



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 11 APRIL, 2011
COMMENCING AT 3.02pm
IN THE LESSER HALL, YORK**

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON MONDAY, 11 APRIL, 2011, COMMENCING AT
3.02PM IN THE LESSER HALL, YORK

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

1. OPENING

- 1.1 Declaration of Opening
Cr Pat Hooper, Shire President, declared the meeting open at 3.02pm
- 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 Hooper – 9.1.1 – Financial – Committee Member of York Society
Cr Scott – 9.1.1 – Impartial – Member of York Society
Cr Walters – 9.1.1 – Impartial – Member of York Society
Cr Walter – 9.4.1 – Proximity

2. ATTENDANCE

- 2.1 Members
*Cr Pat Hooper, Shire President; Cr Brian Lawrance, Deputy Shire President;
Cr Roy Scott; Cr Trevor Randell; Cr Tricia Walters*
- 2.2 Staff
*Ray Hooper, CEO; Tyhscha Cochrane, Deputy CEO; Jacky Jurmann, Manager
Planning Services; Helen D'Arcy Walker, Executive Support Officer*
- 2.3 Apologies
Cr Tony Boyle
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 9 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
Nil

3.2 Written Questions
Nil

4. PUBLIC QUESTION TIME

Mr A Fisher
38 Panmure Road
York WA 6302

Question 1:

Item 9.1.3 - Why has the Shire of York mislead its ratepayers by advertising this proposal as Alterations to a Heritage Listed Property when it then presents this proposal correctly to this meeting as an application for the holding of functions at a heritage listed building (Laurelville). It is my belief that the item should be deferred until the proper advertising is undertaken.

Response:

The description of the development was described as an incidental use in the neighbour letters and on Council's website, whereas in the newspaper the development was described as 'alterations – public events'. The variance in development description resulted in an abbreviated description being placed in the newspaper. However, it is considered that the development although described differently, was essentially the same in classifying the development under the provisions of the York Town Planning Scheme No. 2.

Question 2:

Given the impact on surrounding landowners, why did the Shire of York not deem it necessary to inform all adjoining landowners of this proposal?

Response:

Approximately 7 months ago a decision was made to only advise adjoining neighbours and not all landowners within an area. The application was advertised in accordance with the requirements of the York Town Planning Scheme No. 2.

Question 3:

Why was there little to no information available to the public regards this proposal?

Response:

Information about the proposal was available on the Council website and at the Shire Office. Additional information about development applications can also be obtained from Shire's Planning section.

Question 4:

Why is the applicant allowed to develop a traffic and management plan throughout any time of its proposal 12 month consent to hold functions at the site?

Response:

Mr Fisher was requested to wait for Agenda item to be debated.

Question 5:

Can the Shire please provide an exact decibel reading as referred loosely with the term 'background noise' and tell me who will check this condition is being met?

Response:

When there is a complaint about noise, a noise meter obtained from the DEC is placed on the property boundary and the decibel reading would be recorded. Measurements will then be assessed to determine if an offence has occurred. Background noise levels are used universally as a base measurement to determine if offensive noise has occurred from a point source.

Mr Richard Bliss
24 Grey Street
York WA 6302

Question 1:

Item 9.1.3 – have Main Roads had any complaints about getting into the property.

Response:

Main Roads submission is in the Agenda.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Hooper congratulated Lyn Kay – Youth Officer on the outstanding Youth Forum held on Thursday, 7th April, 2011. Approximately 120 students from various schools in the region attended. Guest speakers where from LDAG (Local Drug Action Group), Hip Hop, Paraplegic Association, SDERA (School Drug Education & Road Aware), and SARC (Sexual Assault Resource Centre).

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Proposed Archive and Research Building At The Sandalwood Yards, Lot (179) Avon Terrace, York

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

FILE NO:	P613, AV1.13090
COUNCIL DATE:	11 April 2011
REPORT DATE:	1 April 2011
LOCATION/ADDRESS:	Lot 4 (179) Avon Terrace, York
APPLICANT:	York Society (Inc.)
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Cr Hooper – Financial – Committee Member Cr Scott – Impartial – Member Cr Walters – Impartial - Member
APPENDICES:	Locality And Architectural Plans
DOCUMENTS TABLED:	Nil

Summary:

The York Society (Inc.) have submitted a planning application to construct an archive and research building on the State heritage listed Sandalwood Yards site at Lot 6 (179) Avon Terrace, York.

This report provides an assessment of the statutory requirements of the *Planning and Development Act 2005* and the York Planning Scheme No. 2.

It is recommended that Council grant consent to construct an archive and research building at Lot 6 (179) Avon Terrace, York subject to the recommended conditions of approval.

Background:

The site is located on the corner of Avon Terrace and Ford Street, York and is identified at Lot 6 (179) Avon Terrace, York.

A planning application has been submitted to Council for the construction of a single storey archive and research building on the site known as the Sandalwood Yards owned by the York Society (Inc.).

It is proposed to use the building for the storage of historic records and for researching local and family history and will be accessible to the community and visitors. Additionally, a meeting room has been incorporated into the design that will be available for community use. A copy of the plans is attached to this Report.

The site is State heritage listed under the provisions of the *Heritage of Western Australia Act 1990* and accordingly, Council is required to consult with the Heritage Council.

Consultation:

The application was advertised in accordance with the requirements of Clause 7.3 of the Planning Scheme by letters to adjoining property owners, an advertisement in the Avon Gazette and on Council's website. The application was also referred to the Heritage Council in accordance with the provisions of the State Planning Policy 3.5.

No submissions were received from the public regarding the proposal. A conditional approval was received from the Heritage Council and is discussed later in this report.

Statutory Environment:

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

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

York Town Planning Scheme No. 2

The site is identified as a 'Scheme Reserve' for 'Public Purposes'. The construction of a public building for archiving and research of records relating to the Shire of York is considered consistent with a public purpose reserve (refer to (g) later in this report).

