic Implications:**

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

**Social**

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

**Environmental**

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

**Economic**

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

**Voting Requirements:****Absolute Majority Required: No****Site Inspection:****Site Inspection Undertaken: No****Triple bottom Line Assessment:****Economic Implications:**

The process of designating part of reserve R20364 as a road will allow Lot 340 (3) Emmet Place to have legal access to their property off Emmet Place.

**Social Implications:**

Currently the reserve is used for school parking, the proposed extension of Emmet Place will not impact on existing parking habits as this area is not marked out for carparking currently. It will only allow the occupants and visitors of Lot 340 (3) Emmet Place to formalise legal access to their property.

**Environmental Implications:**

There will be no environmental implications as this is currently already used as access to Lot 340 (3) Emmet Place and no trees will be required to be removed.

**Officers Comment:**

All processes will be carried out in accordance with the Land Administration Act 1997 (as amended) and the Planning and Development Act 2005.

**RESOLUTION****061012****Moved: Cr Lawrance****Seconded: Cr Hooper*****“That Council:***

- 1. In accordance with section 56 of the Land Administration Act 1997 and Section 168 of the Planning and Development accede to remove a portion of R20364 vested in the Shire of York for Park and Vehicle carparking as per the attached Appendix A.**
- 2. To begin negotiations with Department for Regional Development and Lands and users of Emmet Place to excise part of Reserve 20364 to extend Emmet Place.**
- 3. make a budget allocation for any survey and other associated costs for excision of the future road reserve and dedication to Emmet Place.”**

***CARRIED: 6/0***

## Item 9.2.2 - Appendices





9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.3 Youth Report for September 2012

FILE NO: CS.LCS.6  
COUNCIL DATE: 15<sup>th</sup> October, 2012  
REPORT DATE: 5<sup>th</sup> October, 2012  
LOCATION/ADDRESS: N/A  
APPLICANT: Shire of York  
SENIOR OFFICER: R Hooper, CEO  
REPORTING OFFICER: Lyn Kay, YDO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Income & Expenditure  
DOCUMENTS TABLED: Nil

**Summary:**

- **York Youth Centre** - The Hang Out Centre is running every Thursday from 3pm-6pm. The Youth Development Officer will be opening on Saturday 6<sup>th</sup> October from 6pm-10pm for 12year olds-youth and will be having a sausage sizzle.
- **Wheatbelt Basketball** – The game was cancelled on the 3<sup>rd</sup> October at the York Recreation Centre and the Youth Development Officer would like to take the 12 York basketball players who were going to attend to Northam to train with the ex-Wildcat player, Jarrod Prior for a Clinic.  
The organisers also supply a meal for all the players and supporters in attendance.
- **Police Day** – The Youth Development Officer has organised to pick up the "Chill Out" trailer with marquee and will be representing the York Youth Centre on the Community Day on the 13<sup>th</sup> October. The Youth Development Officer has also organised merchandise/brochures from different agencies with regards to Youth and will have a display with different photos taken at the Youth Centre and Excursions.
- **Disco** – The end of term Disco was held in the Town Hall on the 28<sup>th</sup> September for all children from York and surrounding districts. Debbie Eastwell from Fun Karaoke provided the music for the day, the older children had glow sticks and we had lots of fun with all children going home with a small prize. The next Disco will be celebrating Christmas and will be held on the 14<sup>th</sup> December and the Youth Development Officer will be looking to book Father Christmas for the younger children.
- **Holiday Programme** – Youth Development Officer has organised to take a group of Youth to Fremantle to the beach, Ciccerellos for lunch and then the Movies at Queensgate Cinemas on Monday 8<sup>th</sup> October. Tuesday will be a free Art day in Beverley with local artist Jenny Broun, Thursday will be Nyoongar Sports day in Beverley with Youth Development Officer organising to have a group of Youth attending from York and Friday we are going Paintballing.
- **Active after School Programme** – Youth Development Officer has used this programme to work closely with the School, teachers and children to publicise the York Youth Centre, Holiday Programme, Discos and any other event being organised for Youth in Town.

