



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 21 FEBRUARY, 2011
COMMENCING AT 3.00pm
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 ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 21 FEBRUARY, 2011, COMMENCING AT
3.00PM 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 3.00pm
- 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
Nil

2. ATTENDANCE

- 2.1 Members
*Cr Pat Hooper, Shire President; Cr Brian Lawrance, Deputy Shire President;
Cr Roy Scott; Cr Tony Boyle; Cr Randell; Cr Walters*
- 2.2 Staff
*Ray Hooper, CEO; Tyhscha Cochrane, Deputy CEO; Gordon Tester, Environment
Health Officer; Gail Maziuk, Finance Officer; Helen D'Arcy Walker, Executive Support
Officer*
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 26 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Mr S Saint
87 Avon Terrace
York WA 6302

PUBLIC QUESTION TIME - 20 DECEMBER 2010

Thank you for your questions submitted at public question time at the Ordinary Council Meeting held on Monday, 20th December, 2010.

Please find set out below responses to the questions taken on notice.

Question 1:

Why has the second stage of the Avon Terrace Streetscape not commenced after the Shire stated it would be completed by June 2010 and \$300,000 was allocated for the project.

Response:

The design and engineering details were not completed for the project to be undertaken in 2009/10.

Roads to Recovery funds of \$125,111 allocated in 2009/10 have been carried forward to 2010/11 along with Municipal and reserve fund allocations of up to \$209,500 are also allocated to this project in 2010/11.

Question 2:

Who do I talk to about Tourism matters?

Response:

To the knowledge of the Shire of York the York Tourist Bureau remains in existence as an incorporated body with Mrs Sandra Paskett as the Chairperson.

Question 3:

Why were the financial discrepancies in the operations of the Visitor Centre not picked up as the Shire provided operational funding and was represented on the Committee.

Response:

No member of the Visitor Centre Committee was qualified as an auditor and the Committee took the financial information presented at face value.

Question 4:

What knowledge, qualification or experience does the Shire have in the field of reviewing tourism strategic plans?

Response:

Within Council at least one elected member has a qualification in Tourism Planning and Management, elected members have knowledge and experience in business marketing, event management and promotion, preparation of business plans, preparation of strategic plans, event co-ordination, membership of tourism organisations.

Elected members are currently engaged in local and regional projects for strategic planning, asset management, business planning, forward capital plans, integrated planning and reporting and other structural reform processes.

Elected members have contributed to and adopted plans for the future, project business plans, project scoping papers, annual budgets and financial reports.

Shire staff have knowledge and experience in strategic and corporate planning, financial management, risk management, asset management, planning for the future, change management, human resource management, business plans, Ministerial reports, grant applications, audit processes and community engagement.

Shire staff have experience and involvement with Tourism WA, Tourism Council of WA, Experience Perth, Hills Precinct Tourism, Swan Valley Tourism, Avon Valley Tourism, local tourist and information centres, guest town productions, area promotion, events management and co-ordination and media presentations.

One elected member is on the Regional Development Australia Board and one elected member is on the Wheatbelt Development Commission Board. Both of these organisations operate at the strategic level for federal and state regional objectives.

Elected Members and staff are on local and regional committees.

Question 5:

What is the total cost of the oval project to date?

Response:

In 2009/10 \$1,123,583 was expended and in 2010/11 \$103,954.43 has been expended up to the 20th December, 2010.

3.2 Written Questions

Nil

4. PUBLIC QUESTION TIME

Mr S Finestone
95 Newcastle Street
York WA 6302

Question 1:

Why is it that Shire employees continually shop around for quotes for items under \$1,000? Some items are worth less than the time it takes to get the quote.

Response:

Staff have been directed to be selective in the need to obtain multiple prices to comply with the local government purchasing policy in relation to the value of the goods required.

Question 2:

Also would the Shire be more supportive of local businesses and at least give local suppliers the chance to quote on bigger items?

Response:

Processes will be considered under which local businesses will be advised of future requirements for larger volume and value purchases as long as it complies with purchasing policies.

Mr T Seabrook
East Gwambygine Road
York WA 6302

Question 1:

Will Council investigate the reasons for senior staff resignations and particularly that of the previous Engineer?

Response:

The matters raised by the previous Engineer have already been assessed by the elected members and have not been found to have any grounds. The improper use of information under Section 5.93 of the Local Government Act will be investigated as Mr Seabrook brought it into the public arena.

Question 2:

What are the Shires specific plans in regards to Shire road upgrades?

Response:

Council adopts an annual budget incorporating specific road works under the balanced budget processes required by all local governments. The Shire of York also utilises a 10 year indicative road programme which only comes into effect through each annual budget.

Question 3:

Has Council made any financial commitments to the purchase of the Old School and if so how much?

Response:

No – initial discussions with the owner and a business plan prepared however no financial commitments have ever been put into place.

Question 4 (a):

Does Council have grants of \$2 million approved and available for the Recreation Centre Project?

Response:

Currently there is a regional funding application with the Department for Regional Development for \$910,000 and Royalties for Regions funds of \$908,000 have been allocated to this project.

Question 4 (b):

How much has been borrowed?

Response:

No loans have been raised however there is provision in the 2010/11 budget for loans of \$1.35 million.

Question 4 c)

What is the interest rate on borrowing?

Response:

Treasury rate believed to be 5.47% over 20 years.

Question 4 (d):

How will the principal be repaid?

Response:

From the Municipal fund.

Question 5:

How and why was a Vehicle in Paddock movement ban put in place on or about the 20th January, 2011?

Response:

A Total Fire Ban imposed and notified by FESA for the region was misinterpreted as a Movement of Machinery Ban.

Mrs D Barratt
Lot 4 Penny Street
Kauring WA 6302

Question:

Why weren't signs directing people to the Recreation Centre for welfare and support services placed in the main street as she was advised would happen?

Response:

Acknowledged that some things were missed and could have been done better. Signs were not put up.

Mark Lloyd
Chairman
York Community Resource Centre

Request for Councillors to defer a decision on the re-allocation of Royalties for Regions funds until the Minister for Regional Development is aware of Council's intentions.

Response:

To be considered by Council when the item is debated.

Ms T Richardson
113 Newcastle Street
York WA 6302

Question 1 (a):

Is Council aware of the Avon Valley Tourism Strategy Review?

Response:

Yes

Question 1 (b):

Who are the members of the Hall Centenary Committee?

Response:

Representatives from the York Society, Friends of Blandstown, Heritage Council of WA, National Trust, Museum Committee and Council.

Question 2:

Why is the Shire of York allowing York to disappear of the tourist map?

Response:

Taken on Notice.

Judy Moore

York Community Resource Centre

Question 1:

Has the Shire got the legal authority to re-allocate the funds that have been specifically designed for a new co-location centre?

Response:

Council needs to make a decision to refer the re-allocation for approval.

Question 2:

When will a response be received for letter of the 4th January, 2011?

Response:

This week.

Mr D Lawn

29 South Street

York WA 6302

Question:

Will there be an amnesty for building, planning and other requirements for property owners rebuilding after the storm?

Response:

Council will consider a refund of local government fees for these applications however due process must be followed to actually show what is being constructed and where.

Mr S Saint

87 Avon Terrace

York WA 6302

Question 1:

With reference to The Dogs Bollocks Emporium, 89 Avon Terrace, York – why was I told the project would be passed in stages and some work could be carried out under delegated authority then told it would have to go before Council?

Response:

Taken on Notice.

Question 2:

Why did a senior member of the Shires administration tell me I could not be issued with a building license for a commercial building when the Builders Registration Board say I could whether the building is commercial, industrial or residential?

Response:

Taken on Notice.

Question 3:

Why did a planner tell me I could not remove the shed at the rear of the property until the development was approved, when the only requirement was a \$50.00 demolition license?

Response:

Taken on Notice.

Question 4:

Why was I told I could not build across two titles, when I own the titles?

Response:

Taken on Notice.

Question 5:

Why did I spend one hour with two planners amending plans and signing the amendments for the amendments to be blanked out?

Response:

Taken on Notice/

Question 6:

Why was I told the toilet requirement for 89 Avon Terrace was 2 x female pans, 2 x gents pans, 2 x urinals, 1 x disabled facility when the City of Swan confirmed me this amount of toilets would equate to employing 95 staff?

Response:

Taken on Notice.

Question 7:

What right has the Shire to demand a business plan?

Response:

Taken on Notice.

Question 8:

What right has the Shire to demand an inventory of stock for re-sale?

When it became obvious the Shire were not going to approach this in the manner they state in their own Code of Conduct, Mission Statement and Values Statement and after speaking to Work Safe, the shop was made safe and boarded up at their suggestion. Why then did the Shire then see fit to threaten me with legal action if the work did not commence?

Response:

Taken on Notice.

Question 9:

Why then, did I have to approach the Elected Members when they had full knowledge of the onerous, litigious manner the administration were dealing with me?

Two members of administration no longer work for the Shire, they have simply moved on. However I am still here and have lost both money and time.

Response:

Taken on Notice.

Question 10:

Exactly who is accountable?

Response:

Taken on Notice.

Mr J Cole
Lot 51 Panmure Road
York WA 6302

Question 1:

Will Council change the wording in the agenda item as he did not request the re-location of the culvert under Panmure Road.

Response:

Request was noted for research.

Question 2:

Under what Authority did the Shire of York enter his land to undertake the drainage work particularly in view of his email to Main Roads WA re no entry.

Response:

Taken on Notice.

Mrs H Saint
87 Avon Terrace
York WA 6302

Question 1:

Why was Simon Saint, owner of Saint's Diner, prosecuted for a sign in place for 4 weeks when unapproved signage for the York Mill Bakehouse has not been prosecuted?

Response:

Taken on Notice.

Question 2:

Could you please explain why newly established businesses in Avon Terrace have not had conditions for disabled access toilets imposed or they have failed to comply but are still able to continue to trade?

Response:

Taken on Notice

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Cr Scott read a statement thanking Cr Hooper for all the positive work carried out during the Storm Event of 29th January, 2011.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held December 20, 2010

Corrections

Nil

Confirmation

**RESOLUTION
010211**

Moved: Cr Randell

Seconded: Cr Boyle

“That the minutes of the Ordinary Council Meeting held December 20, 2010 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.2 Minutes of the Annual General Meeting of Electors held December 20, 2010

Corrections

Nil

Confirmation

**RESOLUTION
020211**

Moved: Cr Scott

Seconded: Cr Lawrance

“That the minutes of the Annual General Meeting of Electors held December 20, 2010 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.3 Minutes of the Special Council Meeting held December 22, 2010

Corrections

Nil

Confirmation

**RESOLUTION
030211**

Moved: Cr Boyle

Seconded: Cr Randell

“That the minutes of the Special Council Meeting held December 22, 2010 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.4 Minutes of the Special Council Meeting held January 11, 2011

Corrections

Nil

Confirmation

RESOLUTION

040211

Moved: Cr Lawrance

Seconded: Cr Boyle

“That the minutes of the Special Council Meeting held January 11, 2011 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Hooper paid special tribute to rural residents for their outstanding contribution to the Shire clean up after the storm event of 29th January, 2011.

9. OFFICER’S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Scheme Amendment 43 - Modification to Incorporate Rezoning of Additional Land

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

FILE NO:	PS.TPS.38
COUNCIL DATE:	21 February 2011
REPORT DATE:	4 February 2011
LOCATION/ADDRESS:	Lot 9 (68) Avon Terrace, York
APPLICANT:	Maarsen Pty Ltd
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Brooke Newman, Planning Officer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Locality Map
DOCUMENTS TABLED:	Scheme Amendment 43 Documentation

Summary:

Council is asked to consider modifying Scheme Amendment No 43 (Omnibus) to include rezoning Lot 9 (68) Avon Terrace, York from "Residential R40" to "Town Centre".

Background:

Scheme Amendment 43 was initiated by Council at the Ordinary Council meeting held on 17 August 2009 where it was resolved:

OFFICER RECOMMENDATION

"That Council resolves to -

- 1. Amend in accordance with Section 75 of the Planning and Development Act 2005 the Shire of York Town Planning Scheme No. 2, in respect of Amendment No. 43 by
Rezoning Lots 1 to 5 Macartney Street and Lot 342 Grey Street from 'Residential R10/30' to 'Residential R10/40';
Rezoning Lot 50 Avon Terrace from 'Residential R10' to 'Residential R40';
Rezoning Lots 57 and 143 Osborne Road and Lot 54 Springs Road from 'Recreation and Open Space' to 'Rural Residential';
Rezoning Portion of Lot 2 Redmile Road from 'Recreation and Open Space' to 'Residential R5/40';
Rezoning Lot 551 Avon Terrace and Lot 552 Lowe Street from 'Public Purposes' to 'Town Centre';
Zoning Lots 500 and 501 Bayly Road 'Rural Residential' (closed road reserve);
Rezoning Lot 615 Brook Street from 'Public Purposes' to 'Special Use Zone'; and amending the Scheme Maps accordingly; and
Inserting the following 'Special Use Zone 6' into Schedule 3:***

	No	Particulars of Land	Special Use	Conditions
SU6	6	Lot 615 Brook Street (Old York Hospital)	Function Centre, Exhibition Centre, Restaurant, Art Gallery, Residential, Short Term Accommodation	<p>1. All development (including change of use) shall be subject to application for approval by the Heritage Council of Western Australia and in accordance with an approved conservation plan.</p> <p>2. All development (including change of use) shall be subject to application for the local government's planning consent and in accordance with the Shire of York Local Planning Policy Heritage Places and Precincts (as amended).</p>

- 2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;**
- 3. Forward the Town Planning Scheme Amendment to the Environmental Protection Authority requesting consent to advertise; and**
- 4. Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the amendment for a period of 42 days in accordance with the Town Planning Regulations 1967.”**

It is proposed to introduce a modification to the initiated Amendment 43 to include the rezoning of Lot 9 from “Residential R40” to “Town Centre”.