Planning approval for the proposal is required under the provisions of Clauses 4.1 and 4.2 of the Scheme due to the state heritage listing of the site.

Clause 4.5 and Schedule 4 sets out the car parking requirements for development. As the proposed use has not been listed, the applicant has proposed to construct four (4) parallel parking spaces on Ford Street in front of the archive building and one disabled accessible space on the northern side of the building within the property. The proposed car parking is considered sufficient to cater for the users of the proposed building.

Clause 5.1 outlines the requirements for sites located in a heritage precinct and for places of cultural significance. Therefore, this clause is applicable as the site is both located in a heritage precinct and is an item of cultural significance due to the State heritage listing. Subclause 5.1.4 outlines the matters for consideration and has been assessed as follows:

- *5.1.4.1 – Consideration of local Heritage Policy*

The proposal is consistent with the objectives and guidelines of the Policy in that:

- the new building will complement and not adversely affect the heritage significance of the new building and character of the area;
 - the new building will not be a direct copy of the existing and will be visually distinguishable;
 - the amended setback (refer below) will be consistent with the existing building; and
 - the design is consistent with the provisions of the Burra Charter in that the new building will not affect the visual setting of the historic Sandalwood Yards.
- *5.1.4.2 – Consideration of the views of the Heritage Council*

The Heritage Council have assessed the proposal and have supported the proposal subject to the following conditions:

1. *"The new build is to have a nil setback from Ford Street and is to be positioned in line with the existing heritage building.*
2. *Prior to the commencement of works, an Archaeological Survey is to be carried out to determine whether or not the turnstile is still in place in the Sandalwood Yard. Findings are to be submitted to the Office of Heritage for comment.*
3. *Further details of the proposed sun shelter shall be submitted to the Office of Heritage for review and advice prior to the works being undertaken."*

The applicant has been advised of the Heritage Council recommendations, particularly condition 1 requiring a nil setback for the new building.

Discussions between Council Officers and the applicant have resulted in agreement to amend the plans prior to the issue of a Building Licence to a nil setback as requested by the Heritage Council. The car parking layout will also be amended to provide formalised on and off street car parking.

It is recommended that Conditions 2 and 3 be imposed as conditions of planning approval to be satisfied prior to the issue of a building licence.

(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.

The application was publicly advertised in accordance with Clause 7.3 of the Scheme. No public submissions were received regarding the proposal.

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

There are no approved statements of planning policy 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 3.5 – Historic Heritage Conservation

This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage.

The objectives of this policy are—

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

Section 5 of the Policy requires any development to a state-registered place approval from the responsible planning authority, usually the Western Australian Planning Commission (WAPC) or a local government, on the advice of the Heritage Council. In this case, the advice of the Heritage Council has been sought. Refer to (a) earlier in this report.

Section 6.5 outlines the matters for consideration for development within a heritage area that have been assessed as follows:

- The proposed development responds sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development.

- The siting, scale, style and form, materials and finishes of the proposed development respond sympathetically to the heritage values of the area.
- The proposal is consistent with the Shire's Local Planning Policy – Heritage Precincts and Places. Refer to (a) above for assessment.

(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.*

The York Planning Policy – Heritage Precincts and Places applies to the proposal. Refer to section (a) of this report for assessment.

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

The land is reserved for public purposes under the provisions of the Scheme. The construction of a public building for archiving and research of records relating to the Shire of York is considered consistent with the reservation, particularly as the records and research facilities will be publicly accessible together with providing an important community service of the storage of historical records.

(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 historic Sandalwood Yards have been entered in the State Heritage Register as an item of cultural and heritage significance. This assessment demonstrates that the proposal has been assessed, by Council and the Heritage Council, to ensure that the construction of the proposed building will not affect the existing building, setting or character of the site and precinct. Refer also to sections (a) and (e) of this report.

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

The proposal is considered to be compatible with the scheme reservation of the site for public purposes and with the setting and character of the site and locality.

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

The proposal will result in a positive social impact for the community of York.

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

The site has cultural significance that is confirmed by the State heritage listing and this significance will not be detrimentally affected. It is considered that the proposal will complement the cultural significance of the site for the community.

(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 proposal is unlikely to impact on the natural environment. Sediment and erosion controls, together with tree protection, will be required during construction. The building has been designed to maximise energy efficiency and rainwater capture.

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

There are no natural hazards that may deem the site unsuitable for the proposal. However, potential flood levels and surface water protection need to be further assessed due to the sensitive nature of the documents prior to submitting the plans with the building licence application to ensure that water cannot enter the building during storm events.

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

The proposal will not impact negatively on the amenity of the locality.

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

The proposed building is in context with the bulk and scale of the existing historic building and nearby structures. The building has been designed to be sympathetic to the heritage precinct in accordance with relevant state and local policies.

- (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 site is currently accessed through an informal arrangement from Avon Terrace. It is recommended that formal access be created from Ford Street. Car parking is proposed both on and off site. Disabled car parking will be required and is proposed on Ford Street.

- (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.*

Avon Terrace and Ford Street both have sufficient capacity to cater for the small amount of traffic likely to be generated from the proposed building. The negotiated redesign of the carparking, in conjunction with the building setback, to a combination of on-street parallel and on-site parking will result in a safer road network for vehicles using Ford Street.

- (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, where existing public transport services are available.

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

Public utility services are available to the site and are considered adequate for the proposal. The applicant will need to liaise with the relevant authorities.

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

The site is accessible by pedestrians and cyclists, if necessary. However, it is envisaged that most users will use private transport to access the site.

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

The building can be made to be accessible by disabled persons. It is recommended that a condition of approval be imposed requiring access to be provided. This issue can be assessed as part of the building licence application in accordance with the requirements of the Building Code of Australia.

(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 landscaping proposed will complement the building and heritage precinct, and has been designed to provide shading to the building.

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

It is unlikely that the proposal will result in soil erosion and degradation if sediment and erosion measures are employed during construction. Additionally, on-site car parking should be gravelled to minimise soil erosion.

