



Shire of York

Full Council Minutes

Special Meeting
May 12, 2008

MISSION STATEMENT

"To build on our history to create our future"

Local Government Act 1995 (as amended)

Part 1 Introductory Matters

1.3. Content and intent

- (1) This Act provides for a system of local government by —
 - (a) providing for the constitution of elected local governments in the State;
 - (b) describing the functions of local governments;
 - (c) providing for the conduct of elections and other polls; and
 - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
- (2) This Act is intended to result in —
 - (a) better decision-making by local governments;
 - (b) greater community participation in the decisions and affairs of local governments;
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Part 2 Constitution of Local Government

Division 2 Local Governments and Councils of Local Governments

Section 2.7 The Role of Council

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

SHIRE OF YORK

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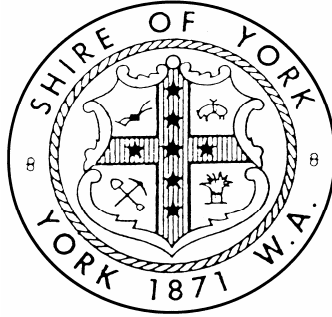
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL WILL BE
HELD ON MONDAY, MAY 12, 2008, COMMENCING AT
3.00PM IN THE LESSER HALL, YORK.

1. OPENING

- 1.1 The Shire President, Cr Pat Hooper, declared the meeting open at 3.08pm
- 1.2 The Chief Executive Officer, Mr Ray Hooper, 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, Cr Brian Lawrance, Cr Tony Boyle, Cr Ashley Fisher, Cr Trevor Randell, Cr Tricia Walters
- 2.2 Staff – CEO Ray Hooper, DCEO Graham Stanley, MATS Tyhscha Cochrane, Mr David Lawn, ESO Julieanne Treloar
- 2.3 Apologies - Nil
- 2.4 Leave of Absence Previously Approved - Nil
- 2.5 Number of People in Gallery at Commencement of Meeting - 1

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice - Nil
- 3.2 Written Questions – Current Agenda - Nil

4. PUBLIC QUESTION TIME - Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE - Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS - Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING – N/A

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Pat Hooper asked the CEO to pass on the thanks of a local business owner to himself, Mr Peter Atkins and Mr Mark Burgess on the quick resolution of a problem with the Lowe St car park.
Also thanks to the Executive Support Officer on the new format of the agendas.

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.1 Public Open Space Strategy

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.GEN
COUNCIL DATE:	12 May 2008
REPORT DATE:	22 April 2008
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	David Lawn, Planning Consultant
DISCLOSURE OF INTEREST:	Nil.
APPENDICES:	Appendix 1 – Public Open Space Strategy
DOCUMENTS TABLED:	Nil.

Summary:

The Strategy of the Shire for the provision of Public Open Space and Recreation facilities is a prerequisite for the adoption of the various Outline Development Plans and Scheme Amendments within the townsite, as demanded by the Western Australian Planning Commission.

Background:

The Shire has more than adequate land in the active, passive and environmental category of public open space but those lands required for more intensive use are underdeveloped and require relatively heavy financial investment to provide a higher level of facility and service.

The accompanying report and Strategy Document has assessed the present assets and land uses. There are recommendations on how best the level of provision can be achieved, predominantly through developer contributions and grants.

As the population grows and York becomes the centre for recreation (both for the town and the sub-region) more pressure will be placed on the Council to provide additional and improved facilities.

Consultation:

Elementary consultation has been achieved by the adoption of the Local Planning Strategy which included the need for the assessment and strategies for recreation and open space.

The Strategy Statements of the Shire will also be subject to advertising requesting community involvement.

Statutory Environment:

Compliance with the Local Planning Strategy. Shire of York Town Planning Scheme No. 2 relating to implementing policies.

A Scheme Amendment setting out the terms for developer contributions is to be initiated by Council using the WAPC Model for this form of Scheme Amendment.

Financial Implications:

Advertising costs to be borne by the Council.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: All lands zoned and owned by the Shire Council have been located and observed as to land use and classification.

Triple Bottom Line Assessment:**Economic Implications:**

The asset base of the Shire of York has been assessed. Contributions towards the upgrading of facilities and more detailed Development Plans will emerge as a long term plan for judicious expenditure to provide for improvements.

Active and Passive open space development will depend on demand and in accordance with priorities.

Social Implications:

The improvement of facilities and enhancement of the major land holdings will only make York more attractive as a place to live but set a regional standard for all forms of open space management.