The applicant has recently purchased Lot 9 and wishes to operate an “Office” from the existing building.

Under the Shire of York Town Planning Scheme No 2 (“TPS2”) an “Office” is an “X” use (not permitted) in a “Residential” zone.

There is no mechanism available to Council for the approval of an “X” use. The only alternative available to the applicant is to rezone Lot 9 to “Town Centre” to allow the running of an office from the existing building.

Lot 801 to the north of Lot 9 is zoned “Town Centre” and Lot 10 to the south is zoned “Residential R40” with a “Special Use” allocated to it to allow, subject to planning consent being applied for and issued, shops, offices, a restaurant, multiple dwelling and/or a serviced apartment.

Consultation:

The modified Scheme Amendment will be forwarded to the Environmental Protection Authority. Upon receipt of the consent to advertise, the Amendment will be advertised for 42 days in accordance with the Town Planning Regulations 1967.

Statutory Environment:

Lot 9 is zoned “Residential R40” under the provisions of TPS2, is approximately 1,138m² and is partially (half) located within the 1 in 100 year floodplain for the Avon River.

Planning and Development Act 2005
Shire of York Town Planning Scheme No 2
Town Planning Regulations 1967

Policy Implications:

Nil.

Financial Implications:

Nil.

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.”

Rezoning Lot 9 would allow the landowner to pursue and develop his commercial opportunity. Allowing the rezoning will facilitate a change necessary to allow the running of an “Office” from Lot 9 to be a permitted land use.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken:

There is an existing building on Lot 9. Historically, this building has been used as a dwelling and as a “Consulting Rooms” (Doctor’s Rooms). There is sufficient area on site to accommodate car parking requirements for an “Office”.

Triple bottom Line Assessment:

Economic Implications:

Encouraging new business to open in the Town Centre of York has the possibility to increase the economic viability of York.

Social Implications:

Additional commercial opportunities will contribute to the vibrancy of the town of York.

Environmental Implications:

Lot 9 is partially (half) located within the 1 in 100 year floodplain. However, the landowner is not proposing to construct any additional structures thus not impacting on the floodplain.

Comment:

The proposed modification to the previously initiated Amendment 43 (Omnibus) of inserting rezoning Lot 9 from “Residential R40” to “Town Centre” is considered to be appropriate for the following reasons:

1. The close proximity of Lot 9 to the main trading area of the townsite of York warrants the zoning change to “Town Centre” to allow suitable commercial opportunities to be conducted from the property.
2. Residential development is not precluded from the “Town Centre” zone thereby allowing the property to still be used for residential purposes in the future should the current or future landowners wish.
3. The previous use of Lot 9 (Consulting Rooms) has proven that the property and locality is capable of running commercial enterprises.

4. The surrounding land is either zoned "Town Centre" or zoned with "Special Uses" applicable thus allowing commercial development.
5. The change in zoning will allow the landowner to conduct a much needed commercial enterprise within the centre of the Townsite of York.

It is not anticipated that the floodplain will be impacted in any way as the landowner is not proposing to construct any additional structures on site. Should the landowner wish to construct any buildings, an application for planning consent will be required to be lodged and approved by the Shire due to the floodplain and the location of Lot 9 within a Heritage Precinct.

Therefore, in light of the above, it is recommended that Council resolve to modify the initiated Amendment 43 (Omnibus) to allow for Lot 9 (68) Avon Terrace, York to be rezoned to "Town Centre".

**RESOLUTION
050211**

Moved: Cr Lawrance

Seconded: Cr Boyle

"That Council resolve to modify Amendment No 43 (Omnibus Amendment) by:

1 *inserting a new No 9 after No 8 on Page 2 which states the following:*

"9. Rezone Lot 9 (68) Avon Terrace, York from "Residential R40" to "Town Centre"."

2 *inserting appropriate background and overview information into the Report section of Amendment 43; and*

3 *inserting a new No 9 after No 8 on Page 35 which states the following:*

"9. Rezone Lot 9 (68) Avon Terrace, York from "Residential R40" to "Town Centre"."

4 *Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;*

5 *Forward the Town Planning Scheme Amendment to the Environmental Protection Authority requesting consent to advertise; and*

6 *Upon receipt of consent to advertise from the Environmental Protection Authority, advertise the amendment for a period of 42 days in accordance with the Town Planning Regulations 1967."*

CARRIED: 6/0

9.1.1 Appendix A – Locality Map

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.2 Adoption Of Local Planning Policy - Outbuildings

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

FILE NO:	PS.TPS.2
COUNCIL DATE:	21 February 2011
REPORT DATE:	10 February 2011
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper
REPORTING OFFICER:	Brooke Newman
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Local Planning Policy - Outbuildings
DOCUMENTS TABLED:	Nil

Summary:

For Council to consider the adoption of a Local Planning Policy – Outbuildings under the provisions of the Shire of York's Town Planning Scheme No 2 ("TPS 2").

Background:

A large number of outbuilding proposals have been submitted to the Shire for outbuildings which do not comply with the Residential Design Codes ("R Codes"). The creation of a Local Planning Policy - Outbuildings would provide an avenue for landowners to apply for outbuildings which do not comply with the R Codes (but comply with the Policy) to be approved under a Building Licence without the need for a planning consent.

Similarly, there are currently no specific guidelines available to landowners and Shire staff which governs outbuildings on property zoned other than "Residential" thereby failing to provide certainty for landowners.

It is envisaged that the adopting of a Local Planning Policy - Outbuildings will streamline the process of applying for an outbuilding on land within the Shire and will also provide certainty to landowners by conveying the acceptable criteria for an outbuilding.

Consultation:

Should Council resolve to adopt the proposed Local Planning Policy - Outbuildings, advertising will be required to take place in accordance with Clause 8.8.2 of TPS 2.

After the conclusion of the advertising period, submissions will be considered and the Policy presented to Council for further consideration.

Statutory Environment:

Local Planning Policies are created under Clause 8.8 of TPS 2. Planning and Development Act 2005.

Policy Implications:

The creation of a Local Planning Policy - Outbuildings will provide certainty for Shire staff and landowners and will streamline the process involved with the erection of outbuildings.

Financial Implications:

Costs involved with the advertising process in relation to circulating advertisements.

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 creation of a Local Planning Policy - Outbuildings is directly related to creating a framework to enable Shire staff to meet community needs and streamline approval processes thus increasing development opportunities for landowners.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

Streamlining processes to allow landowners to construct outbuildings under a Building Licence without the need for a planning consent (subject to compliance with the Local Planning Policy - Outbuildings) will provide economic relief for landowners.

Social Implications:

N/A

Environmental Implications:

N/A

Comment:

The creation of a Local Planning Policy - Outbuildings will provide much needed streamlining for applications for oversize outbuildings in “Residential” zoned areas whereby an outbuilding which complies with the provisions of the Policy may be able to be constructed under a Building Licence rather than applying for planning consent for a variation to the R Codes.

To date, the Shire has no consistent guidelines to assist Shire staff to determine outbuilding sizes for land zoned other than “Residential”. Therefore, the adoption of the Policy will provide not only assistance to staff but will also provide guidance to landowners as to acceptable outbuildings for the Shire of York.

Therefore, it is recommended that the Local Planning Policy - Outbuildings be adopted for advertising purposes.

**RESOLUTION
060211**

Moved: Cr Boyle

Seconded: Cr Lawrance

“That Council:

- 1** *resolve to adopt the proposed Local Planning Policy - Outbuildings for advertising purposes;*
- 2** *advertise the proposed Local Planning Policy – Outbuildings in accordance with the provisions of Clause 8.8.2 of the Shire of York Town Planning Scheme No 2; and*
- 3** *resolve that after the expiry of the advertising period, consider a report detailing the submissions made relating to the proposed Local Planning Policy – Outbuildings.*

Advise Note:

Advertising period shall be 42 days.

Reference to brick areas e.g. Section 12.2 and Schedule 2 of the Shire of York Town Planning Scheme No. 2 Local Planning Policy - Outbuildings are to be changed to ‘Restriction in Building Materials’ wherever they appear on the policy.”

CARRIED: 6/0



Shire of York Town Planning Scheme No. 2 Local Planning Policy Outbuildings

1. Statement of Intent

This Policy is intended to be used to provide guidance to Shire Officers and landowners within the Shire of York when considering the construction of outbuildings on property located throughout the Shire.

2. Relationship of a Policy to the Scheme

If a provision of the Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

The Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme, they must be consistent with, and cannot vary, the intent of the Scheme and the provisions of the R Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies.

3. Requirement for Planning Consent

3.1. Determination

All applications for planning consent within the area of the Shire will be assessed against this Policy prior to a decision being made under the provisions of the Scheme. Where an application is deemed to be consistent with the objectives and provisions of the policy, consent may not be required from the Shire.

Notwithstanding this, a building licence may be required.

In determining the application, the Shire may:

- (a) Approve the application; or
- (b) Approve the application with conditions; or
- (c) Refuse the application, giving reasons for the refusal.

Planning consent is valid for a period of two (2) years from the date of consent, during which time, a building licence (if required) must be issued or the consent is extinguished.

3.2. Need for a Building Licence

Notwithstanding that planning consent may be granted by the Shire, where an application is proposing the construction of a structure or building, a building licence is required to be sought and issued by the Shire's building surveyor prior to construction commencing, including any site works.

3.3. Advertising

The Shire may require any application to be advertised in accordance with Clause 7.3 of TPS 2 if deemed necessary.

4. Objectives/Purpose

The objectives of this Local Planning Policy are to:

- Ensure that no development or use adversely impacts upon the amenity of the area or upon vistas from public roads;
- Provide certainty for landowners of the requirements within the Shire by ensuring that all development issues are considered when applying for planning approval and that the rural or residential nature of the Shire is maintained;
- Limit the impact of development by specifying such things as maximum areas and height, location, material colour, landscaping, acceptability of land uses;
- Allow sufficient scope for the siting of buildings sympathetic with landscape features, distance from neighbouring properties and roads;
- Ensure that constructed developments are not utilised in an unapproved manner; and
- Provide guidance to the Shire's officers when considering applications made under this Policy.

5. Definitions

Applicant

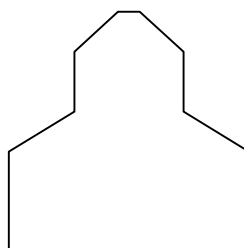
An Applicant is defined as the person or entity (e.g. company or organisation) proposing to undertake the construction of the outbuilding.

Landowner

A Landowner is defined as the person or entity that holds the title to the land.

Barn

A Barn has the same meaning as an outbuilding, however, has a profile similar to the included diagram.



Carport

A Carport means an outbuilding detached from and/or not included under the main roof of a dwelling with a maximum of one side being enclosed. Carports that are included under the main roof of a dwelling are not subject to this Policy.

Combined Floor Area of Outbuildings

For the purpose of this Policy, combined floor area of outbuildings is the total floor area of all outbuildings located on the subject land.

Combined Roof Area of Outbuildings

For the purpose of this Policy, combined roof area of outbuildings is the total roof area of all outbuildings located on the subject land.

Council

Council means the elected members of the Shire of York.

Dwelling

A Dwelling means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family and complies with the requirements of the Building Codes of Australia for a Class 1A building.

Floor Area

Floor Area shall have the same meaning given to it in and for the purposes of the Building Code of Australia published by the Australian Building Codes Board.

Garage

For the purpose of this Policy, a garage is an enclosed outbuilding detached from and/or not included under the main roof of a dwelling. Garages that are included under the main roof of a dwelling are not subject to this Policy.

Garden Shed

A Garden Shed means a prefabricated steel structure with a maximum floor area of 12.25m², a maximum wall height of 1.8m and a maximum ridge height of 2.1m.

Outbuilding

An Outbuilding means a structure used for the housing/storage of machinery or household items which may be provided with power and water and incorporates such structures as sheds and barns. An Outbuilding also means a Class 10A building as defined by the Building Code of Australia, which class refers to a 'non-habitable' building.

R Codes

The R Codes means the Residential Design Codes.

Ridge Height

Ridge Height means the maximum vertical distance between the natural ground level and the finished roof height directly above.

Second Hand Materials

Second Hand Materials are any construction materials that have previously been used in the construction of any other structure or are not in 'as new' condition.

Shed

A Shed means, for the purposes of this Policy, a structure with a floor area of greater than 12.25m² used for the housing/storage of machinery or household items which may be provided with power and water but does not have any ablution facilities and does not include garden sheds and carports. A shed also means a Class 10A building as defined by the Building Code of Australia, which class refers to a 'non-habitable' building.