**Background:**

The 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**

**071012**

**Moved: Cr Duperouzel**

**Seconded: Cr Scott**

***"That Council:***

***Receives this report from the Youth Development Officer."***

**CARRIED: 6/0**

### **Item 9.2.3 - Appendices**



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

FILE NO: CS.LCS.8.1  
COUNCIL DATE: 15 October, 2012  
REPORT DATE: 30 September, 2012  
LOCATION/ADDRESS: N/A  
APPLICANT: Shire of York  
SENIOR OFFICER: R Hooper, CEO  
REPORTING OFFICER: Information Services Officer  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Appendix A and B  
DOCUMENTS TABLED: Nil

**Summary:**

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

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

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

The number of visitors coming through the doors in September 2012 was **1520** as compared to **2360** in 2011.

The numbers were down for the month of September due to the fact that we put maps, attraction guides, eating out guides and accommodation guides outside our office door in the Town Hall and outside the back sliding door. When there are a lot of visitors in the Information Centre visitors help themselves to the information outside the office. At least 20 maps a day get put out and are taken each day by visitors. On the weekends can be up to 40 a day. These visitors are not counted as they don't actually come in and talk to anyone at the Information Centre so during the week days it is at least 40 visitors a day and weekends up to 80 a day are taking information and not going onto our visitor count.

- **Product Sales-** (Appendix B) Net sales for the month of September 2012 were **\$1087.30** compared to **\$2021.65** for the same period 2011.

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

- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, these include:
  - Stamps to be sold here 9
  - Gold coin machine 4
  - Laundromat 5
  - Cool drink & water to be supplied in Town Hall 14

- **Concert for School** - The Information Services have been working closely with the York District High School over the last 6 weeks regarding a concert at the end of 2013.

The Information Services have just been informed 11/9/12 by the York District High School that they won't be able to participate in a concert next year.

- **Avon Valley Holiday Planner** - Avon Tourism is commencing work on Edition 4 of the Avon Valley Holiday Planner which includes a section on York. The York Information Service has assisted in the completion of the York section of the 2013 Avon Valley Holiday Planner, and the publication will be printed soon.
- **Wildflowers** - The York Information Services have worked with the Wildflower Society to produce a clear map showing best places to see the wildflower in and around York. As the wildflowers are blooming very well at this time the Wildflower Society have kept The York Information Services updated as new locations of wildflowers can be seen. The Information Services are getting a lot of visitors to York wanting places to visit and see the wildflowers.
- **Complaints** - These are usually received by way of verbal feedback, with the occasional Council Action Request form, letter, or email received. The most common over the month of **September** were:
  - Lack of attractions and businesses available Monday and Tuesday
  - Lack of places to eat of Monday and Tuesday nights
  - Lack of places to get lunch after 2pm
  - Places closing around the same time 3pm or 3.30pm over the weekends
  - The attraction places entry fees are too expensive
  - Places closing early during the day when you are supposed to open.

**Background:**

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

**Consultation:**

Shire of York and local business proprietors

**Statutory Environment:**

Nil

**Policy Implications:**

Not Applicable

**Financial Implications:**

Nil

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

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

**RESOLUTION**

**081012**

**Moved: Cr Smythe**

**Seconded: Cr Lawrance**

***“That Council:***

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

***CARRIED: 6/0***





## Item 9.2.4 – Appendices



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.5 Avon Tourism**

**FILE NO:** CS.CEV.6  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 8 October 2012  
**LOCATION/ADDRESS:** Avon Valley  
**APPLICANT:** Avon Tourism  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** R Hooper, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Minutes – Avon Tourism 4 September 2012  
**DOCUMENTS TABLED:** Nil

**Summary:**

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

**Background:**

**Consultation:**

Not Applicable

**Statutory Environment:**

Not Applicable

**Policy Implications:**

***Policy No. 13.1 - Events For York***

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

**Financial Implications:**

Nil at this stage.