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

The proposal will result in a net gain of a community service and benefit.

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

No submissions were received regarding the proposal.

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

There are no likely impacts of noise or the like from the proposal. Dust suppression may be required during construction for a short period.

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

Refer to (a) above for details of the submission received from the Heritage Council.

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

Discussions with the applicant regarding the Heritage Council condition for a nil setback have also resulted in a better outcome for traffic safety with parallel on-street car parking resulting.

The proposal is consistent with the aims, objectives and relevant provisions of the York Town Planning Scheme No.2.

Policy Implications:

Shire of York Town Planning Scheme No 2
Local Planning Policy - Heritage Precincts and Places

The proposal is consistent with all applicable policies.

Financial Implications:

A contribution of \$200,000 has been allocated to this project in the 2010/2011 budget, which can be carried forward to 2011/12 if required.

Strategic Implications:

Key Result Area 1 – Objective 1:

“To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.”

The proposal is consistent with the provisions of the York Town Planning Scheme No. 2 and Shire’s Planning Policy - Heritage Precincts and Places.

Key Result Area 2 - Objective 2:

“To increase tourism to achieve business viability and growth.”

The archive building and research centre will provide the opportunities for visitors to research local and family history, which may result in an increase in tourism and investment in York.

Key Result Area 2 - Objective 4:

“To utilise the unique features of York’s heritage and rural lifestyle, where appropriate, as the basis for economic development.”

The building has been designed to complement the existing heritage buildings of York and will provide an important local heritage resource.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

A contribution of \$200,000 has been allocated to this project in the 2010/2011 budget, which can be carried forward to 2011/12 if required.

Social Implications:

The development will result in positive social benefits for the community of York as discussed earlier in this report.

Environmental Implications:

It is unlikely that the proposal will have any detrimental environmental implications.

Comment:

The proposal meets the objectives of the York Town Planning Scheme No. 2 and will be positive socially and economically for the Shire, which is shown in this assessment. It is therefore recommended that Council approve the application.

OFFICER RECOMMENDATION

"That Council:

APPROVE the application to construct an archive and research building at the Sandalwood Yards at Lot 6 (179) Avon Terrace, York, subject to the following conditions:

- 1. Development must take place in accordance with the approved plans, including any amended plans that are required as part of this consent.*
- 2. Development must substantially commence within two (2) years from the date of this determination.*
- 3. Prior to the issue of a building licence, amended plans shall be submitted showing the building at a nil setback in accordance with the conditions of the Heritage Council of Western Australia.*
- 4. Prior to the issue of a building licence, amended plans shall be submitted illustrating a minimum of four (4) spaces for on-street car parking and one on-site disabled accessible car parking space. The design of on and off-street car parking areas shall be in accordance with Australian Standard 2890.1 and A2890.2. The on-street car parking shall be constructed and line marked prior to the occupation of the building. The applicant is responsible for the full costs associated with the construction of the on-street car parking.*
- 5. Prior to the issue of a building licence, detailed drainage plans shall be submitted to the satisfaction of the local government. The plans shall demonstrate that the building will be protected during storm events and will not be subject to inundation by flood or storm waters.*
- 6. Prior to the issue of a building licence, documentary evidence shall be submitted demonstrating that the building design is adequate for its purpose.*
- 7. Disabled access shall be provided to the building in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428. The plans submitted with the building licence shall depict compliance.*
- 8. Prior to the commencement of works, an Archaeological Survey is to be carried out to determine whether or not the turnstile is still in place in the Sandalwood Yard. Findings are to be submitted to the Office of Heritage for comment.*
- 9. Prior to the commencement of works, sediment and erosion controls shall be installed. Such controls shall be maintained throughout the construction phase of the development.*
- 10. Prior to occupation of the building a cross-over shall be constructed to access the site and disabled car parking space. The applicant is responsible for obtaining the approval of Council prior to commencement of works.*
- 11. The proposed planting of the pear trees on the Ford Street frontage may be carried out on Council's footpath. Prior to commencement of planting, the applicant shall consult with Council to ensure that the planting does not detrimentally affect pedestrians. The footpath shall be made good following planting works at the applicant's cost".*

Cr Hooper declared a Financial Interest to this item and left the room at 3.15pm

Cr Scott and Cr Walters declared an Interest Affecting Impartiality to this item

Cr Lawrance took the Chair

RESOLUTION

010411

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

APPROVE the application to construct an archive and research building at the Sandalwood Yards at Lot 6 (179) Avon Terrace, York, subject to the following conditions:

- 1. Development must take place in accordance with the approved plans, including any amended plans that are required as part of this consent.***
- 2. Development must substantially commence within two (2) years from the date of this determination.***
- 3. Prior to the issue of a building licence, amended plans shall be submitted showing the building at a setback in accordance with any recommendations of the Heritage Council of Western Australia.***
- 4. Prior to the issue of a building licence, amended plans shall be submitted illustrating a minimum of four (4) spaces for on-street car parking and one on-site disabled accessible car parking space. The design of on and off-street car parking areas shall be in accordance with Australian Standard 2890.1 and A2890.2. The on-street car parking shall be constructed and line marked prior to the occupation of the building. The applicant is responsible for the full costs associated with the construction of the on-street car parking.***
- 5. Prior to the issue of a building licence, detailed drainage plans shall be submitted to the satisfaction of the local government. The plans shall demonstrate that the building will be protected during storm events and will not be subject to inundation by flood or storm waters.***
- 6. Prior to the issue of a building licence, documentary evidence shall be submitted demonstrating that the building design is adequate for its purpose.***
- 7. Disabled access shall be provided to the building in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428. The plans submitted with the building licence shall depict compliance.***
- 8. Prior to the commencement of works, an Archaeological Survey is to be carried out to determine whether or not the turnstile is still in place in the Sandalwood Yard. Findings are to be submitted to the Office of Heritage for comment.***
- 9. Prior to the commencement of works, sediment and erosion controls shall be installed. Such controls shall be maintained throughout the construction phase of the development.***
- 10. Prior to occupation of the building a cross-over shall be constructed to access the site and disabled car parking space. The applicant is responsible for obtaining the approval of Council prior to commencement of works.***

11. The proposed planting of the pear trees on the Ford Street frontage may be carried out on Council's footpath. Prior to commencement of planting, the applicant shall consult with Council to ensure that the planting does not detrimentally affect pedestrians. The footpath shall be made good following planting works at the applicant's cost".