Shire

Shire means the Shire of York.

TPS 2

TPS 2 means the Shire of York Town Planning Scheme No 2.

6. Areas of application

This policy applies to all land zoned 'Residential', 'Rural Residential', 'Rural Smallholdings', 'Rural Townsite' and 'General Agriculture' under the provisions of TPS 2.

7. Application and approval requirements

7.1. When is an application required?

An application for planning consent is required when an outbuilding is proposed to be constructed outside of the parameters of this Policy or where an outbuilding is proposed to be constructed within a Heritage Precinct (see Clause 12.1).

7.2. Requirements for an Application for Planning Consent

An Application for Planning Consent to construct an outbuilding outside of the parameters of this Policy is to contain, but is not limited to, the following:

- (a) A cover letter with a description of the development such as an oversize or over height outbuilding, details of the use of the outbuilding, and justification for the requested variations to this Policy;
- (b) Details of the construction and cladding material to be used for the roof and walls, including colour etc;
- (c) Three (3) copies of a **SCALED** (1:100, 1:200 or 1:500) site plan of the property showing distance of the proposed development from property boundaries, existing structures and effluent disposal systems;

- (d) Three (3) copies of **SCALED** elevations of all sides of the outbuilding showing height of the wall and roof ridge measured from natural ground level, any proposed fill and/or cut and any proposed retaining wall;
- (e) Three (3) copies of **SCALED** floor plans of the proposed outbuilding;
- (f) Details of any trees to be removed to allow for the construction of the outbuilding; and
- (g) Any other information the Shire may reasonably require to enable the application to be determined.

7.3. Assessment of Applications

Assessment of Outbuilding Development Applications is to have regard to the application requirements and policy measures described in this Policy together with the provisions of TPS 2, the provisions of the R Codes and the provisions of the Shire's Local Planning Policy - Heritage Precincts and Places.

8. Fees

The fees payable for applications under this Policy are set by the Shire each year in accordance with its budgetary process.

9. Variation of Requirements and Standards

If the Shire is satisfied that a requirement or standard specified in or arising out of this or any succeeding clause of this text is unreasonable or undesirable in the circumstances of a particular case, the Shire may, at its discretion, permit a variation from that requirement or standard for the purpose of that case subject to such conditions as it thinks fit.

Before permitting a variation from any requirement or standard, the Shire may require that the owner and/or developer enter into a legal agreement with the Shire to use or develop the building or land in a particular manner and, in case of a breach of the legal agreement or of any conditions imposed by the Shire, in addition to any other remedies open to the Shire in respect of such breach, the Shire may enforce the requirements of the TPS 2 as to any requirement or standard varied.

The Shire shall not, in any event, vary a requirement or standard, unless it has been requested to do so by an applicant in connection with the proposal to commence or carry out development.

10. Delegated Authority

The Chief Executive Officer has delegated authority to approve applications which do not comply with this Policy subject to no objections being received from adjoining landowners upon completion of an advertising period as described under Clause 7.3 of TPS 2.

Should objections be received from adjoining landowners, the application shall be presented to Council for determination.

The Chief Executive Officer has delegated authority to refuse applications which do not comply with this Policy if satisfied that the proposed outbuilding does not comply with this Policy, the objectives and/or provisions of TPS 2, the R Codes or Shire's Local Planning Policy - Heritage Precincts and Places..

11. Provisions

11.1. Location

Within the 'Residential', 'Rural Residential' and 'Rural Townsite' zones (as depicted within the provisions of TPS 2), outbuildings other than a carport or garage will not be permitted in the area between the dwelling (regardless of the dwelling's orientation) and the front boundary of the property (street frontage).

11.2. Setback Requirements

Where a building envelope has been allocated, outbuildings must be erected within the confines of the building envelope.

Outbuildings are not permitted to be erected outside of a building envelope. Building envelopes may be modified with application to the Shire for planning consent to do so.

Outbuildings shall be subject to the appropriate setback requirements to the external face of a wall of the outbuilding, as outlined in Table 1.

Table 1 - Minimum Setbacks to Outbuildings

Zone	Setback From	Minimum Distance
Residential	Front Boundary Side and Rear Boundaries	As per R Codes - refer also to Clauses 11.1 and 11.3 of this Policy.
Rural Residential	Front Boundary Side Boundary Rear Boundary	20m 10m 10m
Rural Smallholding	Front Boundary Side Boundary Rear Boundary	20m 15m 15m
Rural Townsite	Front Boundary Side Boundary Rear Boundary	As per R Codes - refer also to Clauses 11.1 and 11.3 of this Policy.
General Agriculture	Front Boundary Side Boundary Rear Boundary	15m 15m 15m

11.3. Parapet Walls in Residential Zone

Parapet walls can be supported for outbuildings constructed on the side or rear property boundaries only:

- (a) On land with a residential density code of 'R10' or higher;
- (b) When the written support of the owner(s) of the adjacent property on whose boundary the parapet is to be placed has been obtained;
- (c) A maximum length of 6m and height of 3m from natural ground level; and

(d) In accordance with the performance criteria of the R Codes for boundary walls.

Parapet walls are to be designed to the satisfaction of the Shire's building surveyor.

11.4. Cladding Materials

11.4.1. *Use of Non-Painted Steel Wall Cladding*

Within the 'Residential', 'Rural Residential', 'Rural Smallholding' and 'Rural Townsite' zones, non-painted steel wall cladding will only be supported for use on outbuildings with a floor area of or less than 12.25m² and where the Shire's officers are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

Within the 'General Agriculture' zone, non-painted steel wall cladding will only be supported for use on outbuildings where Council's officers are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic.

11.4.2. *Use of Non-Painted Steel Roof Cladding*

For all outbuildings in the 'Residential', 'Rural Residential', 'Rural Smallholding and 'Rural Townsite' zones, non-painted custom-orb or similar roofing will only be supported where the Shire's officers are satisfied that reflection will not cause undue impact to neighbouring properties or passing road traffic and/or when the dwelling utilises non-painted steel roof cladding.

11.4.3. *Use and Colour of Factory Applied Painted Steel Wall and Roof Cladding*

The Shire will support the use of factory applied painted steel wall and roof cladding in a colour that is sympathetic to the surroundings and colour scheme of the dwelling.

11.4.4. *Use of Masonry Construction*

Where masonry construction is to be employed, the wall, roof colour and appearance of any outbuilding should be complementary to the design and construction of the dwelling.

11.4.5. *Use of Second Hand Materials*

The use of second hand materials will only be approved where all materials have been inspected and deemed appropriate by the Shire's building surveyor prior to construction and an application for planning consent being approved. The materials are to have an 'as new' appearance. The applicant is to comply with any conditions placed upon the use of the materials as outlined in the approval within 30 days of construction commencing.

11.5. Maximum Floor Area

Table 2 outlines the maximum floor area allowable under this policy in each zone.

Table 2 - Maximum Floor Areas

Zone	Maximum Floor Area (combined)
Residential R12.5 and above	80m ²
Residential R10 and below	100m ²
Rural Residential	250m ²
Rural Smallholdings	250m ²
Rural Townsite	80m ²
General Agriculture Less than 20ha	300m ²
General Agriculture Less than 50ha but not less than 20ha	500m ²
General Agriculture More than 50ha but not less than 50ha	Assessed Individually

In the 'General Agriculture' zone over 50ha where an outbuilding is to be individually assessed, the outbuilding will be assessed against the provisions and objectives of TPS 2.

11.6. Maximum Wall and Ridge Heights

The maximum wall height and ridge height from natural ground level for outbuildings shall be as outlined in Table 3.

Table 3 - Maximum Wall and Ridge Heights

Zone	Wall Height	Ridge Height
Residential R12.5 and above	2.6m	4.2m
Residential R10 and below	3.0m	4.5m
Rural Residential	3.6m	5m
Rural Smallholdings	3.6m	5m
Rural Townsite	3.0m	4.5m
General Agriculture Less than 20ha	5m	6.5m
General Agriculture Less than 50ha but not less than 20ha	6m	8m
General Agriculture More than 50ha but not less than 50ha	Assessed Individually	Assessed Individually

In the 'General Agriculture' zone over 50ha where an outbuilding is to be individually assessed, the outbuilding will be assessed against the provisions and objectives of TPS 2.

11.7. Construction Restrictions

11.7.1. *Construction of Outbuildings on Land Without a Constructed Dwelling*

The construction of an outbuilding on vacant land within the 'Residential', 'Rural Residential', 'Rural Smallholding' and 'Rural Townsite' zones under this Policy will not be permitted without an application for the construction of a dwelling having been received and approved by the Shire's building surveyor.

Construction of the dwelling for which a building licence has been received and approved by the Shire's building surveyor must commence within twelve (12) months and completed and occupied within two (2) years of the date of issue of a building licence of an outbuilding.

Construction of an outbuilding in a 'Residential', 'Rural Residential', or 'Rural Townsite' zones may be permitted under this Policy if the subject vacant land adjoins land which consists of a dwelling and is owned by the applicant. Amalgamation of the lots may be required by the Shire.

11.7.2. *Barn Style Outbuildings*

The construction of barn style outbuildings will not be supported in the 'Residential' or 'Rural Townsite' zones.

11.7.3. *Accommodation in Outbuildings*

Outbuildings shall not be approved for permanent occupation, tourist accommodation or commercial purposes with the exception of a home based business or cottage industry or other use(s) as approved by the Shire via a planning consent application or an amendment to the Scheme.

11.8. Carports, Garages and Garden Sheds

11.8.1. *Carports and Garages*

Carports and garages not incorporated under the main roof of the residence are subject to the relevant requirements outlined in this Policy. Where a carport or garage is to be constructed in front or to the side of the residence, the carport structure is to reflect the materials and design of the residence in terms of roof pitch, colour and type of column. Front setbacks for carports and garages will be assessed in accordance with the requirements of Clause 6.2.3 of the R Codes and the provisions of this Policy.

Carports and garages that are incorporated under the main roof of the residence are not subject to this policy and will be assessed under the relevant requirements relating to the dwelling contained in the R Codes.

11.8.2. *Garden Sheds*

No planning approval is required for one (1) prefabricated garden shed of or less than 12.25m² in floor area with a wall height of or less than 1.8m and a ridge height of or less than 2.1m per residential lot.

12. Additional Provisions

12.1. Heritage Places and Precincts

Any outbuilding proposed to be constructed within a heritage precinct as defined by TPS 2 and the Shire's Local Planning Policy Heritage Precincts and Places (Schedule 1) is required to be constructed in accordance with that Policy.

Applications for the construction of an outbuilding within a heritage precinct or on a heritage listed property will be referred to the Heritage Council of WA and/or the Shire's Heritage Advisor for assessment.

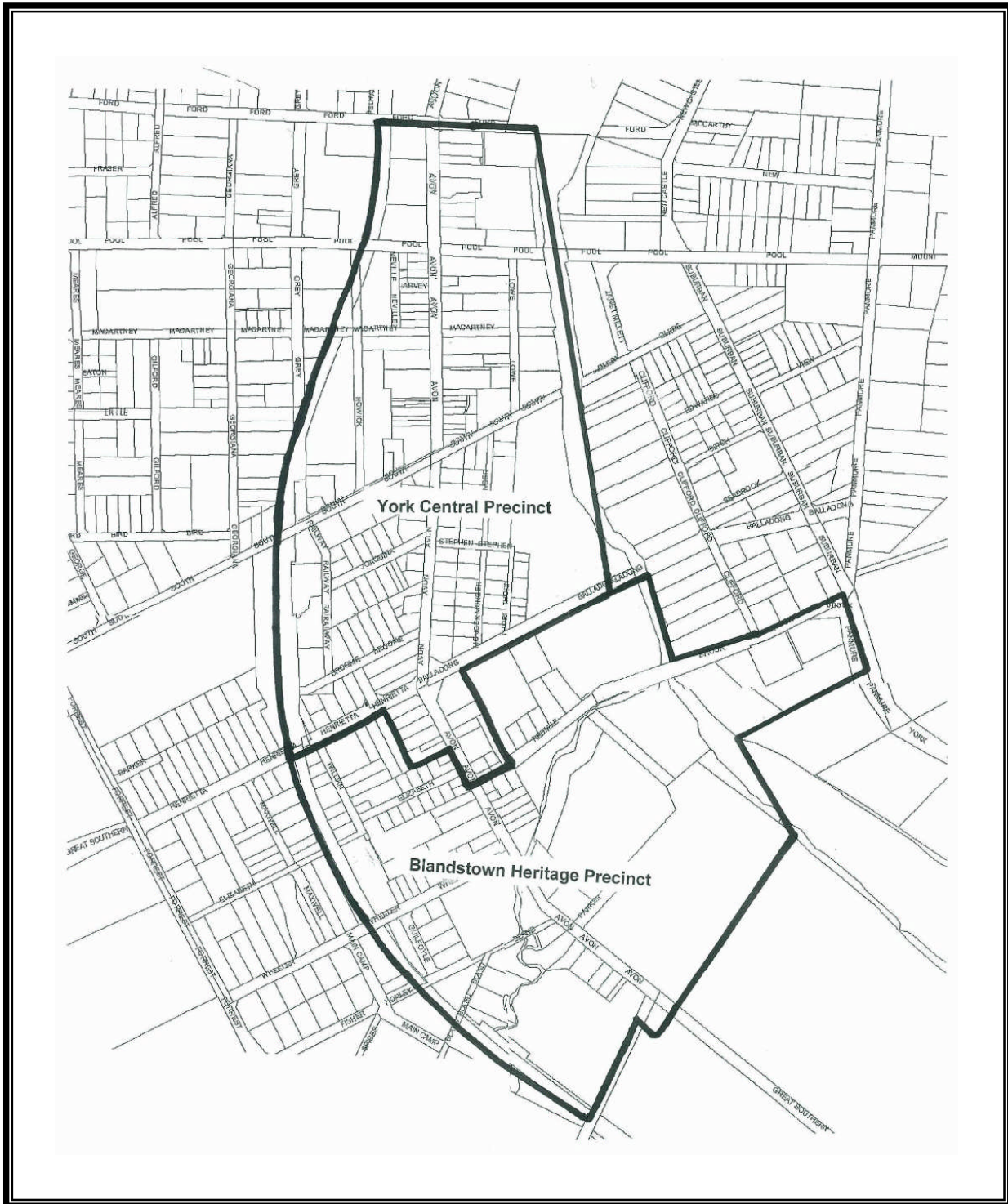
12.2. Brick Areas

Any outbuildings proposed to be constructed within the Shire's adopted 'Brick Areas', as depicted in Schedule 2, must be constructed in accordance with the Shire's Policy for construction within brick areas.