**Strategic Implications:**

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

Economic Development: Maximise Development

- *York will diversify economically through commercial growth, providing jobs and services to support our growing population.*
- *There will be employment and investment choices, providing a place for business access to rural and metropolitan opportunities.*
- *Visitors will be welcomed, with activities and places of significance to visit, providing a base to visit other regional and rural areas.*

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

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

**Social Implications:**

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

**Environmental Implications:**

Nil

**Comment:**

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

**RESOLUTION**

**091012**

**Moved: Cr Scott**

**Seconded: Cr Smythe**

***“That Council:***

***Receive the Minutes of the September 2012 Avon Tourism meeting.”***

***CARRIED: 6/0***

## Item 9.2.5 – Appendices



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.6 Development Approval Compliance**

**FILE NO:** PS.DEV  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 25 July 2012  
**LOCATION/ADDRESS:** Shire of York  
**APPLICANT:** N/A  
**SENIOR OFFICER:** CEO, Ray Hooper  
**REPORTING OFFICER:** CEO, Ray Hooper  
**DISCLOSURE OF INTEREST:** Cr Tony Boyle – Impartiality  
Cr Roy Scott - Impartiality  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**Summary:**

Council needs to set standards for absolute compliance with development approvals and the associated conditions imposed to ensure that all property owners are treated in an equitable, open and accountable manner.

**Background:**

In some developments the proponents have not built/provided what has been applied for and approved, undertake work without approval, contend that development should be allowed to evolve rather than be controlled by planning law and enter into time and resource consuming arguments in their own self-interests and not those of the wider community.

**Consultation:**

Councillors.

**Statutory Environment:**

Planning and Development Act 2005

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

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

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

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

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

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

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

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

#### York Town Planning Scheme No. 2

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

Section 4.2 of the Scheme outlines development that does not require the planning consent of the local government. This section does not apply to heritage listed places or properties located in the Avon River Flood Fringe or heritage precinct.

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

Section 5.1 of the Scheme outlines the requirements with regards to heritage. The Local Planning Policy was adopted in accordance with the provisions of Section 8.8 of the Scheme and prior planning approval is required for all development under the provisions of this section.

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

#### Compliance Options

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

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



**Policy Implications:**

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

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

**Financial Implications:**

- Provisions for legal costs are included in the 2012/13 budget under administration, planning, health and building sections and allocations.
- Staff costs in excess of \$10,000 (estimated minimum) have been incurred in dealing with individual developments due to unapproved changes, not following the processes applicable under Australian laws, unapproved development, non-compliance with conditions and not taking advantage of retrospective approval conditions advised to them.

**Strategic Implications:**

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

The provisions of the York Town Planning Scheme No. 2 and adopted policies should be applied consistently for a number of reasons, including providing the community a clear direction and position of Council, and, so that the Policy is given sufficient weight if legally challenged. Policies should be reviewed periodically for currency and effectiveness.

**Voting Requirements:**

**Absolute Majority Required:            Yes**

**Site Inspection:**

**Site Inspection Undertaken:            Numbers on Various Sites**

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

Compliance with planning and development laws and processes is integral to managed growth and development and investor confidence.

**Social Implications:**

The community expects developers to be held fully accountable for compliance with planning conditions associated with commercial development.

**Environmental Implications:**

The natural and build environment can both be impacted by non-compliance with planning law and development approval conditions.

**Officers Comment:**

Generally development in York proceeds in an orderly process in accordance with planning and other laws however some people undertaking development have a propensity to challenge the due process, undertake work without approval, do not meet specified conditions and raise external matters to take the focus off their own non-compliance issues.

An extra-ordinary amount of Council and staff time and community resources are taken up dealing with individuals to the detriment of the community as a whole with no beneficial result.

The Shire of York acknowledges that it can make errors in interpretation of laws and regulations associated with development and the Shire is quite willing to acknowledge and rectify any incorrect direction or condition imposed.

However some developers consider that they do not have to comply or fully comply with the laws as they stand and contend that they should be allowed to change plans or to make variations without the appropriate approvals and that they should not be taken to task where this occurs.

The use of McLeods to do an external review of specific developments will act as a check on processes in use and more importantly set a precedence for compliance standards if any breaches of planning or other laws are identified and prosecuted.