CARRIED: 4/0

Reason to Change Officer Recommendation:

To clarify conditions

Cr Hooper returned to the room at 3.10pm and resumed the Chair

Item 9.1.1 – Appendices

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Recovery of Fine and Costs - Prosecution GT Homes Pty Ltd

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: NO2.4309 & TO1.3870
COUNCIL DATE: 18 April 2011
REPORT DATE: 30 March 2011
LOCATION/ADDRESS: Lot 118 (56) North Road, York
Lot 76(PT) 2118 Top Beverley Road,
Cold Harbour
APPLICANT: N/A
SENIOR OFFICER: Jacky Jurmann, MPS
REPORTING OFFICER: Brooke Newman, Planning Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Council is asked to consider progressing the recovery of the fine and costs imposed as a result of the successful prosecution of GT Homes Pty Ltd.

Background:

A successful appeal (favourable to the Shire of York) against the decision of the Magistrate's Court of Western Australia for the unapproved storage of disused materials and rubbish on Lot 118 (56) North Road, York and Lot 76(PT) 2118 Top Beverley Road, Cold Harbour resulted in a \$50,000.00 fine plus costs being placed against the landowner, Mr Gregory Bell as a Director of GT Homes Pty Ltd.

The conviction was handed down on 22 October 2010.

An update of the progression of the recovery of fines and costs from GT Homes Pty Ltd sought from the Shire's solicitors reveals that Memorials have been placed over the titles of Lots 118 and 76 and the conviction has been referred to the Fines Enforcement Registry ("FER").

The Memorials over the titles of both lots will ensure that should the property be sold, the outstanding monies owed to the Shire will be paid upon sale.

The FER has been advised by Mr Bell that he is seeking legal advice regarding the Memorials that have been placed over the titles of both lots and have deferred taking further recovery action until August 2011.

The Shire's solicitors have advised that there are two options available being to wait for FER to take further action after August 2011 or instruct them to request FER to take recovery action now. The solicitors have further advised that there is no guarantee that requesting FER to take action now will result in the recovery of the outstanding fine and costs any sooner as FER have their own internal processes for dealing with recovery of fines and costs. However, advice received is that it is possible that FER will consider commencing recovery efforts prior to August 2011.

Should the Shire's solicitors be instructed to request FER to undertake recovery action now, further costs may be incurred by the Shire, however, a successful recovery of the outstanding fine and costs will counter balance expenditure for both the recovery process and the initial prosecution and appeal proceedings.

Consultation:

Public consultation of this matter is not deemed to be necessary.

Statutory Environment:

Planning and Development Act 2005
Shire of York Town Planning Scheme No 2

Policy Implications:

Nil.

Financial Implications:

Expenditure of Shire funds will be incurred in the recovery of outstanding fines and costs. However, should the action be successful, the acquisition of the outstanding fines and costs will successfully counter balance the expenditure.

Strategic Implications:

Key Result Area 1 – Objective 1:

“To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.”

Establishing a clear framework for the recovery of fines imposed for unapproved activity aims to implement change for orderly and proper planning which will, in the long term, assist landowners and the community to achieve development opportunities.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Large accumulated rubbish deposits on both properties are unsightly and the pursuance of penalties and the issue of Section 214(3) Directions Notices will contribute to compelling the landowner to remove and make good the land.

Triple bottom Line Assessment:

Economic Implications:

Nil.

Social Implications:

Pursuing the payment of fines and costs imposed on the landowner may compel the removal of rubbish and the making good of the land which will reduce impact to the adjoining landowners.

Environmental Implications:

Pursuing payment of fines and costs imposed and issuing Section 214(3) Directions Notices for the removal of the rubbish will contribute to lessening the environmental impact the rubbish has on the land.

Comment:

Pursuing the recovery of outstanding fines and costs will enable the Shire to redeem monies expended on legal proceedings successfully undertaken against GT Homes Pty Ltd.

It is therefore recommended that Council instruct staff to request the Shire's solicitors to actively pursue the recovery of outstanding fines and costs imposed on GT Homes Pty Ltd.

RESOLUTION

020411

Moved: Cr Lawrance

Seconded: Cr Randell

"That Council:

Instruct staff to pursue the recovery of outstanding fines and costs imposed against GT Homes Pty Ltd in Supreme Court Action GT Homes Pty Ltd v Shire of York [2010] WASC 312 by instructing the Shire's solicitors to act on behalf of the Shire of York in seeking enforcement proceedings for the recovery of those monies."

CARRIED: 5/0

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.3 Application For The Holding Of Functions At A Heritage Listed Property (Laurelville)

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:	PA1.9910, P615
COUNCIL DATE:	11 April 2011
REPORT DATE:	7 April 2011
LOCATION/ADDRESS:	Lots 1 and 2 (18) Panmure Road, York (Laurelville)
APPLICANT:	P Cowin and S Paskett
SENIOR OFFICER:	Jacky Jurmann, MPS
REPORTING OFFICER:	Brooke Newman, Planning Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Locality Plan, Site Plan and Schedule of Submissions
DOCUMENTS TABLED:	Nil

Summary:

Council is required to consider an application for an "incidental use" involving the holding of functions (weddings or corporate events) on a Heritage Listed property. The functions would include the erection of marquees, temporary ablution facilities and temporary catering equipment.

Background:

An application has been received from Mr Philip Cowin and Ms Sandra Paskett to hold functions (weddings and corporate events) at Lots 1 and 2 (18) Panmure Road, York (Laurelville).