Shire of York Town Planning Scheme No. 2 Local Planning Policy - Outbuildings

SCHEDULE 1

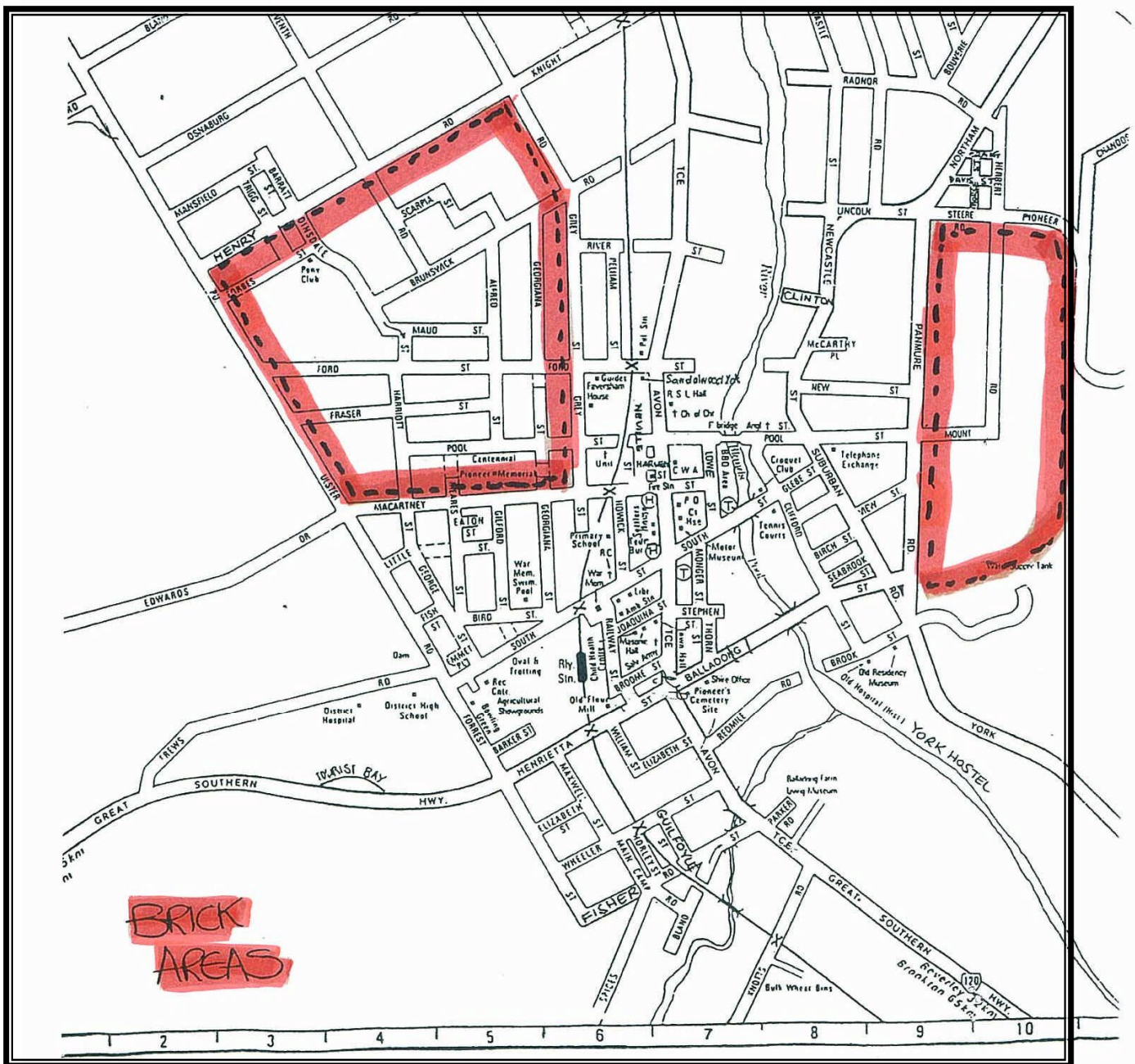
SHIRE OF YORK HERITAGE PRECINCTS



Shire of York Town Planning Scheme No. 2 Local Planning Policy - Outbuildings

SCHEDULE 2

SHIRE OF YORK BRICK AREAS



9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 RTG-002-11 - Expression of Interest for the Preparation of a Regional Business Plan for the South East Avon Regional Transition Group (SEARTG)

FILE NO: OR.RDT.5
MEETING DATE: 21 February 2011
REPORT DATE: 09 February 2011
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO York & Graham Stanley CEO Tammin
DISCLOSURE OF INTEREST: Nil
APPENDICES: Quotation
DOCUMENTS TABLED: Nil

Summary:

Expressions of Interest (EOI) to prepare the SEARTG Regional Business Plan were called. The only quotation received was provided by Dominic Carbone and Associates for the provision of a Regional Transition Group business plan incorporating the Shires of Beverley, Cunderdin, Quairading, Tammin and York. The quote is for \$275,000 inclusive of \$45,000 in provisional sums. As so far only \$150,000 has been provided for the Regional Business Plan additional funds should be sought from the Department of Local Government.

Background:

The December 2011 meeting of SEARTG carried the following motion:

(a) That the South East Avon Regional Transition Group Board Members approve the calling of an Expression of Interest for the purpose of:

- Preparation of a Regional Business Plan for the South East Avon Regional Transition Group (SEARTG) for the purpose of exploring the community benefits and costs of transitioning to a single local government.

(b) Subject to (a) above, the Chief Executive Officers of each Participating Local Government determine the list of consultants to be invited to make a submission, and that this list be restricted to a total of four.

(c) The closing date for submissions be 4:00pm, Monday, 17 January 2011.

(d) The South East Avon Regional Transition Group (SEARTG) Board authorises the Participant Local Governments' Chief Executive Officers to undertake the evaluation of submissions received, and to make a recommendation to the Board of the successful applicant to the SEARTG Meeting to be held on Thursday, 3 February 2011.

The Shire of York on behalf of the Regional Transition Group, requested the following approved firms to provide a quotation for the preparation of the Structural Reform Business Plans:

- KPMG Management Consulting
- Opus International Consultants
- Morrison Low and Associates
- Dominic Carbone and Associates

Advice was received on 10th January 2011 from KPMG and 13th January 2011 from Morrison Low that because of other commitments they would not be submitting a quotation.

At the close of the EOI period the only submission received was from Dominic Carbone and Associates.

Consultation:

CEO's from the Shires of Beverley, Cunderdin, Quairading, Tammin and York.

Statutory Environment:

Department of Local Government Guidelines in the development of Structural Reform Business Plans.

Policy Implications:

Nil

Financial Implications:

The Department of Local Government has provided the following grants for the South East Avon Regional Transition Group:

▪ Business Plan	\$150,000
▪ Asset Management Plan	\$130,000
▪ Regional Strategic Plan	\$100,000

The quotation received was for \$275,000 which included the following provisional sums:

1. Information Technology and Communications Plan	\$15,000
2. Human Resources Change Management Plan	\$15,000
3. Records Management Plan	\$15,000

Included with the attachments is a quotation to D.C.A. received from Focus Networks of \$9,000 + GST to prepare the Information Technology and Communications Plan. This represents a saving of \$6000 on the provision for this item.

It was anticipated that all costs for the Business Plan will be met by the Department of Local Government so it will require a formal request for the additional funds required. It is recommended that the quotations for both the Human Resources Change Management Plan and the Records Management Plan be obtained prior to seeking the additional funds so that the full costs are known.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

The RTG Business Plan will primarily address local government economic and financial implications however the outcome may have local and regional economic impacts.

Social Implications:

The Business Plan will utilise high levels of community consultation and input due to the scope and range of potential change associated with amalgamations if this is the outcome or the cost of remaining as individual local governments.

Environmental Implications:

Nil at this stage.

Comment:

The Business Plan is needed to properly analyse the benefits and constraints of mergers of all or some of the RTG members.

The Business Plan will provide Councils and Communities with a clear picture of what is realistic from a financial perspective which will underpin future service delivery, viability and sustainability.

Issues such as retention of identity, local office access, local employment, electoral representation, service capacity, delivery and standards, operational centres and systems etc will be incorporated into the final plan.

The Business Plan will be linked to Asset Plans, Forward Capital Plans, Strategic Plans and Plans for the Future for a critical overview of what is real and achievable through the structural reform processes.

The Expression of Interest for the preparation of a Regional Business Plan for the South East Avon Regional Transition Group (SEARTG), submitted by Dominic Carbone and Associates, has been assessed using the evaluation criteria as approved at the December 2010 meeting.

Compliance Criteria

This criteria was not point scored. Dominic Carbone and Associates submission has been assessed on a Yes/No basis as to whether the criterion is satisfactorily met, an assessment of "NO" against any criterion may eliminate the submission for consideration.

Description of Compliance Criteria	Yes/No
a) Compliance with the requirements as set out in Part B of the EOI document.	Yes
b) Compliance with the qualitative requirements as set out in Part C of the EOI document.	Yes
c) Provide a full cost structure.	Yes
d) Compliance with the delivery date.	Yes
e) Compliance with the conditions of submission (1.9)	Yes

Qualitative Criteria

This criteria is point scored. Dominic Carbone and Associates submission has been assessed on the degree to which the criterion was satisfactorily met.

Description of Qualitative Criteria	Weighting	Score
a) Knowledge of Local Government operations and processes.	30%	30%
b) Skills and experience in providing qualitative comparative assessment comprising of cost benefit analysis and business planning service to public/private organisations.	15%	14%
c) Demonstrated experience and knowledge of innovative community engagement planning methods and experience with community engagement in regional areas.	15%	8%
d) Demonstrated experience in the following areas; <ul style="list-style-type: none"> • Human resource change management • Strategic planning • Community engagement and facilitation • Financial planning and modelling 	15%	13%
e) Skills and experience of key personnel	15%	15%
f) Cost of providing the service and time frame for delivery	10%	7%

The submission by Dominic Carbone and Associates is compliant and scores 87/100 on the qualitative criteria. The area of the submission that scored lowest was demonstrating experience with community engagement in regional areas however this does not detract from the quality of the submission.

The provisional items that were included in the submission are very important items within the context of the business plan as they will provide answers on how the organisation will transition and operate as well as an indication of what costs may be incurred putting the amalgamation into effect. This information is vital to enable member councils to make an informed decision on the benefits or otherwise of any potential amalgamation.

**RESOLUTION
070211**

Moved: Cr Lawrance

Seconded: Cr Scott

“That the South East Avon Regional Transition Group (SEARTG):

- 1. Accept the quote from Dominic Carbone and Associates (DCA), as presented, for the preparation of the Structural Reform Business Plan and the Community Strategic Plan;***
- 2. Request the Information Technology and Communications Plan, the Human Resources and Change Management Plan and the Records Management Plan to be undertaken subject to the additional funding required being provided by the State Government through the Structural Reform Fund and requests that firm quotations for all of those plans be obtained; and***
- 3. Writes to the Department of Local Government seeking the additional funding required by 1 and 2 above once all quotations have been received. “***

CARRIED: 6/0

9.2.1 Appendix A – Quotation

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Claim for Drainage Easement

FILE NO: PA1.4611
COUNCIL DATE: 21 February 2011
REPORT DATE: 14 February 2011
LOCATION/ADDRESS: Lot 51 Panmure Road
APPLICANT: Ferguson Fforde Miller
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: A - Correspondence of 28 January 2011
B – Subdivision Plan
DOCUMENTS TABLED: Nil

Summary:

A claim for \$65,000 has been lodged on behalf of the landowner for a drainage easement on the southern boundary of the lot.