*Cr Boyle and Cr Scott declared an Impartiality interest in this item.*

**RESOLUTION  
101012**

**Moved: Cr Hooper**

**Seconded: Cr Lawrance**

***“That Council:***

- 1. Engage McLeods to review nominated planning approvals as to the processes used, conditions imposed, compliance with conditions and approved plans and any approved variations.***
- 2. Where there is shown to be any breach of planning law associated with nominated developments engage McLeods to initiate prosecutions for each individual breach.”***

***CARRIED: 5/1***

**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.7 Safe System Action Plan**

**FILE NO:** CS.NCS.9  
**COUNCIL DATE:** 15 October, 2012  
**REPORT DATE:** 10 October, 2012  
**LOCATION/ADDRESS:** Shire of York  
**APPLICANT:** WALGA RoadWise  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** R Hooper, CEO  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Draft Safe System Action Plan  
**DOCUMENTS TABLED:** Nil

**Summary:**

The draft Safe System Action Plan is submitted for Council approval to advertise for public comment prior to a formal adoption.

**Background:**

The Shire of York is a pilot for the Safe System project operating through WALGA to reduce road trauma and to develop a safer road network.

**Consultation:**

WALGA Safe System Co-Ordinator  
Community Members  
York Police

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil at this stage.

**Strategic Implications:**

**Built Environment: Enhanced Lifestyle Choices**

**Vision**

- Our assets, facilities, roads and parks are well maintained and meet our requirements.

**Objectives**

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

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

A safer more efficient road network has obvious benefits to the National, State, Regional and Local economics.

**Social Implications:**

The community expects and needs the safest road network possible.

**Environmental Implications:**

All environmental factors will be built into any road safety upgrading.

**Officers Comment:**

With such a high percentage of road crashes on rural roads it is imperative that all possible measures are taken to reduce the occurrences.

The safe system approach is an extension of the road safety education programmes under the Towards Zero project which primarily relates to design, construction and maintenance standards rather than a focus on driver behaviour.

**RESOLUTION**

**111012**

**Moved: Cr Scott**

**Seconded: Cr Hooper**

***“That Council:***

***Approve the draft Safe System Action Plan and that it be advertised for public comment for a period of 21 days.”***

***CARRIED: 6/0***

**Item 9.2.7 - Appendices**



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

### **9.4 REPORT**

#### **9.2.8 Establish a Register of Volunteer Groups**

<b>FILE NO:</b>	<b>FI.DON</b>
<b>COUNCIL DATE:</b>	<b>15 October 2012</b>
<b>REPORT DATE:</b>	<b>5 October 2012</b>
<b>APPLICANT:</b>	<b>Nil</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Judith Anderson</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

At present there is no register of York Volunteer Groups.

This register needs to be established so that community groups can be recognised as a York Volunteer Group.

This formal register will facilitate complying with the document "*Broad Principles for Use of Volunteers*" written by the Local Government Insurance Service.

#### **Background:**

The need for a register of York Volunteer Groups is a result of the application from the York Men's Shed for Council to recognise the York Men's Shed as a York Volunteer Group.

#### **Consultation:**

Nil

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Nil

#### **Strategic Implications:**

This will help the Shire of York manage its responsibilities relation to the use of volunteers members belonging to community groups.

#### **Voting Requirements:**

**Absolute Majority Required: No**

#### **Site Inspection:**

**Site Inspection Undertaken: Not Applicable**

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

##### **Economic Implications**

Nil

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

Nil

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by encouraging members of community groups to volunteer for activities and events.

**Environmental Implications:**

Nil

**Comment:**

The application by the York Men's Shed has resulted in a need for a formal register of York Volunteer Groups.

**RESOLUTION**

**121012**

**Moved: Cr Scott**

**Seconded: Cr Duperouzel**

***"That Council:***

***Establish a register of York Volunteer Groups"***

***CARRIED: 6/0***



### **9.3 Works Reports**



## 9.4 Financial Reports



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

### **9.4 REPORT**

#### **9.4.1 The Status of Recognised Community Groups in relation to Council Fees**

<b>FILE NO:</b>	<b>FI.DON</b>
<b>COUNCIL DATE:</b>	<b>15 October 2012</b>
<b>REPORT DATE:</b>	<b>5 October 2012</b>
<b>APPLICANT:</b>	<b>Nil</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Judith Anderson</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Recognised Community Groups</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

It is a requirement that community groups make application to Council to be recognised as a York Community Group in order to qualify to have fees waived for fundraising activities.