On 25 May 2010, an application for planning consent was granted under delegated authority for Laurelville to be run as a "lodging house". Various conditions were imposed on the approval.

The conducting of functions at Laurelville is considered to be an "incidental use" which is defined under the Shire of York Town Planning Scheme No 2 as "a use of land or buildings which is ancillary and subordinate to the predominant use".

Historically, Laurelville has been used as a lodging house and has had a number of wedding functions held there. In recent history, prior to being purchased by the current landowners, Laurelville was used as a private residence. As such, the landuse of a lodging house and/or function centre was abandoned. It is therefore a requirement of the current landowners to apply for events to be held at Laurelville.

Laurelville is a historic manor and as such, the conducting of a lodging house and functions such as weddings from the property is considered an appropriate landuse and the erection of temporary structures that are easily removed are also not considered to have an impact on the property. Therefore, it is not perceived to have any negative impacts on the heritage value of the property.

As at the date of writing this report, a number of weddings have been held at Laurelville without first obtaining planning consent or obtaining any relevant license(s) under the Shire's Health legislation.

Clause 7.14 of TPS deals with unauthorised existing developments as basically allowing the local government to approve a land use or development regardless of when it commenced provided it complies with the provisions of TPS2. It is considered that the proposal to hold functions at Laurelville is consistent with the provisions of TPS2.

Consultation:

The proposed development has been advertised in accordance with clause 7.3.3 of the Scheme. Detailed plans of the proposed development and relevant documentation have been on display at the Council offices during the advertising period.

Seven (7) submissions have been received raising concerns regarding the proposal. Refer to the attached Schedule of Submissions.

The submissions have been taken into account in the assessment of the proposal and are addressed in the comments section of this report.

Statutory Environment:

Lots 1 and 2 are zoned "Residential R2.5" under the provisions of the Shire of York Town Planning Scheme No 2 ("TPS2"). Lot 1 is approximately 6,164m² and Lot 2 is approximately 6,169m². Neither Lot 1 or 2 are located within the 1 in 100 year floodplain for the Avon River.

Laurelville is listed on the Shire of York Municipal Heritage Inventory as a Category 2 building.

Clause 7.5 deals with matters that are to be considered by the Local Government when making determinations of applications for planning consents. Specifically:

- (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;*

The proposal is consistent with the Shire's Local Planning Policy for Heritage Precincts and Places.

- (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;*

It is considered that the proposal will not prejudicially affect the heritage value of the property, particularly as the proposal involves temporary structures and facilities.

- (i) *the compatibility of a use or development with its setting;*

Laurelville's setting is considered to be that of a heritage value manor which is would lend itself favourably to wedding ceremonies.

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

A number of the submissions received by Council have raised concerns regarding noise emissions that have been experienced from recent events held at Laurelville.

To enable Council to fully consider the potential impacts it is recommended that a time limited consent for a period of twelve (12) months be granted to determine if there are any detrimental impacts on the amenity of the locality.

Additionally, conditions should be imposed on the consent limiting hours and days of operation, delivery times and number of persons able to attend the events.

(n) *the preservation of the amenity of the locality;*

It is not considered that a temporary structure will prejudicially affect the amenity of the locality. As previously indicated, conditions of consent are recommended to manage any potential impacts.

(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;*

Main Roads WA has made a submission raising concerns regarding potential impacts on Panmure Road as a result of any increased traffic accessing the site and that any increase in traffic interaction will need to be assessed with consideration of the road geometry and sight distances. It is recommended that a condition be imposed requiring that the applicant consult with Main Roads to satisfy their requirements and carry out any works within 12 months of receiving approval.

Additionally, Main Roads WA has stated that no parking is permitted on Panmure Road. It is recommended that a condition be imposed prohibiting parking on Panmure Road and that the applicant be advised that a car parking and traffic management plan will be required to be submitted within 12 months of receiving approval demonstrating that traffic can be managed without affecting road safety.

(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 indicated earlier in this report, Main Roads WA has raised concerns over potential traffic impacts on Panmure Road as a result of this development. Refer to comments above.

(s) *whether public utility services are available and adequate for the proposal;*

The site has adequate existing access to public utility services.

(u) *whether adequate provision has been made for access by disabled persons;*

It is recommended that a condition be imposed requiring disabled access and facilities be provided for each event.

(y) *any relevant submissions received on the application;*

Seven (7) submissions were received raising concerns regarding the proposal. The issues raised in the submissions have been assessed and are included in the schedule of submissions.

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

Concerns regarding noise have been raised in the submissions received by Council. It is recommended that a time limited consent be issued to ascertain impacts on adjoining landowners. Any negative impacts would be taken into consideration should the applicant wish to extend the term of consent.

Policy Implications:

The application is considered consistent with the provisions of the York Town Planning Scheme No. 2, the Shire of York Local Planning Policy Heritage Precincts and Places and may also be subject to various Shire of York Health legislative requirements.

Financial Implications:

Planning fees have been paid and the imposition of a penalty for commencing a landuse without first obtaining approval is considered appropriate.

Strategic Implications:

Key Result Area 2 - Objective 1:

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

Allowing the commencement of additional function centres within the Shire of York may contribute to attracting investment by providing a venue for a variety of individuals who may not ordinarily travel to York.

Key Result Area 2 - Objective 2:

“To increase tourism to achieve business viability and growth.”

Attracting individuals to the Shire of York for functions such as weddings may contribute to those people returning and thus increasing tourism.

Key Result Area 2 - Objective 3:

“To increase the net disposable income of the York community and investigate ways of increasing spending within the Shire.”

Attendees to Laurelville may be encouraged to source other businesses in the area which will contribute to increased spending within the Shire.

Key Result Area 2 - Objective 4:

“To utilise the unique features of York’s heritage and rural lifestyle, where appropriate, as the basis for economic development.”

Allowing functions such as weddings at Laurelville showcases its unique heritage values whilst still promoting economic development.

Key Result Area 2 - Objective 5:

“To ensure economic development does not conflict with York’s heritage, lifestyle and environment.”