Background:

The landowner has made numerous applications to subdivide the property over the past four years.

The issue of the drainage onto the property arose from the owner requiring the culvert in the approximate centre of the lot being blocked or relocated to prevent stormwater entering the property.

Main Roads WA funded the construction of a new culvert near the southern boundary with the work undertaken by Shire staff. The approved plan for subdivision required a road reserve on the southern boundary either as a stand alone reserve or as a shared service with the adjoining property. The drainage from Panmure Road would be controlled by the road surface for the extent of the property.

Water has entered Lot 51 from the east ever since the construction of Panmure Road and the installation of culverts at numerous locations including in front of this property.

Consultation:

Main Road WA
Landowner
Consulting Engineers
Shire Staff

Statutory Environment:

LAND ADMINISTRATION ACT 1997 - SECT 241

241 . How compensation to be assessed for interest in land taken

(1) In determining the amount of compensation (if any) to be offered, paid, or awarded for an interest in land taken under Part 9, regard is to be had solely to the matters referred to in this section.

(2) Regard is to be had to the value of the land with any improvements, or the interest of the claimant in the land, assessed as on —

(a) in the case of an interest taken for a railway or other work authorised by a special Act — the first day of the session of Parliament in which the Act was introduced;

(b) in the case of an interest taken by agreement under section 168 — the date of the execution of the agreement, unless the agreement provides otherwise; or

(c) in the case of an interest to which paragraphs (a) and (b) do not apply — the date of the taking,

and discounting any increase or decrease in value attributable to the proposed public work.

(3) If a notice of intention was registered in relation to the interest on a date before the date referred to in subsection (2), and a transaction relating to the land made between those dates affected the value of the interest, regard may be had to the value of the interest assessed as at the date referred to in subsection (2) and discounting the effect of the transaction.

(4) No regard is to be had to the value of any improvements made without the consent of the Minister after the registration of a notice of intention.

(5) Subject to subsection (4), in the case of a railway or other work authorised by a special Act, the value of any improvements made after the first day of the session of Parliament in which the Act was introduced but before the registration of the taking order are to be allowed, not exceeding their actual cost.

(6) Regard is to be had to the loss or damage, if any, sustained by the claimant by reason of —

(a) removal expenses;

(b) disruption and reinstatement of a business;

(c) the halting of building works in progress at the date when the interest is taken and the consequential termination of building contracts;

(d) architect's fees or quantity surveyor's fees actually incurred by the claimant in respect of proposed buildings or improvements which cannot be commenced or continued in consequence of the taking of the interest; or

(e) any other facts which the acquiring authority, the court, or the State Administrative Tribunal considers it just to take into account in the circumstances of the case.

(7) If the fee simple in land is taken from a person who is also the holder in fee simple of adjoining land, regard is to be had to the amount of any damage suffered by the claimant —

(a) due to the severing of the land taken from that adjoining land; or

(b) due to a reduction of the value of that adjoining land,

however, if the value of any land held in fee simple by the person is increased by the carrying out of, or the proposal to carry out, the public work for which the land was taken, the increase is to be set off against the amount of compensation that would otherwise be payable under paragraph (b).

(8) If the interest in land is taken without agreement, an amount considered by the court or the State Administrative Tribunal or, for the purposes of making an offer, by the acquiring authority, appropriate to compensate for the taking without agreement may be added to the award or offer.

(9) The additional amount under subsection (8) must not be more than 10% of the amount otherwise awarded or offered, unless the court or the State Administrative Tribunal, or, for the purposes of making an offer, the acquiring authority, is satisfied that exceptional circumstances justify a higher amount.

(10) If the interest in land taken produces any rent or profits, then at the option of the acquiring authority, either —

(a) the amount of the rent or profits received by the acquiring authority, less the reasonable cost of collection, for the period from the date of registration of the taking order to the date of the payment of compensation or the date of the award, whichever is earlier, is to be added to the compensation payable; or

(b) interest is to be paid on the amount of compensation for the same period, at the rate of 6% per annum, or such higher rate as the acquiring authority, the court, or the State Administrative Tribunal considers adequate having regard to the circumstances of each case,

but if the interest in land ceases to produce any rent or profits after the taking, interest is to be paid in accordance with paragraph (b).

(11) If the interest in land taken does not produce any rents or profits, interest is to be paid at the rate prescribed under section 8(1)(a) of the *Civil Judgments Enforcement Act 2004* as at the date of entry for construction or carrying out of the work or the date of registration of the taking order, whichever is earlier, and the interest is payable from —

(a) the date of the service of the claim on the acquiring authority; or

(b) the date of entry for construction or carrying out of the work,

whichever is earlier, to the date —

(c) when the offer was served on the claimant, if the compensation awarded by the State Administrative Tribunal or the court of competent jurisdiction is not more than the amount offered by the acquiring authority; or

(d) of settlement of the claim, in any other case.

(12) Subject to subsections (10) and (11) —

(a) when any amount representing an advance payment of compensation is paid to a claimant, interest on the total amount of compensation is payable only to the date of the first payment, and interest is payable thereafter only on the balance outstanding from time to time; and

(b) when any amount is offered by the acquiring authority as an advance payment of compensation under section 248 and the offer is not accepted by the claimant within 30 days of the day on which it was made, no interest is payable thereafter in respect of the amount so offered.

(13) If —

(a) the amount of any purchase money or compensation, or any payment on account, is payable under this Part or Part 9;

(b) the acquiring authority causes a notice to be published once in a daily newspaper circulating throughout the State stating that the authority intends to make the payment; and

(c) 3 months after the publication of the notice, no person has been able, or being able has not agreed, to give a sufficient discharge and receipt in respect of that amount, or any portion of that amount,

the acquiring authority may cause the moneys to be paid into the Supreme Court and dealt with under section 249, and thereafter is not liable for any further interest payment on the moneys.

[Section 241⁴ amended by No. 74 of 2003 s. 72(4); No. 55 of 2004 s. 561 and 569; No. 8 of 2009 s. 83(3).]

Policy Implications:

Nil

Financial Implications:

No provision has been made in the 2010/11 budget or the Plan for the Future for the acquisition of land from this property or for obtaining a drainage easement.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Numerous

Triple bottom Line Assessment:

Economic Implications:

Nil at this stage.

Social Implications:

Drainage management is an issue across the townsite due to terrain and the historic drainage network.

Environmental Implications:

Management of surface water flow from the eastern slopes to the river is an environmental management issue.

Comment:

The drainage management issues associated with this property were instigated by the landowner in relation to a drainage culvert in place long prior to his purchase of the land.

The Shire of York may be better served by acquiring the land by subdivision so it is in full Shire ownership and control and there are no other party interests.

OFFICER RECOMMENDATION

“That Council:

- 1. Advise the applicant that an allocation may be included in the 2011/12 budget for the purchase of a portion of Lot 51 (135.29m x 4m) for municipal purposes – drainage at a maximum cost of \$25,000 inclusive of subdivision, land transfer, fencing and other costs***
- 2. In the event the offer in Item 1 is not accepted and the claim continues authorise the Chief Executive Officer to refer the matter to Council’s solicitors for advice and action.”***

RESOLUTION

080211

Moved: Cr Boyle

Seconded: Cr Lawrance

“That Council:

Defer consideration of this matter until legal advice is obtained.”

CARRIED: 6/0

**9.2.2 Appendix A – Correspondence of 28 January 2011
Appendix B – Subdivision Plan**

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Clearing Native Vegetation Guidelines

FILE NO: EV.RES.1
COUNCIL DATE: 21 February 2011
REPORT DATE: 21 January 2011
LOCATION/ADDRESS: Shire of York
APPLICANT: SEAVROC
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Clearing Native Vegetation Guidelines
DOCUMENTS TABLED: Nil

Summary:

The Natural Resource Management offices for the SEAVROC Shires has prepared the Clearing Native Vegetation Guidelines to assist landowners through the process of clearing permits and exemptions which may apply.

Background:

Some landowners have been investigated for the clearing of fence lines on property boundaries in particular.

Consultation:

- Shires of Brookton, Beverley, Quairading and Cunderdin
- Natural Resource Officer
- Department of Environment and Conservation

Statutory Environment:

Environmental Protection Act 1986

Policy Implications:

Nil

Financial Implications:

Preparation of the guidelines is within the budget allocation for the NRM officer.

Strategic Implications:

Key Result Area 6 - The Environment –

- To promote and ensure ecologically sustainable development.
- To encourage and support community involvement in environmental protection.
- To assist landowners, conservation and catchment groups to undertake sustainable land management practices and projects.
- To work with the community and other stakeholders to protect the Shire's natural resources and redress degradation and other environmental issues.
- To improve the health of the Avon River.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Compliance with clearing regulations per native vegetation is sound business practice.

Social Implications:

The community expects compliance with clearing regulations and the protection of the environment.

Environmental Implications:

Non-compliance with clearing legislation has severe corporate and individual penalties.

The legislation endeavours to protect remnant native vegetation while providing scope for landowner activities.

Comment:

The guidelines are a beneficial tool for public awareness in relation to vegetation clearing.

RESOLUTION

090211

Moved: Cr Lawrance

Seconded: Cr Boyle

“That Council:

Endorse the SEAVROC Clearing Native Vegetation: A Guide for Landowners and make it available to the public through the Shire Office and on the Website.”

CARRIED: 6/0

9.2.3 Appendix A – Clearing Native Vegetation Guidelines

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Occupational Safety And Health Policies

FILE: OR.CMA.4
COUNCIL DATE: 21 February 2011
REPORT DATE: 16 February 2011
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Cochrane, DCEO
DISCLOSURE OF INTEREST: No
APPENDICES: Appendix A - Occupational Safety and Health
Appendix B – Bullying in the Workplace
Appendix C – Consultation & Communication
Appendix D – Contractor Management
Appendix E – Injury Management and Rehabilitation
Appendix F – Noise Policy
Appendix G – Volunteer Management
Appendix H – Visitor Management
DOCUMENTS TABLED: Nil

Summary:

It is important for Council to review policies to demonstrate Council's commitment to high standards of occupational safety and health and provide a clear statement for its employees.

Background:

Occupational safety and health issues have assumed great significance due to the ever increasing litigation nature of society and Council attempts to minimise its risk from an insurance and safety perspective.

The Local Government Insurance Services WA carried out a Desk Top Audit in 2008 and this is where Council received a Silver Award:

"I have enclosed two copies of the report AS/NZS 4801:2001 Safety and Health Audit of the Shire of York's Safety and Health Management systems carried out over three days of from Monday August 25 to Wednesday August 27, 2008. One is not bound to enable copies to be made as required. It is recommended, as a minimum, that copies be made available to all managers, safety and health representatives and members of the OSH Committee.

On behalf of Local Government Insurance Services I would like to congratulate the Shire of York for attaining the Silver Diligence in Safety Award. Achieving such an award is recognition of the Council's excellent performance in occupational safety and health. The results have shown that in the majority of the audit categories the council has exceeded what has been set as the minimum standard of 60%.

The Shire will be the 29th recipient of the Silver Award.

The results indicate that the Shire of York attained an overall Total Percentage Compliance of 67% with the ratings for the audit categories ranging from 60% to 71%. The challenge now will be to ensure that the council implements a continuous improvement process to ensure this standard is maintained.

The Silver Diligence in Safety Award is usually presented by the CEO of LGIS, Leon Lawrence, and arrangements will be made through the Regional Risk Coordinator Lindsay Smith.

I would like to thank all involved in this audit for their assistance and cooperation in making the audit an enjoyable experience and those that have assisted with this achievement.”

Even though the audit showed that Council demonstrated commitment to OS&H, there are still areas for improvement and this is revealed through the following information through the audit:

**“Category 1 OSH Policy
Safety and Health Policy**

Although this is not a legislative requirement such a policy does form the basis of a good safety and health management system and demonstrates to employees a commitment to the provision of a safe and healthy workplace.

It is recommended that this policy be reviewed and amended to better reflect the council’s commitment to safety and health. This could be achieved by using the indicators in the Audit Evaluation Report as a guide although this policy must reflect the intent of the council rather than just to meet the requirements of the audit.

It is essential that the policy has employee input possibly through the Safety and Health Committee.

This policy should then be signed by the Shire President, the CEO and a Safety and Health Representative. This then gives the policy some credence in that it does demonstrate that the policy was developed and implemented through a consultative process.

Following the adoption of the policy it will be necessary to ensure all employees not only receive a copy but are also given an explanation of the contents and reason for such a policy. This should then form part of an OSH induction.

Copies of the policy should also be displayed throughout council premises.