Environmental Implications:

Environmental and conservation plans need to be prepared and adopted for those most significant areas like Mt Bakewell, Mt Brown and the Avon River to prevent inappropriate development or damage. Partnerships with government agencies are essential for these areas.

These features are what make York a unique place and protection of the natural assets is crucial.

Comment:

The Council has progressed with numerous initiatives in urban planning. This open space strategy of land use completes the overall picture and lays the foundation for future cohesive development of the town.

In order that other developments may take place this Recreation and Open Space Strategy is essential to meet the requirements and commitments of the Local Planning Strategy.

Officer Recommendation:

That Council:

- a) *Adopt the Draft Recreation and Open Space Strategy, as a Draft Planning Policy of Council and invite submissions from the community for a period of 28 days; and*
- b) *Formally submit the Recreation and Open Space Strategy to the Western Australian Planning Commission after the public consultation process and adoption of the Policy and Strategy by Council.*

RESOLUTION 010508

Moved: Cr Lawrance

Seconded: Cr Randell

“That the Officer Recommendation be amended to include ‘and all relevant groups’ to (a) so that the motion reads:

That Council:

- a) ***Adopt the Draft Recreation and Open Space Strategy, as a Draft Planning Policy of Council and invite submissions from the community and all relevant groups for a period of 28 days; and***
- b) ***Formally submit the Recreation and Open Space Strategy to the Western Australian Planning Commission after the public consultation process and adoption of the Policy and Strategy by Council.”***

(Carried 6-0)

The amendment became the motion and was put.

(Carried 6-0)

SHIRE OF YORK



RECREATION AND PUBLIC OPEN SPACE STRATEGY

APRIL 2008

Summary

The townsite of York has a varied range of open spaces from active sporting facilities to passive open spaces and conservation areas.

The town's setting between ranges, dominated by Mt Bakewell and Mt Brown, with the Avon River between, creates a distinct sense of place in the Wheatbelt and makes York an attractive place to live. These natural features shall forever be retained as natural resource management areas and protected under robust tenure arrangements.

Conservation open space, which includes the river and the landscape features within the townsite contains approximately 395 hectares.

The active recreation facilities cater for a wide range of sporting and cultural activities. With the exception of the Croquet Club and Tennis Club all the active recreation areas lie on the western side of the Avon River

The Forrest Street Recreation Complex will be enhanced by the relocation of the pacing track to the Equine Precinct. In the event of the aquatic centre becoming unserviceable a new pool should be located at the central Recreation Complex and the existing site converted to residential development.

Should residential development occur in the future east of the York Estate there will be a requirement for land to be set aside for recreation in this location to allow ease of access for the increased population living in the surrounding areas.

Active recreation within the townsite accounts for approximately 50 hectares.

Minor parks, gardens and playgrounds amount to just over five hectares.

Underutilised crown and Shire land along the river and Carter Road hold an additional 85 hectares.

The Equine Precinct has been accepted in the Local Planning Strategy as the preferred location for all equine activities. The Pony Club, together with other non-racing horse events should be relocated on the government land on North Road (west), and the existing site on Ulster Street returned to allow maintenance of natural vegetation parkland as an exhibition of the local flora and because of its landscape quality in an urban setting. The Showgrounds could also be located to the Equine Precinct.

The current community buildings accommodate a variety of cultural and recreational uses including theatre, music, dancing and exercise functions. These facilities are essential for the progress of culture and socialisation.

For the future provision of recreation amenities the Council should concentrate on quality of facilities rather than quantity of land reserved. The Council has adopted Outline Development Plans/Structure Plans which, in some cases, designate land required for open space. Council can request contributions of cash-in-lieu from sub dividers for the purchase of required land or the improvement of existing open spaces.

Contributions from land development, with the exception the eastern part of the town, may best be used in the cash-in-lieu form for the improvement of open space.

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RECREATION AND PUBLIC OPEN SPACE STRATEGY

1.0 ENABLEMENT

1.1 Council Powers

The Council has the power to prepare, adopt and implement a Planning Policy as enabled under Clause 8.8 of the Town Planning Scheme providing all advertising and public participation provisions are adhered to.