It is considered that the proposal will not conflict with York’s heritage, lifestyle or environment as the structures are temporary in nature.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

During several site inspections, marquees and associated infrastructure for functions have been situated and erected on the property without approval.

Triple bottom Line Assessment:

Economic Implications:

Allowing the owners of Laurelville the opportunity to expand the functions of Laurelville may contribute to their economic status and may allow them to further enhance the facilities at Laurelville.

Social Implications:

Approving Laurelville as a venue for functions will provide both the local community and people in the wider area a varied choice for holding functions.

The holding of functions such as weddings may contribute to noise or disturbances to neighbouring properties. However, it is considered that Laurelville is of sufficient size to accommodate small functions.

Environmental Implications:

Little or no environment implications will be imposed on Laurelville or the area in general aside from the issue of appropriate ablution facilities for each event.

Comment:

An application for the holding of functions as an “incidental use” is, on its merits, an appropriate landuse for a property of Laurelville’s status.

In terms of the submissions received, planning decisions are determined subject to a number of considerations as outlined in clause 7.5 of TPS2 earlier in this report.

It is a concern that the proposed landuse may have potential adverse noise impacts to surrounding landowners. However, it is considered that limiting the number of functions and the time those events finish will minimise any impacts.

The heritage value of Laurelville is not considered to be impacted provided that the marquee and associated infrastructure are removed at the conclusion of each event.

Taking into account the submissions received, it would be considered appropriate to recommend a temporary approval for a period of twelve (12) months. This will allow the effects on the amenity of the locality and impact to landowners to be assessed and will also allow the application time to comply with any Main Roads WA requirements.

The applicant will, at the expiration of the period of twelve (12) months, need to apply for an extension to the planning consent in order to continue conducting functions from Laurelville. This process will be explained to the applicant.

It is therefore recommended that approval be granted for an “incidental use” for functions such as weddings and corporate functions at Lots 1 & 2 (18) Panmure Road, York (Laurelville) for a period of twelve (12) months subject to the recommended conditions of approval.

OFFICER RECOMMENDATION

“That Council:

APPROVE the application for an “incidental use” for the holding of functions at Lots 1 and 2 (18) Panmure Road, York, for a period of twelve (12) months from the date of determination subject to the following conditions:

- 1. Development must take place in accordance with the approved plans, including any amended plans that are required as part of this consent.*
- 2. This consent will lapse twelve (12) months from the date of determination.*
- 3. Disabled access and facilities shall be provided in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428, Part 1.*
- 4. The maximum number of people present at any given time be limited to 120.*
- 5. Functions are permitted on a Friday or Saturday. No functions are permitted on weekdays, Sundays or public holidays. All functions must conclude at midnight, including any related music or other activities relating to the function.*
- 6. All temporary buildings and facilities must be completely removed from the property within 48 hours of the function being held.*
- 7. No car parking is permitted on Panmure Road and must be contained wholly within the property. A car parking and traffic management plan shall be submitted to Council within 12 months from the date of determination. It is the applicant’s responsibility to ensure car parking and deliveries are carried out without impacting the traffic safety of Panmure Road.*
- 8. A Public Health Building Approval must be obtained from Council prior to conducting a function.*
- 9. Temporary toilet facilities shall be provided in accordance with Council’s Events Policy.*
- 10. Noise levels shall not exceed 5dB above background noise levels when measured at the boundary of any affected residence.*
- 11. Written evidence shall be submitted to Council that the requirements of Main Roads WA have been satisfied within 12 months from the date of determination.*

Notes to the consent:

- 1. 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 twenty-eight (28) days of the determination.*
- 2. Under the provisions of the York Town Planning Scheme No. 2, Council can extend a consent following receipt of a written request.”*

**RESOLUTION
030411**

Moved: Cr Scott

Seconded: Cr Lawrance

“That Council:

APPROVE the application for an “incidental use” for the holding of up to 52 functions at Lots 1 and 2 (18) Panmure Road, York, for a period of twelve (12) months from the date of determination subject to the following conditions:

- 1. Development must take place in accordance with the approved plans, including any amended plans that are required as part of this consent.***
- 2. This consent will lapse twelve (12) months from the date of determination.***
- 3. Disabled access and facilities shall be provided in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428, Part 1.***
- 4. The maximum number of people present at any given time be limited to 120.***
- 5. Functions are permitted on a Friday, Saturday or Sunday. No functions are permitted on weekdays or public holidays. All functions must conclude at midnight, including any related music or other activities relating to the function.***
- 6. All temporary buildings and facilities must be completely removed from the property within 48 hours of the function being held.***
- 7. No car parking is permitted on Panmure Road and must be contained wholly within the property. A car parking and traffic management plan shall be submitted to Council within 1 (one) month from the date of determination. It is the applicant’s responsibility to ensure car parking and deliveries are carried out without impacting the traffic safety of Panmure Road.***
- 8. A Public Health Building Approval must be obtained from Council prior to conducting a function.***
- 9. Temporary toilet facilities shall be provided in accordance with Council’s Events Policy.***
- 10. Noise levels shall not exceed 5dB above background noise levels when measured at the boundary of any affected residence.***
- 11. Written evidence shall be submitted to Council that the requirements of Main Roads WA have been satisfied within 12 months from the date of determination.***
- 12. An application for renewal after the initial 12 month period must be lodged in writing, a minimum of 3 months prior to the expiry date.***

Notes to the consent:

- 1. 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 twenty-eight (28) days of the determination.***
- 2. Under the provisions of the York Town Planning Scheme No. 2, Council can extend a consent following receipt of a written request.***
- 3. Any parking on the verge of Panmure Road associated with events at Laureville will result in the vehicle owners being infringed.”***

CARRIED: 3/2

Reason to Change Officer Recommendation:

To clarify conditions and impose parking restrictions

Item 9.1.3 – Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Handicraft & Gift Bazaar

FILE NO: CCP.40; CCP.17
COUNCIL DATE: 11 April 2011
REPORT DATE: 5 April 2011
LOCATION/ADDRESS: Peace Park/Avon Park
APPLICANT: Mr W Butun
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Mr W Butun has requested the use of Peace Park for a Handicraft & Gift Bazaar while the York Wine & Food Festival is being held at and in the York Town Hall.