1. OHS Policy

1.1 *Is there an implementation date on the policy statement?*

1.2 *The proposed review date should be included on the Policy Statement. It is recommended that the review should be performed within a year of implementation.*

1.3 *The policy should reflect the nature and scale of the councils risk and be appropriate to the overall business.*

1.4 *This may be through improving workplace safety, reducing injury/damage/disease, minimizing and eliminating risk etc.*

1.5

- *The CEO should endorse the policy.*
- *The policy should state commitment from all persons within the council.*
- *The policy should state commitment to improving workplace OHS.*
- *Commitment to the policy should be demonstrated, such as through OSH processes ie, Accident/Incident Investigations, performance appraisals, OHS Committee, OHS planning etc.*

1.6 *Top Management should be responsible for endorsing the policy. To demonstrate the council is committed to consultation, it is recommended that the employee Safety and Health Representation also signs the policy.*

1.7

- *The policy should extend OHS obligations to visitors, contractors, suppliers and other non-employees.*
- *The policy should cover overall departmental OHS requirements and risks.*
- *The policy should be implemented within each department, evidence of this may include inductions, handbooks, signposting etc.*
- *The policy should encourage planning / continuous improvement to incorporate change within the council.*
- *The policy should indicate that all levels of persons within the organisation have OHS responsibilities that much be met and maintained.*
- *The responsibilities should correlate with the duty of care requirements of the OSH Act 1984.*

1.8 The council should ensure and enforce that legislative responsibilities are met by all persons engaged in work throughout the council, the policy should stipulate this requirement.

1.9 The policy should give mention to the council's commitment to meeting all components of OHS legislation, this includes Australian Standards, Guidance Notes, Codes of Practice etc.

1.10 The policy should be planned and developed in consultation with the safety committee or employees. How is the policy disseminated to staff? Do all personnel have an understanding of the policy? Do other parties have access to the policy? (i.e. contractors, mayor, volunteers etc)?

1.11 Some avenues in which the Policy may be communicated, is via inductions, induction handbooks, safety manual, signposted, intranet. Updates should be distributed through the workforce.

1.12 It is a requirement that all employees and contractors have access to all documentation that relates to their job, this includes the OHS Act/Regulations, Australian Standards, Codes of Practice, Guidance Notes and the council's Occupational Health and Safety Policy.

1.13 A formal review of the OHS Policy should be conducted within a twelve month period. This date should be included in the policy along with the next proposed review date. The Policy should be reviewed for adequacy to business objectives and safety targets."

On the 22nd December 2011 Judith Anderson, Council's Environmental Health Officer and Occ Health Safety Representative wrote to Lindsay Smith, Geoff Crossing, Shane Fewster, Gordon Tester and Tyhscha Cochrane and advised the following:

"Tyhscha Cochrane has raised the issue of the York OHS Policies relating to;

- 1) Bullying in the Workplace*
- 2) Contractor Management*
- 3) Injury Management and Rehabilitation*
- 4) Noise (Workplace)*
- 5) Occupational Safety and Health*
- 6) Risk Management*
- 7) Visitor Management Policy*
- 8) Volunteer Management*

being adopted by Council at the February Council meeting on Monday 21 February 2010.

This item was on the agenda for the 4 August 2010 Meeting and at our last meeting on the 29 November 2010.

At both meetings there wasn't any issues raised with other members of the OSH Committee however I am not sure whether all Committee Members have read and/or reviewed the policies.

We would like to know if you or any Committee Member has any suggestions for changes to these policies before the policies are presented to the February Council Meeting on Monday 21 February 2010."

Consultation:

Local Government Insurance Services WA – including Municipal Insurance Broking Services; Regional Risk Coordinator; and Occupational Health and Safety Committee.

Statutory Environment:

Occupational Safety and Health Act 1984.

Policy Implications:

Nil at this time.

Financial Implications:

There could be considerable financial implications for Council, in terms of increased insurance costs, if Council is not doing all that is practicable in ensuring safe work practices are undertaken.

Compliance with the Act will result in extra administration time.

Strategic Implications:

Resource Management.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Council has a responsibility to employees and this will cover contractors in the future when further progress has been made to implement all policies and practices.

Environmental Implications:

Nil

Comment:

Whilst there are only minor changes to the policies bringing them back acts as a good refresher for staff, visitors and contractors etc and needs to be managed effectively to ensure everyone gets the message.

**RESOLUTION
100211**

Moved: Cr Boyle

Seconded: Cr Randell

“That Council:

- 1. endorse the Occupational Safety and Health Policy labelled “Appendix A” attached to this report;***
- 2. endorse the Bullying in the Workplace Policy labelled “Appendix B” attached to this report;***
- 3. endorse the Consultation and Communication Policy labelled “Appendix C” attached to this report;***
- 4. endorse the Contractor Management Policy labelled “Appendix D” attached to this report;***
- 5. endorse the Injury Management and Rehabilitation Policy labelled “Appendix E” attached to this report;***
- 6. endorse the Noise Policy labelled “Appendix F” attached to this report;***
- 7. endorse the Volunteer Management Policy labelled “Appendix G” attached to this report;***
- 8. endorse the Visitor Management Policy labelled “Appendix F” attached to this report; and***
- 9. authorise suitable training to be investigated for all staff and Councillors in relation to the above policies.***

Advice Note:

Once the policies are endorsed these are to be circulated to all staff, volunteers and contractors to ensure implementation and be fully incorporated into any induction process for employees and contractors.

The Shire President, Chief Executive Officer and a Safety and Health Representative are to sign policies, to demonstrate the policy was developed and implemented through a consultative process.”

CARRIED: 6/0

OCCUPATIONAL SAFETY & HEALTH POLICY



The Shire of York regards the promotion of sound and effective Occupational Safety and Health practices as a common objective for the CEO, Managers, Supervisors, Employees and Contractors.

The Policy of the Shire of York is to ensure that every employee works in an environment where direct efforts are made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

The Shire of York acknowledges a duty to achieve their objectives by:

Providing and maintaining a safe working environment.

Providing adequate training and instruction to enable employees to perform their work safely and effectively.

Investigating all actual and potentially injurious occurrences in order to eliminate the cause, and reduce the level of risk.

Comply with AS/NZS 4801 Occupational Health and Safety Management Systems audit tool.

Compliance with Occupational Safety and Health (OSH) Act 1984, 2005 amendments, and Regulations 1996, relevant OSH Australian Standards, Codes of Practice and Guidance Notes.

Employees have a duty of co-operation in the attainment of these objectives by:

Working with care for their own safety and that of other employees, contractors and public who may be affected by their acts or omissions.

Reporting conditions which appear to be unsafe to their supervisor.

Co-operating in the fulfilment of the obligations placed on their employer.

Assisting in the investigation and the reporting of any accidents with the objective of introducing measures to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

**ORIGINATED DATE: 12 JUNE 2006
REVIEW DATE: 21 AUGUST 2006, 17 AUGUST
2009, 21 FEBRUARY 2011
VERSION NUMBER: 3**



BULLYING IN THE WORKPLACE POLICY



POLICY STATEMENT

The Shire of York considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers.

Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

The Shire of York believes all employees should be able to work in an environment free of bullying. Managers and supervisors must ensure employees are not bullied.

The Shire of York has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

The Shire of York encourages all employees to report workplace bullying. Managers and supervisors must ensure employees who make complaints, or witnesses, are not victimised.

Disciplinary action will be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

The contact person for bullying at this workplace is: Tyhscha Cochrane, Deputy Chief Executive Officer or Ray Hooper, Chief Executive Officer.

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

ORIGINATED DATE: 12 JUNE 2006
REVIEW DATE: 21 AUGUST 2006, 17 AUGUST
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CONSULTATION AND COMMUNICATION POLICY**POLICY STATEMENT**

Shire of York committed to communicating and consulting with all internal and external stakeholders. The organisation welcomes all feedback from stakeholders. Any negative feedback, or constructive criticism is perceived as valuable information and will be addressed under the continuous improvement programme of Shire of York. The internal stakeholders will be consulted on their feedback and they will form part of the improvement teams to address any of the negative issues identified.

Shire of York will also celebrate the positive feedback from internal and external stakeholders and will celebrate individual staff achievements and any performance awards that they receive. External stakeholders will be actively consulted on all major decisions of Shire of York, their input and perceptions will be included in the decision-making processes.

Shire of York will actively promote the values of whole organisation and where appropriate will encourage outlying staff to participate on organisational committees or continuous improvement teams. Likewise Shire of York is committed to building strong partnerships with the community and government agencies.

Shire of York will comply with the requirement of the relevant Acts in its communications with the community and the external stakeholders as well as the consultation and communications requirements of the Occupational Safety and Health Act and Regulations.

SCOPE

This Policy applies to whole of organisation and all external stakeholders.

REFERENCES

Occupational Safety and Health Act, 1984 (Act)
Occupational Safety and Health Regulations 1996, and 2005 amendments (Regulations)
AS/NZS 4360: 2004 Risk Management
Local Government Act

RESPONSIBILITIES

CEO is responsible for:

Ensuring that there is active communications both up and down the organisation.
Ensuring response to perceived issues, and ensuring that they are addressed in a timely manner
Ensuring communications with all external stakeholders and taking action where appropriate.
Ensuring response to customer complaints in a timely manner.
Building strong relationships with communities and government agencies.

Senior Managers/Line Managers/Supervisors are responsible for:

Communicating organisational issues to their staff on a regular basis
Responding to staff issues
Responding to customer complaints
Building strong relationships with internal and external customers.

Employees are responsible for:

Reporting any hazards, complaints and risks associated with their workplace.

OSH Committee membership is responsible for:

Bringing to the attention of management all issues that employees have brought to the notice to the committee members.

Risk Management Committee is responsible for:

Ensuring consultation both internal and external stakeholders on their perceived risks associated with the operations of Shire of York or in new business enterprises.

APPLICATION

The following communications and consultative processes will be adopted throughout Shire of York:

Internal communication and consultation systems:

- Schedule of all organisational meetings displayed.
- Fully documented meeting minutes that can be accessed by all staff as approved by management.
- Email communications to staff.
- Specific council debriefing to all staff.
- Toolbox talks to engineering and works staff.
- Induction Manuals for all new staff and contractors.
- Organisational Charts display the chain of command in the organisation.
- *Specific staff meetings; Executive Management weekly meetings, Internal staff monthly meetings, Depot monthly meetings and outer lying centres monthly. All of organisation staff meetings twice a year all meetings will be documented and staff have access to all minutes.*
- Internal audit schedule for OSH and Risk Management program.
- Electronic access to all organisation policies and procedures.
- Position descriptions and annual performance appraisal feedback for all staff.
- Occupational Health and Safety Committee access through safety officers and management.
- Internal and on the job training programs.
- Internal Newsletter or equivalent with Risk Management News section.
- Organisational wide Planning documents
- Staff workshops for risk identification, and organisational planning process.
- Continuous Improvement Teams to work on risk treatment options.
- Ensuring EEO options English as a second language, communicating for those employees with disabilities.
- Presentations to Council – reports and monthly management information reports, access to all staff.
- Social Events.

External Communication Consultation Options


- Ensure Council Elections-information is approved complying with the Local Government Act.
- Council Meetings-
- Public access to meetings
- Minutes of all Council meetings and their sub committees, all minutes are available for public access.
- Advertising of council meetings, Tenders, Positions, Expressions of interest and public notices.
- Central Emails to and from Community Groups.
- Community forums.
- Community Focus Groups.
- Internet Website.
- Customer service and complaint register.
- Special Public meetings
- Community surveys

- Supplier surveys
- Community Service Liaison staff
- Government grant application assistance to community groups
- Government partnerships
- Tendering process and transparency
- Customer Service Charter
- Newsletters
- Letter drops
- Availability of plans for Public comment
- Input into the Strategic Planning process
- Published Plans and Reports for access by community
- Published Financial Statements/ Annual Reports

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

ORIGINATED DATE: 12 JUNE 2006 REVIEW DATE: 21 AUGUST 2006, 17 AUGUST 2009, 21 FEBRUARY 2011 VERSION NUMBER: 3	
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CONTRACTOR MANAGEMENT POLICY



POLICY STATEMENT

The Shire of York recognises the complications that may be introduced by outsourcing some of its functions and relying on contractors. The presence of contractors and sub-contractors has the potential to create greater risks in the workplace/worksites, this can be attributed to a number of reasons; unfamiliar work sites, less training and supervision than regular employees, pressure of time and long working hours.

The Shire of York acknowledges that they have the same Occupational Safety and Health obligations to contractors, and sub-contractors, as they do to their employees. As the Principal, the Shire of York understands that the duty of care to contractors/sub-contractors cannot be contracted out, and to ensure that all contractors/sub-contractors are protected from risk of injury or ill health while on the premises or when carrying out their designated duties.

Relevant Legislation

Occupational Safety and Health Act 1984, and 2005 amendments

Occupational Safety and Health Regulations 1996, and 2005 amendments

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

**ORIGINATED DATE: 12 JUNE 2006
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INJURY MANAGEMENT AND REHABILITATION POLICY



Policy Statement Taken from the “Municipal Workcare Scheme Injury Management Policy and Procedural Manual 2006”.

Of the Employer:

- **To make provision for the injury management and rehabilitation of all workers who have sustained a compensable work related illness, injury or disability.**
- **To treat all workers with dignity and respect.**
- **To guarantee that all information is treated with sensitivity and confidentiality.**
- **To return the injured worker to the fullest capacity for gainful employment of which they are capable.**

With this in mind the “Key Principles of Injury Management”, as identified by WorkCover, will be adopted. They are:

- Recognition that employers and injured workers are the primary stakeholders within the workers’ compensation system.
- Maintenance in or a safe return to work is the expected outcome.
- Medical practitioners and employers play a central decision making role in the return to work of injured workers.
- The focus of all services should be workplace based.
- The injury management process should be transparent, cost efficient and effective.
- Early intervention and pro-active injury management is critical in achieving return to work goals.
- When vocational rehabilitation is required, all parties are involved in a process that is transparent and requires joint decision-making.