At present there is some confusion as to whether or not a recognised community group is exempt from the hire fees for Council buildings including the Town Hall and York Recreation and Convention Center and other Council buildings.

This report is to clarify the fees and that recognised York Community Groups are exempt from payment.

#### **Background:**

Since 2010 nineteen community groups have become recognised York Community Groups. The list of recognised York Community Groups is attached to this report.

#### **Consultation:**

Nil

#### **Statutory Environment:**

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

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Currently to be a Stall Holder at an Event or for fundraising activities the annual stallholder's fee is \$35.00.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

**Absolute Majority Required: No**

#### **Site Inspection:**

**Site Inspection Undertaken: Not Applicable**

**Triple bottom Line Assessment:**

**Economic Implications**

Nil

**Economic Implications:**

Nil

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving Stall-holder fees for fundraising activities in public places and events.

**Environmental Implications:**

Nil

**Comment:**

The status of Community Groups in relation to Council fees need to be clarified in relation to the fees that are payable.

It is suggested that if a recognised York Community Group or other community groups wishes to hold a fund raising activity in the York Town Hall, York Recreation and Convention Center and other Council owned buildings then the community group should seek individual Council approval to be exempt from fees for each fund raising activity that they wish to hold in Council owned buildings.

This would mean that recognised York Community Groups would only be exempt from the stall holders fees related to trading outside the IGA, at organized events and other public places.

**RESOLUTION**

**131012**

**Moved: Cr Lawrance**

**Seconded: Cr Hooper**

***“That Council:***

***Require recognised York Community Groups and other community groups to make application to Council for specific fund raising activities to be held in the York Town Hall, York Recreation and Convention Center and other Council owned buildings.”***

***CARRIED: 6/0***

## Item 9.4.1 – Appendices





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

### **9.4 REPORT**

#### **9.4.2 York Community Resource Centre Inc – Application to be Recognised as a Community Group**

**FILE NO:** FI.DON  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 5 October 2012  
**APPLICANT:** Gordon W Marwick - Chairman  
York Community Resource Centre,  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Judith Anderson  
**DISCLOSURE OF INTEREST:** Cr Denese Smythe – Proximity  
Cr Roy Scott - Proximity  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

#### **Summary:**

It is a requirement that the York Community Resource Centre Inc makes application to Council to be recognised as a Community Group in order to qualify to have fees waived for events held in Shire premises or on Shire land in the future.

#### **Background:**

On 3 October 2012 Council received an application from Gordon Marwick seeking Council recognition for the York Community Resource Centre Inc as a community group for the purpose of having Council fees waived for events held in Shire premises or on Shire land in the future.

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

#### **Consultation:**

Nil

#### **Statutory Environment:**

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

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Currently to be a Stall Holder at an Event the annual stallholder's fee is \$35.00.

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

**Absolute Majority Required:** No

#### **Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications**

Nil

**Economic Implications:**

Nil

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by waiving the Stall holders fee for Events.

**Environmental Implications:**

Nil

**Comment:**

The York Community Resource Centre Inc is a not for profit organization, owned by the community for the community. The mission statement of the Centre is to empower individuals and groups within own community by providing opportunities for education, training and development of life skills, self help and mutual support.

Primarily funded by Regional Development and Lands and Royalties for Regions, all profits made by the Centre are put back into providing support to the York community.

The application specifically states that the York Community Resource Centre wishes only to be registered as a York Community Group for the purpose of waving fees for events held in Shire premises or on Shire land in the future.

The York Community Resource Centre is not seeking the waiving of fees related to the hire of the Town Hall and other York Shire Facilities.