8.8 Planning Policies

- (a) *generally or in a particular class of matter or in particular classes of matters; and*
- (b) *throughout the Scheme area or in one or more parts of the Scheme area and may amend or add to or rescind a Policy so prepared.*

1.2 The Western Australian Planning Commission (WAPC) Policy

The WAPC has prescribed the guidelines for public open space in its Policy No DC 2.3. Briefly, the Objectives and Requirements of the provisions are:

- a) To ensure all residential development in the state is complemented by adequate and well located areas of public open space;
- b) Where appropriate facilitate the provision of land for community facilities such as community centres, libraries in conjunction with land ceded for public open space.
- c) The WAPC normal requirements are for 10 % of the gross subdividable area less land required for major roads, schools, public utility or any other non-residential use. The WAPC normally does not require a POS contribution for a subdivision of five lots or less (where earlier subdivisions have ceded land) however the requirement may be applied where the local government has identified an existing or potential need and has adopted a strategy to improve open space or similar proposals of five lots or less are likely to eventuate in the locality.
- d) The WAPC may allow a local authority to accept cash-in-lieu payments in circumstances where the land equivalent would be too small for practical uses, where there is already adequate land for POS or where there is an adopted strategy for an area where land is deemed to be required.
- e) All money collected by a local government is required to be paid into a separate account. The money is to be spent for the purchase of land for POS purposes generally in the locality where the subdivision is located, for repayment of loans raised for the purchase of land or, with the approval of the Minister, for the improvement or development of land for recreation or open spaces generally, on land vested in or administered by the local government.

- f) The cash-in lieu would not normally be acceptable for community halls, indoor recreation centres, enclosed tennis courts, bowling greens or facilities for private clubs where access by the general public is restricted. Acceptable expenditure may include clearing, earthworks seating, spectator cover, toilets, landscaping change rooms, reticulation, lighting, paths, fencing, playground equipment, walk trails, car parking and signage.

2.0 LOCAL PLANNING STRATEGY (LPS) and TOWN PLANNING SCHEME (TPS)

2.1 Local Planning Strategy

The Local Planning Strategy, *inter alia*, has made strong mention of the value of the York landscape and open space provision for both recreational and conservation values.

Recognising the growth experienced in the town in residential development and the impact that will have on the population increase there is the need to assess the recreational and cultural facilities to meet the needs for the future generation

Below are excerpts from the Local Planning Strategy which are pertinent to this Policy Statement:

"The Avon Arc Sub Regional Strategy has noted that "tourism and recreation play an ever-increasing role in the function and values of the region, with the major urban settlements being focal points for tourism. And specifically for York the Sub Regional Strategy notes "York's attractive character and identity make it one of the most attractive tourist destinations in the Avon Arc."(Page 41 – LPS)

The Local Planning Strategy has as its objectives to consolidate the town's development around existing development and where services are available.

(Page 7 - LPS)

Following a review of the Avon River floodplain, investigate rationalising existing Parks and Recreation reserves along the Avon River that are not required for management purposes. (Page 7 - LPS)

Prepare a recreation and open space strategy for the York townsite. (Page 8 – LPS)

Objectives

Provision of recreation facilities, services and open spaces for the benefit and well-being of the population the district of York.

Strategies

Rationalise existing recreational facilities and reserves within the townsite (including possible co-location with high school facilities) to provide opportunities for infill/redevelopment for residential purposes within existing serviced areas.

To assess existing lands and facilities in the Shire to determine if the needs are met.

To acquire additional lands for recreation and open space to meet the needs of recreational activities and environmental management;

To dispose of lands not required for the needs of recreational and environmental activities;

To use income generated from grants and developer contributions for the improvement of existing and proposed facilities.

Amend the scheme to make provision for such planning when development is proposed including provisions for the preparation of an Outline Development Plan and developer contributions.

Prepare a Recreation and Open Space Strategy for the York townsite.

Preserve an enhance the environment and natural resources, especially with regard to the Avon River;

3.0 OVERVIEW

The need for this recreation and open space strategy is to determine the requirements for recreational lands and facilities and to provide for the population increase in the Shire for next ten years and more.

The open space and recreation lands include active sporting facilities, passive open space for leisure, and areas considered significant for environmental protection.

The directions for the provision of public lands will lie with the needs of the population, the location of any additional open space and the substantiation of gaining contributions from land development as part of the subdivision process. York has many public land uses ranging from sophisticated sporting facilities to environmental open space the latter being related to landscape protection (Mt Brown and Mt Bakewell) and waterways (the Avon River and its tributaries).

In addition to those categories are the well-developed town centre facilities of the halls for cultural activities.

The land tenure of the current open space holdings is a mixture of reservations and 'green title' lots. Many of the land uses cover several titled lots with little recognition of the intervening boundaries.