To assist in the timely and effective injury management of employees, the employer has appointed an employee to the role of Workplace Injury Management Coordinator as part of their duties, to implement and monitor the injury management and rehabilitation procedures. This appointment is in the knowledge that Municipal WorkCare Scheme employs a dedicated Injury Management Advisor to assist and guide this individual. Further to this, the Scheme’s claims Team Leader, appointed to the employer, is available to discuss any issues related to the management of the worker’s claim.

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

ORIGINATED DATE: 12 JUNE 2006
REVIEW DATE: 21 AUGUST 2006, 17 AUGUST 2009, 21 FEBRUARY 2011
VERSION NUMBER: 3



NOISE POLICY



POLICY STATEMENT

The Shire of York is committed to identifying and reducing all noise hazards in the workplace. The Organisation will, so far as is practicable, ensure that noise to which a person is exposed at the workplace does not exceed the exposure standard for noise (Occupational Safety and Health Regulation 3.46), namely an exposure equivalent to 85 dB(A) for 8 hours a day or a peak noise of 140 dB(C). If there is an exposure to machinery and equipment over 85dB(A) there shall be a regularly updated and maintained “Noise Exposure (Machinery and Equipment) Register”.

It is mandatory to refer to the “Noise Procedure” for the Management of noise in the workplace.

It is mandatory that everyone exposed to high noise levels at the workplace shall have a base line hearing test at time of employment and annual testing there after, and recorded on their personal file, which is stored in a secured location.

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

ORIGINATED DATE: 12 JUNE 2006
REVIEW DATE: 21 AUGUST 2006, 17 AUGUST
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VOLUNTEER MANAGEMENT POLICY**1.0 INTRODUCTION**

Shire of York recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation. The Shire of York will maintain a register of volunteers to ensure they are covered by the organisation's insurance policy.

The Council will comply with the national standards for volunteer involvement which represent and explain the tenets of best practice in the management of volunteers.

The following points identify policy considerations for volunteering involving organisations and can be addressed as part of the process to implement the national standards.

- interview and employ volunteer staff in accordance with anti discrimination and equal opportunity legislation;
- provide volunteer staff with orientation and training;
- provide volunteer staff with a healthy and safe workplace;
- provide appropriate and adequate insurance coverage for volunteer staff;
- not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs;
- differentiate between paid and unpaid roles;
- define volunteer roles and develop clear job descriptions;
- provide appropriate levels of support and management for volunteer staff;
- provide volunteers with a copy of policies pertaining to volunteer staff;
- ensure volunteers are not required to take up additional work during Industrial disputes or paid staff shortage;
- provide all volunteers with information on grievance and disciplinary policies and procedures;
- acknowledge the rights of volunteer staff;
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff;
- offer volunteer staff the opportunity for professional development;
- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation;
- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions;
- acknowledge the contributions of volunteer staff.

2.0 SCOPE

This policy applies to all management, employees, councillors and volunteers working on Shire activities or official Shire committees.


3.0 VOLUNTEER REGISTER

A register will be kept, Volunteers between the ages of 16 and 80 are covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

ORIGINATED DATE: 12 JUNE 2006 REVIEW DATE: 21 AUGUST 2006, 17 AUGUST 2009, 21 FEBRUARY 2011 VERSION NUMBER: 3	
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VISITOR MANAGEMENT POLICY



POLICY STATEMENT

Shire of York is committed to ensuring that visitors to workplaces are not exposed to hazards. Severe penalties apply under the Occupational Safety and Health Act 1984, if visitors to workplaces are injured through not being appropriately cared for.

POLICY FOR THE PROTECTION OF VISITORS

All visitors who wish to enter workplaces or specified locations of a workplace shall obtain the prior permission of the Supervisor.

Visitors are not permitted to wander around workplaces unaccompanied. All visitors are to report to the front counter (where applicable) or to the appropriate supervisor before entering any workplaces/sites.

Prior to being authorised to enter a workplace, all visitors must be provided with workplace specific induction on the nature of hazards within the workplace and must be instructed in emergency evacuation procedures. It is important that the promotion of a safety culture within the workplace is transferred to the visitor by way of instruction and induction training.

Staff members are to accompany all visitors at all times.

Visitors are restricted from entering all high hazard areas.

It is essential to ensure that the work environment allows safe access/egress of visitors at all times. This can be achieved by ensuring that all walkways remain clear of obstacles.

Signed - Safety Representative

Signed - Ray Hooper – Chief Executive Officer

Signed - Shire President - Pat Hooper

**ORIGINATED DATE: 12 JUNE 2006
REVIEW DATE: 21 AUGUST 2006, 17 AUGUST
2009, 21 FEBRUARY 2011
VERSION NUMBER: 3**



9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 Youth Report for February 2011

FILE NO: CS.LCS.6
COUNCIL DATE: 21 February, 2011
REPORT DATE: 16 February, 2011
LOCATION/ADDRESS: Not Applicable
APPLICANT: Shire of York
SENIOR OFFICER: R. Hooper, CEO
REPORTING OFFICER: Lyn Kay, YDO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of the activities organised and confirmed by Ms Lyn Kay:

Youth Health Forum-York 2011:

We have applied for several grants, LDAG \$3,000 and Healthways \$5,000, responses due in February/March. These grants will provide food, merchandise, T Shirts, hats, sound system.

A Roadwise Grant for \$500, if granted, will be prize money for the best poster designed after the forum. Prize will be a Bike and Helmet.

Rotary has donated \$500 for a presentation by the Paraplegic Society.

SDERA will be presenting on Drugs, Alcohol & Road Safety. LDAG will be presenting a Healthy Lifestyle segment.

Other presenters include Detective Sergeant Jade Smith and SARC, covering cyber safety, sexual health and respectful relationships. Sheldon Elvin will be performing Hip Hop, he is an 18 year old Mental Health patient.

Organisation donations include - Bunnings (confirmed), McDonalds (confirmed), Dockers (confirmed), Glory (confirmed) West Coast (confirmed) and Slater Gartrell, who have donated 50 caps.

I have also organised some Sportsman to attend the Forum as role models for the Youth

A bus will take York Youth to the Concert in Beverley for the "Flood Victims in Carnarvon" on the 26th February, 2011.

Currently working with Darren Hutchens - Urban Artist for Graffiti Grant and will be commencing work with School Cadets in March and then with Youth on the Police wall in May. Finalising details to obtain quote for works and then finalise how many boards we can purchase to work on for the Youth Centre.

Manager Health and Building and York Youth Development Officer inspected the Beverley Youth Centre to get an indication of building size, this was followed by an inspection of the proposed York site, next to Scouts building, to check measurements for Shed.

Proposed meeting Thursday 17th February, 2011 with Phil Furey, Cr Trevor Randall, Shire of York Project Officer and Youth Officer to discuss ideas and findings.

On Friday 21st January, 2011 I organised an Excursion to the Sports Expo in the Perth Convention Centre for 30 Youth from Beverley and York, 4 volunteers and 2 buses. We met the York youth outside the Shire Building and arrived in Perth at 10am.

There were 17 different sports they could participate in, including paintball, snow ramp, football, cricket, wheelchair basketball, soccer, Kumba, wall climbing, rugby and many more.

There was also lots of Sports represented with display stands and the Youth and I discussed what they would like to be involved in for Holiday Programmes etc.

We went to the South Perth foreshore for an hour and then had McDonalds in Mundaring on the way home. We arrived back in York at 8pm, Beverley 8.30pm

January School Holiday Programme had 6 children attend, we did paintings and lots of sports in the Recreation Centre. Avon Waste donated large green rubbish bin for sporting equipment.

Active after School Programme begins Wednesday 16th February, 2011 and due to the Recreation Centre not being available will be conducted at the School. 35 children are attending with 16 being declined because of the teacher to child ratio. Another volunteer has been arranged in order to allow additional participation levels.

“Hang Out” at the Recreation Centre will be every Thursday, we will decide on the opening once it is safe due to renovations being carried out.

On Wednesday 9th February, 2011 Youth Officer travelled to Cockburn Youth Centre to inspect their facilities, and look at various administration procedures and holiday activities.

Background:

Youth Development Officer is building sound relationships with the appropriate partners in the field of youth development. Given time York will have a very well developed set of Youth facilities and activities.

Consultation:

Youth
School
Police
Councillors
Staff
Community members

Statutory Environment:

Nil from this report

Policy Implications:

Nil from this report

Financial Implications:

Nil from this report

Strategic Implications:

To be developed further in consultation with Councillors, Staff and Youth

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: **Not Applicable**

Triple bottom Line Assessment:

Economic Implications:

Nil from this report

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 at this time

Comment:

RESOLUTION

110211

Moved: Cr Randell

Seconded: Cr Scott

“That Council:

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

CARRIED: 6/0

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.1 Monthly Financial Reports – December 2010

FILE NO: FI.FRP
COUNCIL DATE: 21 February 2011
REPORT DATE: 9 February 2011
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: No

Summary:

The Financial Report for the period ending 31 December 2010 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Bank Account Reconciliations
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Reserve Accounts Balances Summary
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Nil

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 31 December 2010;

Sundry Creditors as per General Ledger	\$ 134.84
Sundry Debtors as per General Ledger	\$ 422,662.88
Unpaid rates and services current year (paid in advance inc. ESL)	\$ 1,099,769.17
Unpaid rates and services previous years (inc. ESL)	\$ 286,540.86

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.

**RESOLUTION
120211**

Moved: Cr Scott

Seconded: Cr Lawrance

“That Council:

Receive the Monthly Financial Report for December and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 December 2010:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
<i>Cheque Payments</i>	29228-29278	\$ 126,000.99
<i>Electronic Funds Payments</i>	7518-7618	\$ 386,832.84
<i>Direct Debits Payroll</i>		\$ 193,967.67
<i>Bank Fees</i>		\$ 696.09
<i>Corporate Cards</i>		\$ 3,200.52
<i>Shell Cards</i>		\$ 346.36
TOTAL		<u>\$ 711,044.47</u>
TRUST FUND		
<i>Cheque Payments</i>	3769-3779	\$ 3,149.79
<i>Direct Debits Licensing</i>		\$ 101,841.65
TOTAL		<u>\$ 104,991.44</u>
TOTAL DISBURSEMENTS		<u>\$ 816,035.91”</u>

CARRIED: 6/0

Note to this item

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

9.4.1 Appendix A – Financials

9. OFFICER'S REPORTS

9.4 FINANCE REPORTS

9.4.2 Monthly Financial Reports – January 2011

FILE NO: FI.FRP
COUNCIL DATE: 21 February 2011
REPORT DATE: 9 February 2011
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes – Appendix A as detailed in Summary
DOCUMENTS TABLED: No

Summary:

The Financial Report for the period ending 31 January 2010 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Bank Account Reconciliations
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Reserve Accounts Balances Summary
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

Consultation:

Nil

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 31 January 2011;

Sundry Creditors as per General Ledger	\$ 22,603.93
Sundry Debtors as per General Ledger	\$ 442,213.81
Unpaid rates and services current year (paid in advance inc. ESL)	\$ 1,015,123.31
Unpaid rates and services previous years (inc. ESL)	\$ 280,783.52

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.

**RESOLUTION
130211**

Moved: Cr Scott

Seconded: Cr Randell

“That Council:

Receive the Monthly Financial Report for January and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 January 2011:

	<u>VOUCHER</u>	<u>AMOUNT</u>
MUNICIPAL FUND		
Cheque Payments	29279-29325	\$ 63,878.69
Electronic Funds Payments	7619-7220	\$ 238,395.15
Direct Debits Payroll		\$ 127,336.27
Bank Fees		\$ 1,131.15
Corporate Cards		\$ 1,258.62
Shell Cards		\$ 506.98
TOTAL		\$ 432,506.86
TRUST FUND		
Cheque Payments	3780-3786	\$ 12,349.93
Direct Debits Licensing		\$ 114,658.70
TOTAL		\$ 127,008.63
TOTAL DISBURSEMENTS		\$ 559,515.49

CARRIED: 6/0

Note to this item

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

9.4.2 Appendix A – Financials

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.3 Mid Year Review 2010/11 Financial Year

FILE NO:	FI.FRP
COUNCIL DATE:	21 February 2011
REPORT DATE:	10 February 2011
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – 2010/11 Budget to Actual Analysis (Adopted Budget Mid Year Review as at 31 December 2010)
DOCUMENTS TABLED:	Nil

Summary:

The Local Government Act 1995 requires the Council to undertake a review of the Annual Budget each year.

The attached worksheets show, a line by line analysis, with projections to the 30th June 2011. Together with favourable and unfavourable variances and detailed comments in relation to each account.

The worksheets details that the Shire as at the 30th June 2011 will derive an estimated surplus of \$54,843.00

It is anticipated that further internal budget reviews will be undertaken for the 2010/11 financial year at the end of April and May and if changes are required these will be submitted to Council including any relevant end of year transfers or setting aside of funds for inclusion in the following year budget.