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

*Cr Smythe and Cr Scott declared an Interest Affecting Proximity and left the room at 3.58pm.*

**RESOLUTION**

**141012**

**Moved: Cr Hooper**

**Seconded: Cr Boyle**

***“That Council:***

***Recognise York Community Resource Center Inc as a Community Group for the purpose of waiving the Stall holders fee for events held in Shire premises or on Shire land in the future.”***

***CARRIED: 4/0***

*Cr Smythe and Cr Scott returned to the room at 4.04pm.*

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

### **9.4 REPORT**

#### **9.4.3 "Swap It Don't Stop It" Nutrition Information Sessions**

##### **Application To Waive Fees For The Hire Of The York Town Hall Kitchen**

**FILE NO:** F1.DON  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 5 October 2012  
**LOCATION/ADDRESS:** York Town Hall kitchen  
**APPLICANT:** Sarah Dixon,  
Health Promotion Officer, Health Department of WA  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Judith Anderson  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

#### **Summary:**

It is a requirement that the Health Department and the Heart Foundation makes application to Council in order to have hire fees waived for the use of York Town Hall kitchen for nutrition information sessions.

#### **Background:**

The Shire of York has received funding for \$2532.70 (excluding GST) to from the National Partnership Agreement on Preventive Health initiative funded by the Australian Government.

The funding is for the "Swap It Don't Stop It" campaign to prevent the incidence of chronic disease in the community.

Part of this money will be used for the purchase of food for 5 nutrition information sessions to be held at the York Town Hall Kitchen.

Sarah Dixon, Health Promotion Officer, Department of Health, Northam Office will be running the nutrition information sessions.

The Nutrition information sessions at this stage will be held on Wednesday evenings from 6 pm to 8.30 pm on 14<sup>th</sup> November, 21<sup>st</sup> November, 28<sup>th</sup> November, 5<sup>th</sup> December and 12<sup>th</sup> December 2012.

#### **Consultation:**

Nil

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Council's fees - \$275.00 per day for the hire of the York Town Hall kitchen and Less Hall

#### **Strategic Implications:**

Nil

#### **Voting Requirements:**

**Absolute Majority Required:** No

#### **Site Inspection:**

**Site Inspection Undertaken** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

The Nutrition Information Sessions will increase the knowledge of participants of healthy eating.

Also the Nutrition Information Sessions are part of monies received for “Swap It Don’t Stop It” grant which need to be applied for the Nutrition Information Sessions.

Current copies of Certificates of Incorporation and Public Liability Insurance of \$300M have been provided by the Department of Health.

**RESOLUTION**

**151012**

**Moved: Cr Hooper**

**Seconded: Cr Duperouzel**

***That Council:***

***“Waive the hire fees for the planned Nutrition Information Sessions on 14<sup>th</sup> November, 21<sup>st</sup> November, 28<sup>th</sup> November, 5<sup>th</sup> December and 12<sup>th</sup> December 2012 to be held in the York Town Hall kitchen and Lesser Hall.*”**

**Advice Note 1: That the monetary contribution by calculated as inkind support in the grant reconciliation.**

**Advice Note 2: Maximum advertising.”**

***CARRIED: 6/0***

**9. OFFICER'S REPORTS**

**9.4 FINANCE REPORT**

**9.4.4 Bendigo Bank – Application To Waive Hire And Bond Fees For The York Town Hall**

**FILE NO:**  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 10 October 2012  
**LOCATION/ADDRESS:** York Town Hall  
**APPLICANT:** Joanne Allen, Company Secretary  
York and Districts Community Financial Services Ltd  
Bendigo Bank  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Judith Anderson  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**Summary:**

It is a requirement that the Bendigo Bank makes application to Council for the York Town Hall hire fees to be waived to hold a Community Group Quiz Night on Friday 26<sup>th</sup> October 2012.

**Background:**

On the 21<sup>st</sup> September 2012 Council received an application from Joanne Allen seeking Council approval to run a Community Group Quiz Night to celebrate the Bank's 10<sup>th</sup> Birthday at the York Town Hall.

Joanne Allen has requested that the hire fee and bond be waived for the hire of the York Town Hall for this Quiz Night.

Joanne Allen states that the prize money won on the night will be donated to the Community Group nominated by the players.