Background:

Mr Butun has successfully promoted and conducted events in York in the past.

Consultation:

Avon Promotions

Statutory Environment:

Not Applicable

Policy Implications:

Policy No. 13.1 – Policy Manual - Events for York

Objective - To ensure that York retains its status as an Events Centre in the Avon Valley - Policy Statement:

“That the Council supports the concept of York being included in events and is prepared to provide assistance in the following areas:

1. *Facility provision:*
 - (A) *Funding support*
 - (B) *Promotion*
2. *Assist with liaison subject to staff availability.*
3. *Resources:*
 - Rubbish bins*
 - Cleaning of amenities buildings*
 - Signage*
 - Road closures*
 - Access to council owned/controlled land*
 - Road grading (at the discretion of the Chief Executive Officer)”*

Financial Implications:

There may be foregone revenue from venue hire associated with the event.

Strategic Implications:

Key Result Area 2 – Economic Development & Tourism

- *To increase tourism to achieve business viability and growth*
- *To increase the net disposable income of the York community and investigate ways of increasing spending within the Shire*
- *To utilise the unique features of York's heritage and rural lifestyle, where appropriate, as the basis for economic development*
- *To ensure economic development does not conflict with York's heritage, lifestyle and environment*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Well promoted and run events in York may assist local business through visitor servicing.

Social Implications:

Community members generally enjoy and participate in markets and similar promotions.

Environmental Implications:

Nil

Comment:

It may be of community and business benefit for this event, if approved, to be held in Avon Park to reduce traffic congestion and to encourage visitors to walk between events through the business centre of York rather than having them in close proximity.

While there is no specific fee listed in the annual charges except for power use and a bond the local government always retains a discretionary power to impose fees for use of community facilities.

OFFICER RECOMMENDATION

“That Council:

1. *Approve the holding of a Handicraft & Gift Bazaar on Shire property on the 25th June, 2011*
2. *Advise the applicant that Avon Park is the preferred option for the event*
3. *As a specific one-off concession not charge a venue fee provided that the bond and power use fee (if applicable) are paid*
4. *Establish hire fees for all commercial operations on Shire land such as Peace Park and Avon Park to be included in the 2011/12 and future budgets.”*

RESOLUTION

040411

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

1. *Approve the holding of a Handicraft & Gift Bazaar on Shire property on the 25th June, 2011*
2. *Advise the applicant that Avon Park is the venue for the event*
3. *As a specific one-off concession not charge a venue fee provided that the bond and power use fee (if applicable) are paid*
4. *Establish hire fees for all commercial operations on Shire land such as Peace Park and Avon Park to be included in the 2011/12 and future budgets.*

Advise Note:

Applicant for Avon Park to be responsible for Traffic Management.”

CARRIED: 3/2

Reason to Change Officer Recommendation:

To specifically designate Avon Park as the venue to ensure no conflict and in the interest of traffic management and pedestrian flow.

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Respite Centre – Gilford Street

FILE NO: Gi1.A30002
COUNCIL DATE: 11 April 2011
REPORT DATE: 29 March 2011
LOCATION/ADDRESS: Reserve 45656 – Lot 617 Gilford Street, York &
Reserve 45657 – Lot 618 Gilford Street, York
APPLICANT: Disability Services Commission
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: R Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Vesting Orders – Reserves 45656 & 45657
DOCUMENTS TABLED: Nil

Summary:

To ensure that there are no constraints on the development of a regional respite centre on the land the vesting purpose of State Emergency Service Headquarters needs to be deleted and be replaced with terminology more suited to the proposed use. The purpose for Reserve 45657 – Lot 618 also is for State Emergency Service Headquarters however the primary use is now Community Purposes.

Background:

York has been identified as the location for a regional respite centre for people with disabilities and their families and Lot 617 has been nominated as the preferred site.

The current vesting order was granted on the 16th March, 2000 to compliment the use of the adjoining land and buildings for emergency services. This included Lots 617 and 618.

Consultation:

Disability Services Commission
Department of Housing & Works

Statutory Environment:

Land Administration Act 1997

Policy Implications:

Not Applicable

Financial Implications:

Nil anticipated

Strategic Implications:

Key Result Area 7: Community Services - Objectives:

1. *“To meet community needs in terms of physical infrastructure and overall community services.*
2. *To provide and maintain high quality services and infrastructure in an efficient and cost effective way.*
3. *To ensure a safe community environment.*
4. *To align the Town Planning Scheme with the strategic plan.”*

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The development of a regional facility in York will provide benefits to local businesses and trades and offer future employment.

Social Implications:

Respite centres have very high social values within family units. Lot 618 is used as the Scout Hall and is the designated site for the new Youth Centre.

Environmental Implications:

Not Applicable

Comment:

The selection of York for a regional facility of this nature is recognition of York's location and access to the Wheatbelt.

The development of Youth and Community Services on Lot 618 will co-locate Youth and Community facilities easily accessible by the community.

RESOLUTION

050411

Moved: Cr Lawrance

Seconded: Cr Hooper

"That Council:

- 1. *Agree to the transfer of the vesting of Reserve 45656 – Lot 617 Gilford Street to the Department of Housing***
- 2. *Agree to delete the reference to 'State Emergency Services Headquarter' from the vesting order***
- 3. *Endorse the development of a Disability Service Commission Regional Respite Centre on Reserve 45656 subject to any planning or building processes being followed***
- 4. *Approve the change of purpose for Reserve 45657 – Lot 618 Gilford Street from State Emergency Services Headquarters to Community Services and Facilities."***

CARRIED: 5/0

Item 9.2.2 – Appendices

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.1 Country Local Government Fund 2010/11, 2011/12, 2012/13

FILE NO: FI.FAG.8
COUNCIL DATE: 11 April 2011
REPORT DATE: 6 April 2011
LOCATION/ADDRESS: Not Applicable
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Cr Walters – Proximity
APPENDICES: Appendix A – RDL Correspondence
DOCUMENTS TABLED: Nil

Summary:

That Council endorse the change to the 2008/09 Country Local Government Fund 2008/09 and confirm recommendations to the funding for the 2010/11, 2011/12 and 2012/13 financial years.