Background:

The 2010/11 annual budget was adopted by Council on the 24th August 2010. Council also resolved at the time of adopting the budget the following:

“...2. In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standard Number 5, adopt the percentage of 10% for reporting material variances in the Statement of Financial Activity.”

Whilst the Council determined that only major variances be reported it was felt that a line by line analysis would be more appropriate.

Consultation:

Council staff and Mr Dominic Carbone.

Statutory Environment:

Local Government (Financial Management) Regulation 33A states the following:

“(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Local Government Act 1995:

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

Policy Implications:

Not applicable.

Financial Implications:

The Shire of York is on track for an end of financial year surplus, which will provide a sound basis for the 2011/12 and future budgets. The actual surplus may increase but if this is the case it will most likely result from ongoing projects not being completed by June 30 rather than additional savings being made however generally conservative estimates have been made when estimating income.

Council would have been on track for in excess of \$320,000 surplus, however with major write-offs of \$250,000 being for the Shire of Beverley and the Hockey Club this has resulted in a conservative surplus.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

No economic implications arise from this review as project based expenditure included in the budget is still progressing.

Social Implications:

A zero balance or surplus end of year financial position will increase community confidence and cohesion and provide an opportunity for community benefits in 2011/12 and future years. In a number of cases where budgeted expenditure is not made recommendations will be made to council to transfer unexpended capital amounts to reserves thus quarantining the funds to ensure the completion of projects. In some other cases it may also be the case that funds already in a reserve but budgeted to be transferred to the Municipal Fund will be left in the reserve to be transferred when the expenditure occurs.

Other funds identified in end of year surplus may be set aside for the works to be completed the following year.

Environmental Implications:

Not applicable.

Comment:

There is no requirement for Council to make variations to the budget as a result of this review. The purpose of the review is to ensure that the Council is informed of the likely financial position of the Shire at 30th June 2011 in terms of its adopted budget. For purposes of annual reporting, Council is required to report against the adopted budget.

RESOLUTION

140211

Moved: Cr Scott

Seconded: Cr Boyle

“That Council:

1. *adopts the 2010/11 Annual Budget Mid Year Review and the anticipated surplus as at the 30th June 2011 of \$54,843.00 incorporating the additional income and expenditure noted in the comment section of the mid year budget review;*

2. *by an absolute majority in accordance with section 6.8 of the Local Government Act authorise:*

a. *the following unbudgeted expenditures, which have been provided for in the surplus above being \$54,843.00;*

Inc – Account 42162 - \$2,772.00 – Wheatbelt Development Commission to undertake Business Case

Inc – Account 41239 - \$220.00 – Sitting fees from State Council

Inc – Account 41241 - \$31,517.00 – Reimbursement of grant funds for disability services You’re Welcome and Disability and Inclusion Plans (\$29,668) and South East Avon RTG reimbursements from Councils for Legal Expenses (1,849.00)

Inc – Account 53204 - \$15,000.00 – Dry Season Grant – Water Tanks

Inc – Account 106209 - \$10,000.00 – Heritage Council – Brochure

Inc – Account 132256 - \$20,000.00 – Dry Season Community Resilience Events

Inc – Account 146267 - \$390,000.00 – Local Disaster – Storm 29.1.11

Exp – Account 106192 - \$4,000.00 – Vehicle Operating Expenses – Planner

Exp – Account 132156 - \$20,000.00 – Dry Season Community Resilience Events

Exp – Account 133189 - \$6,000.00 – Vehicle Operating Expenses – Building

Exp – Account 146167 - \$350,000.00 – Local Disaster – Storm – 29.1.11

Exp – Account 133319 - \$24,748.00 – Building Surveyor’s Motor Vehicle – Vehicle

Exp – Account 53304 - \$19,000.00 – Law, Order, Public Safety – Infrastructure – Dry Season Grant – Water Tanks

- b. additional expenditure, which has not been budgeted for from the surplus for the following projects;***

***\$20,000.00 various works at 24 Ford Street, York;
\$3,000.00 furniture at 2 Dinsdale Street, York.***

- 3. that a copy of the review be forwarded to the Department of Local Government within 30 days of Council having given consideration.***

Advice Note:

Remaining surplus to remain in place at this time to allow for storm clean-up costs not budgeted and any likely additional costs associated with projects such as the Town Hall, Youth Centre, etc.”

CARRIED: 6/0

9.4.3 Appendix A – 2010/11 Budget to Actual Analysis (Adopted Budget Mid Year Review as at 31 December 2010)

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.4 York Antique Fair & Collectors Fair

FILE NO: CS.CEV.9
COUNCIL DATE: 21 February 2011
REPORT DATE: 16 February 2011
LOCATION/ADDRESS: York Town Hall
APPLICANT: T Richardson, Avon Events & Marketing
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A - Correspondence – Avon Events & Marketing 10.11.2010
Appendix B – Correspondence – Shire of York 12.11.10
Appendix C – Correspondence – The York Mill 12.11.10
Appendix D – Email – Planning Officer 18.11.10
Appendix E – Email – Response – T Richardson 22.11.10
Appendix F – Email – T Richardson 29.11.10
Appendix G – Correspondence – Shire of York 24.12.10
Appendix H – Email – T Richardson 27.12.10
Appendix I – Email – T Richardson 18.1.11
Appendix J – Email – T Richardson 7.2.11
DOCUMENTS TABLED: Nil

Summary:

That Council consider waiving fees for Mrs Tanya Richardson to run the York Antique Fair & Collectors Fair from the York Town Hall.

Background:

Correspondence dated the 10th November 2010 was provided to Councillors and Staff regarding the use of the shed at The York Mill.

Mr D Smith of The York Mill withdrew his assistance for the event to take place in the Shed on the 29th November 2010.

Other event organisers in the past have paid the full cost for the use of the Council's facilities.

Consultation:

Details attached.

A meeting was held, which involved Councillors, CEO and Tanya Richardson and a response prepared after an information session with Councillors and Staff.

Statutory Environment:

Local Government Act.
Fees and Charges.

Local Government Act 1995 Section 6.12 states:

Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*

- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Implications:

Not applicable at this stage for commercial business.

Financial Implications:

Minimum of \$550.00 per day is charged for the use of the Town Hall. Other charges may be applicable dependant on whether alcohol is being consumed, whether there is set up fees etc.

Strategic Implications:

Tourism.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

Potential to forego income dependant on the outcome of this report.

Social Implications:

It is acknowledged that this may be a good venture for the community.

Environmental Implications:

Not applicable.

Comment:

The event is a privately owned event and is operated on a commercial basis for financial gain by the event organiser and therefore should not be subsidised by the community in any way.

It is noted that correspondence refers to money raised being put back into the event for next year, which is of benefit to the organiser.

**RESOLUTION
150211**

Moved: Cr Boyle

Seconded: Cr Lawrance

“That Council:

- 1. advise Mrs Tanya Richardson that it will not waive the fees associated with the following for the York Antique Fair & Collectors Fair:***

***Hiring of the York Town Hall; and
Trading in Public Places.***

- 2. will provide details of the event on the appropriate website.***
- 3. will provide a letter of support in relation to any funding or other legislative requirements as it deems fit eg. occasional liquor licence.***
- 4. investigate use of a Policy to deal with future requests of this nature from private operators and present to the March Ordinary Council meeting.”***

CARRIED: 5/1

- 9.4.4 Appendix A – Correspondence – Avon Events & Marketing 10-11-2010**
- 9.4.4 Appendix B – Correspondence – Shire of York 12-11-2010**
- 9.4.4 Appendix C – Correspondence – The York Mill 12-11-2010**
- 9.4.4 Appendix D – Email – Planning Officer – 18-11-2010**
- 9.4.4 Appendix E – Email – Response – T Richardson 22-11-2010**
- 9.4.4 Appendix F – Email – T Richardson 29-11-2010**
- 9.4.4 Appendix G – Correspondence – Shire of York 24-12-2010**
- 9.4.4 Appendix H – Email – T Richardson 27-12-2010**
- 9.4.4 Appendix I – Email – T Richardson 18-1-2011**
- 9.4.4 Appendix J – Email – T Richardson 7-2-2011**

9. OFFICER'S REPORTS
 9.4 FINANCE REPORTS
 9.4.5 Country Local Government Fund 2010/11

FILE NO: FI.FAG.8
 COUNCIL DATE: 21 February 2011
 REPORT DATE: 16 February 2011
 LOCATION/ADDRESS: Not Applicable
 APPLICANT: Shire of York
 SENIOR OFFICER: R Hooper, CEO
 REPORTING OFFICER: T Cochrane, DCEO
 DISCLOSURE OF INTEREST: Nil
 APPENDICES: Appendix A – DLGRD Correspondence
 Appendix B - Guidelines
 DOCUMENTS TABLED: Nil

Summary:

That Council subject to the outcomes of the Forward Capital Works Plan confirm that the funds under the Country Local Government Fund 2010/11 be utilised for the Co-location Facility, Swimming Pool and the Forrest Oval development.

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

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

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

2009/10

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

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

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

At the July 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>

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.”

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 and provide RDL with an acceptable Forward Capital Works Plan, which is being funded through the 2009/10 allocation. 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.

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.

A meeting will be held with Debbie Rice of Regional Development & Lands to discuss funding of the Co-location Facility on the 23rd February 2011.

RESOLUTION

160211

Moved: Cr Boyle

Seconded: Cr Lawrance

“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.”*

CARRIED: 5/1

**9.4.5 Appendix A – DLGRD Correspondence
Appendix B – Guidelines**

9.5 Confidential Reports

9.5.1 Chief Executive Officer's Appraisal

**RESOLUTION
170211**

Moved: Cr Randell

Seconded: Cr Scott

"That Council:

Go 'Into Committee' to consider the Confidential Report at 4.42pm."

CARRIED: 6/0

Cr Lawrance left meeting at 4.43pm.

Ray Hooper, CEO declared a Financial Interest Affecting Impartiality to this item and left the room at 4.44pm.

**RESOLUTION
180211**

Moved: Cr Randell

Seconded: Cr Boyle

"That Council:

- 1. receives the Annual Performance Review and endorses the overall rating that varied between Competent and Exceeds Requirements;***
- 2. note that the next review of the CEO's performance is to be conducted in April 2011;***
- 3. utilise the existing Key Result Areas noted in the performance review.***
- 4. Council recommend CEO's Appraisal to be contracted to either WALGA, Department of Local Government or LGMA."***

CARRIED: 5/0

**RESOLUTION
190211**

Moved: Cr Scott

Seconded: Cr Boyle

"That Council:

Come 'Out of Committee' at 4.49pm."

CARRIED: 5/0

9.6 Late Reports

9. OFFICER'S REPORTS

9.6 LATE REPORT

9.6.1 York Hockey Club – Application to be Recognised as a Community Group

FILE NO: CS.CEV.1
COUNCIL DATE: 21 February 2011
REPORT DATE: 10 February 2011
LOCATION/ADDRESS: York Hockey Club, Club Rooms Forrest Oval - York
APPLICANT: Penny Curry, President, York Hockey Club
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Judith Anderson
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

It is a requirement that York Hockey Club (YHC) makes application to Council to be recognised as a Community Group in order to qualify to have fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares.

Background:

On 10 February Council received an application from Penny Curry seeking Council recognition of YHC as a community group for the purpose of having Council fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares.

Consultation:

Nil

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Council's fees waived.

Strategic Implications:

This will encourage community groups to undertake fund raising activities in public places and thoroughfares.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not Applicable

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for fundraising purposes of community benefit.

Environmental Implications:

Nil

Comment:

The YHC was established in the 1930's and has been part of the York community ever since.

The YHC has not only been a sporting club but is and has been a vital part of the social fabric of the whole community.

The club's first hockey teams started off by playing hockey on a clay/gravel field. Since then club members have developed a grass field, bought and erected lights for the field, built clubrooms and in conjunction with the Shire has in 2010 built new change rooms for the club. A lot of the finances required for these projects were raised by members through fundraising activities over many years.

These facilities are an asset for the York community to enjoy and use enabling the encouragement of sport and skill development as well as social activities and participation into the local community.

In the 2010 season the club had 6 junior teams and 6 adult teams. As well as this the club ran summer night hockey where 8 teams made up of many community members who aren't hockey players enjoyed playing a new game and socialising with other community members.

The YHC is an incorporated, not for profit sporting organisation, run and managed by volunteer community members on behalf of club members. In January 2011 the club was awarded the Community Club of the Year Award at the York Shire Australia Awards ceremony.

The YHC is a vibrant part of the fabric of the York Community and has been for many years.

Current copies of Certificates of Incorporation and Public Liability Insurance of \$10,000,000 have been provided.

RESOLUTION

200211

Moved: Cr Randell

Seconded: Cr Boyle

“That Council:

Recognise York Hockey Club as a Community Group for the purpose of waiving fees and charges related to trading in public places and thoroughfares for fundraising activities.”

CARRIED: 6/0

10. NEXT MEETING

RESOLUTION
210211

Moved: Cr Randell

Seconded: Cr Boyle

“That Council:

hold the next Ordinary Meeting of the Council on March 21, 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 4.50pm.