This will be a free community event put on by the Branch and Board of York & Districts Community Financial Services.

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

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Cost of Hire of York Town Hall - \$550.00  
Setting up prior to day hire - \$66.00

**Strategic Implications:**

This quiz night will enhance the relationship with the Shire and Community Groups.

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection:**

**Site Inspection Undertaken: Not Applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Prize money will go to a York Community Group.

**Social Implications:**

Working together with the local community bank for the benefit of the community.

**Environmental Implications:**

Nil

**Comment:**

Joanne Allen has requested that both the hire fee and bond be waived for the hire of the York Town Hall.

It is reasonable that the hire fee be waived given that the prize money for the Quiz Night will go to a York Community Group.

However it is not reasonable that the bond should be waived as the bond provides a mechanism for the Shire to recover costs from any damage done to the York Town Hall.

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

**RESOLUTION**

**161012**

**Moved: Cr Duperouzel**

**Seconded: Cr Hooper**

***“That Council:***

- 1. *Waive the York Town Hall hire fee for the Community Group Quiz night run by the Bendigo Bank to be held on Friday 26<sup>th</sup> October 2012.***
- 2. *Requests payment of \$120.00 to cover bonds for key/cleaning/breakages prior to the event.”***

***CARRIED: 6/0***

**9. OFFICER'S REPORTS**

**9.4 REPORT**

**9.4.5 York Men's Shed –  
Application to be Recognised as a York Volunteer Group**

**FILE NO:** FI.DON  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 4 October 2012  
**APPLICANT:** Wilf Caporn, Honorary Secretary  
York Men's Shed  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Judith Anderson  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Nil  
**DOCUMENTS TABLED:** Nil

**Summary:**

It is a requirement that the York Men's Shed makes application to Council to be recognised as a York Volunteer Group.

**Background:**

On 27 September 2012 Council received an application from York Men's Shed seeking Council recognition as a York Volunteer Group to be included in the Council's register of York Volunteer Groups.

**Consultation:**

Nil

**Statutory Environment:**

Nil

**Policy Implications:**

Nil

**Financial Implications:**

Nil

**Strategic Implications:**

This will encourage members of community groups to volunteer for community activities and events.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not Applicable

**Triple bottom Line Assessment:**

**Economic Implications**

Nil

**Economic Implications:**

Nil

**Social Implications:**

It is of benefit to enhance relationships between Council and Community Groups by encouraging members of community groups to volunteer for activities and events.

**Environmental Implications:**

Nil

**Comment:**

The York Men's Shed is a community-based, non-profit, non-commercial organization that is accessible to all men and whose primary activity is the provision of a safe and friendly environment where men are able to work on meaningful projects at their own pace in their own time in the company of other men.

A main objective of the York Men's Shed is to advance the well-being and health of their male members.

The York Men's Shed is a member of the Australian Men's Shed Association (AMSA). The AMSA was established in 2007 by the Australian independent community based Men's Sheds to represent, support and promote the Men's Shed Movement. The AMSA is funded by the Federal Government to provide initial and ongoing practical support for the development of all Men's Sheds.

A current copy of the Certificate of Currency for Public Liability Insurance for \$10,000,000 has been provided.

**RESOLUTION**

**171012**

**Moved: Cr Hooper**

**Seconded: Cr Smythe**

***"That Council:***

***Recognise York Men's Shed Inc as a York Volunteer Group to be included on the register of York Volunteer Groups."***

***CARRIED: 6/0***



**9. OFFICER'S REPORTS**

**9.4 FINANCE REPORTS**

**9.4.6 Monthly Financial Reports – September 2012**

**FILE NO:** FI.FRP  
**COUNCIL DATE:** 15 October 2012  
**REPORT DATE:** 9 October 2012  
**LOCATION/ADDRESS:** Not Applicable  
**APPLICANT:** Not Applicable  
**SENIOR OFFICER:** Ray Hooper, CEO  
**REPORTING OFFICER:** Tabitha Bateman, Administration Officer  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Yes – Appendix A as detailed in Summary  
**DOCUMENTS TABLED:** Nil

**Summary:**

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

Appendix A includes the following:

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

**Consultation:**

Dominic Carbone

**Statutory Environment:**

Local Government Act 1995 (As Amended).