Background:

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

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

At the Ordinary Council meeting held May 2009 the Council resolved the following:

“That Council:

1. *Endorse the listed projects for the 2008/09 allocations*

2008/09

<i>Contribution to Co-location project</i>	<i>\$608,157</i>
<i>Drainage – York Townsite</i>	<i>\$100,000</i>
<i>Thorn Street – Development</i>	<i><u>\$108,156</u></i>
	<i>\$816,313 ;and</i>

2. *Include the listed projects in the 2009/10 Budget and Plan for the Future*

2009/10

<i>Contribution to Co-location project</i>	<i>\$300,000</i>
<i>Heritage Walk Trail Development</i>	<i>\$ 50,000</i>
<i>Public Toilets – Candice Bateman Park</i>	<i>\$ 70,000</i>
<i>Swimming Pool Refurbishment</i>	<i><u>\$110,603</u></i>
	<i>\$530,603”</i>

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

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

At the 19th July 2010 Ordinary Council meeting the following was resolved:

“That Council:

1. ***note the information from the Department of Local Government and Regional Development relating to the Country Local Government Fund 2010/11 and utilise the guidelines to assist with the preparation of the Forward Capital Works Plan; and***
2. ***include the following indicative allocations in the 2010/11 budget:***

<i>Co-location Facility</i>	<i>\$300,000</i>
<i>Swimming Pool Upgrade</i>	<i>\$114,604</i>
<i>Forrest Oval Project</i>	<i><u>\$100,000</u></i>
	<i><u>\$514,604”</u></i>

Council at the Ordinary Council meeting held on the 21st February 2011 resolved as follows:

“That Council:

- 1a. ***amend the projects for the 2008/09 Country Local Government Fund in accordance with the following:***

<i>Co-location Facility</i>	<i>\$250,000</i>
<i>Thorn Street Drainage (spent)</i>	<i>\$108,156</i>
<i>Townsite Drainage (spent \$60,000)</i>	<i>\$100,000</i>
<i>Forrest Oval Project</i>	<i><u>\$358,157</u></i>
	<i><u>\$816,313</u></i>

- 1b. ***In the event that the Co-location facility is not finalised and funds cannot be expended prior to the 30th June 2011 Council authorise these funds to be allocated to the Forrest Oval Project in 2010/11 and a corresponding allocation be made for the Co-location facility in 2011/12.***

- 2a. ***second year Royalties for Region Funding project funding details:***

<i>Swimming Pool Upgrade</i>	<i>\$114,604</i>
<i>Forrest Oval Project</i>	<i><u>\$400,000</u></i>
	<i><u>\$514,604</u></i>

- 2b. ***Subject to 1b. above that the Council authorise the Forrest Oval Project allocation to be reduced by \$250,000 for 2011/12 for the purpose of the Co-location facility.***
3. ***note that there are a further two funding rounds available under Royalties for Region Country Local Government Fund of \$395,845 per year, which will need to be allocated in the Plan for the Future and the 2012/13 and 2013/14 budgets.”***

Confirmation was received from Debbie Rice of Regional Development & Lands that the Co-location Facility could not be expended prior to the 30th June 2011 and therefore the \$250,000 for the Co-location Facility has been moved out to 2011/12 financial year.

Consultation:

Department of Local Government and Regional Development
Dominic Carbone – Forward Capital Works Plan

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

Council wrote to the Department of Regional Development and Lands on the 17th January 2011 and provided the following details:

“2008-09 Country Local Government Fund Acquittal

Council seeks permission for a further extension, due to the following delays:

The Council prepared a Business Plan for the purchase of the Old York Primary School for use as a Co-location facility, the purchase has not gone ahead.

Council requests permission to re-allocate these funds to the Convention Centre at the Forrest Oval Recreation Grounds, as per the FCWP and the Regional Business Plan prepared by Darren Long Consulting.”

Please refer to Attachment A correspondence from the Department of Regional Development and Lands dated 23 March 2011.

Statutory Environment:

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

Grant expenditure must be allocated specifically to community infrastructure.

Policy Implications:

Not applicable to this report.

Financial Implications:

Before receiving any 2010/11 funds local governments must acquit their initial application from 2008/09.

The Co-location Project has not been completed and therefore the funds need to be re-allocated to enable the further funding to be obtained. Council endorsed the Forward Capital Works Plan at the January 2011 Special Council meeting, which has impacted on the funding arrangements. Changes to this document need to be completed.

No financial implications due to re-allocation of funds.

Strategic Implications:

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

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

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

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

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

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

Social Implications:

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

Environmental Implications:

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

Comment:

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

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

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

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

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

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

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

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

Cr Walters declared an Interest Affecting Impartiality and left the room at 3.46pm

**RESOLUTION
060411**

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

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

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

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

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

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

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

2011/12 Royalties for Region Funding project funding details:

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

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

2012/13 Royalties for Region Funding project funding details:

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

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

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

CARRIED: 4/0

Cr Walters returned to the room at 3.48pm.

Item 9.4.1 – Appendix A

9.5 Late Reports

9.6 Confidential Reports

10. NEXT MEETING

RESOLUTION
070411

Moved: Cr Randell

Seconded: Cr Scott

“That Council:

hold the next Ordinary Meeting of the Council on April 27, 2011 at 3.00pm in the Lesser Hall, York”

CARRIED: 5/0

11. CLOSURE

Cr Hooper thanked all for their attendance and declared the meeting closed at 3.48pm.