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

**Policy Implications:**

Nil.

**Financial Implications:**

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

Sundry Creditors as per General Ledger	<b>\$3,720.78</b>
Sundry Debtors as per General Ledger	<b>\$584,037.46</b>
Unpaid rates and services current year (paid in advance inc. ESL)	<b>\$1,894,293.07</b>
Unpaid rates and services previous years (inc. ESL)	<b>\$616,598.33</b>

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required: No**

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

**Triple bottom Line Assessment:**

**Economic Implications:**

A zero balance or surplus end of year financial position will increase community confidence and cohesion and provide an opportunity for improved community benefits in future years.

**Social Implications:**

Not applicable.

**Environmental Implications:**

Not applicable.

**Comment:**

Not applicable.

**RESOLUTION  
181012**

**Moved: Cr Scott**

**Seconded: Cr Lawrance**

***“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 2012:***

	<u>VOUCHER</u>	<u>AMOUNT</u>
<b>MUNICIPAL FUND</b>		
<b>Cheque Payments</b>	<b>30308 - 30350</b>	<b>\$ 208,235.05</b>
<b>Electronic Funds Payments</b>	<b>9839 - 9973</b>	<b>\$ 2,136,338.44</b>
<b>Direct Debits Payroll</b>		<b>\$ 169,453.91</b>
<b>Bank Fees</b>		<b>\$ 1,671.34</b>
<b>Corporate Cards</b>		<b>\$ 449.02</b>
<b>Shell Cards</b>		<b>\$ 77.55</b>
<b>TOTAL</b>		<b><u>\$2,516,225.31</u></b>
<b>TRUST FUND</b>		
<b>Cheque Payments</b>	<b>4026 - 4050</b>	<b>\$ 4,538.88</b>
<b>Direct Debits Licensing</b>		<b>\$ 103,830.95</b>
<b>TOTAL</b>		<b><u>\$ 108,369.83</u></b>
<b>TOTAL DISBURSEMENTS</b>		<b><u>\$2,624,595.14”</u></b>

**CARRIED: 6/0**

**Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 17 September 2012) to make payments from the Municipal and Trust accounts.

**Item 9.4.6 - Appendices**



**9. OFFICER'S REPORTS**

**9.4 FINANCE REPORTS**

**9.4.7 Investments**

<b>FILE NO:</b>	<b>FI.FRP</b>
<b>COUNCIL DATE:</b>	<b>15 October 2012</b>
<b>REPORT DATE:</b>	<b>9 October 2012</b>
<b>LOCATION/ADDRESS:</b>	<b>Shire of York</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Tabitha Bateman, FO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Shire of York Investment Portfolio</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

That Council consider the investment portfolio as attached.

**Background:**

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

**Consultation:**

Auditors; and  
Dominic Carbone.

**Statutory Environment:**

Not Applicable.

**Policy Implications:**

In accordance with the Financial Management Investment Policy.

**Financial Implications:**

Credit Ratings:

**Strategic Implications:**

Not applicable.

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable.

**Social Implications:**

Not applicable.

**Environmental Implications:**

Not applicable.

**Comment:**

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

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

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

**RESOLUTION**

**191012**

**Moved: Cr Lawrance**

**Seconded: Cr Hooper**

***"That Council receive the Shire of York Investment Portfolio as attached to this report."***

***CARRIED: 6/0***

**Item 9.4.7 - Appendices**





## 9.5 Late Reports



## 9.6 Confidential Reports



## 10. NEXT MEETING

**RESOLUTION  
201012**

**Moved: Cr Scott**

**Seconded: Cr Hooper**

***“That Council:***

***hold the next Ordinary Meeting of the Council on November 19, 2012 at 3.00pm in the Council Chambers, York Town Hall, York.”***

**CARRIED: 6/0**

## 11. CLOSURE

*Cr Boyle thanked everyone for their attendance and declared the meeting closed at 4.15pm.*