The primary recreation area includes a wide variety of sporting grounds and facilities and is well placed within the town site to provide for easy access to the majority of the residences.

The racecourse and pony club are site specific but are also accessible to the townspeople.

The major open spaces, partly accessible for passive uses are the two dominant landforms of Mt Brown and Mt Bakewell mainly for indigenous vegetation and provide outstanding backdrops to the town and constitute a form of enclosure to the town's setting.

The Avon River bisects the town urban development and provides both passive uses (picnic grounds and walks) and environmental value in the retention of biodiversity.

4.0 POPULATION AND DEMAND

The provision of recreational open space depends on the demand which in turn is related to the structure of the population. More demand for demandingly active sports is created for those in the 5 years to 24 years aged grouping. Ages between 25 and 64 years have a tendency for the pursuit of more non-contact sports and the more sedate activities like walking and observing particularly environmentally attractive areas.

The age profile for York is typical of small regional centres with a preponderance of children between 0 to 14 years, and between 25 to over 65 years. The gap of the 15 to 24 years bracket is explained by the mobility of young people seeking higher education, employment and entertainment in the city.

The population distribution for the Shire of York is shown in Table 1.

TABLE 1: POLULATION DISTRIBUTION - 2001

AGE GROUP	YORK	% OF TOTAL PERSONS FOR REGION	% OF TOTAL PERSONS FOR AUSTRALIA
0-4	196	6.5%	6.6%
5-14	486	16.2%	14.2%
15-24	260	8.7%	13.7%
25-54	1237	41.3%	43.5%
55-64	373	12.4%	9.4%
65+	440	14.7%	12.6%
Total	2992		

TABLE 1: POLULATION DISTRIBUTION - 2006

AGE GROUP	YORK	% OF TOTAL PERSONS FOR REGION	% OF TOTAL PERSONS FOR AUSTRALIA
0-4	178	5.7%	6.3%
5-14	427	13.7%	13.5%
15-24	249	8.0%	13.6%
25-54	1188	38.1%	42.2%
55-64	542	17.4%	11.0%
65+	532	17.1%	13.3%
Total	3116		

Source: Australian Bureau of Statistics
2001 and 2006 Census

Over the intercensal period there has been a net increase of 124 persons (4.14%) The population base has declined in the 15-24/25-54 bracket, that is, the predominant working age group and those seeking more active recreation and entertainment.

The stability of the distribution can mean the existing population has moved into the next or higher age bracket together with the increase in migration from the city by retirees

Although there has been a rapid increase in demand for land (developed lots) over the past few years, population growth has only remained steady due to lack of housing availability.

By observation there are more in the 54 to 65+ aged groups enquiring about housing availability but due to the skills shortage, dwelling construction is slow.

By the existing population figures and the trend towards more in the upper age bracket there is more perceived demand for passive type open space and recreational facilities rather than larger sports fields.

5.0 CATEGORIES OF OPEN SPACE

Five categories of recreation and open space are considered for the town.

5.1 Active Recreation

Active recreation includes sports fields like football, cricket, hockey, tennis croquet and bowls and - for York – equestrian sports including racing, pacing and other organised horse events.

5.2 Passive Open Space

Passive includes casual parks and gardens, children's playgrounds, lookouts, and the observation pursuits,

5.3 Environmental

Environmental open space is largely focussed on natural landscape features where indigenous flora and fauna are in their natural setting.

Mt Brown, Mt Bakewell and the Avon River are the primary examples of this but there are others within the urban areas providing relief from the close order built form.

This appreciation of the scenic beauty of the town as seen from close up and from remote distances is a valued asset. Avon Ascent and Gwambygine are providers of passive recreation opportunities.

5.4 Cultural

Cultural activities take place in the various halls, gardens and private domains. Music, dancing, arts and crafts, drama etc. are well attended and provide an outlet for both passive and active participation. The Balladong Museum and York Society archive provide opportunities for heritage and history pursuits.

5.5 Adventure

The more adventurous activities lie outside of the town. York is a centre for hot air ballooning, hang gliding and skydiving using the airfield on the Spencers Brook Road.

At Mt Bakewell Reserve ultra light and other active sports are catered for by private industry. Motocross and skateboarding facilities are provided by the Shire of York with significant off road motorcycle use in State and National forest areas.

6.0 LAND TENURE (Refer Appendix 1)

The tenure of the land zoned for public open space is a mix of reserved land and freehold /'green titles'.

6.5 Reserved Land

Reserved lands are held by the Crown and vested in the Shire of York for the designated purpose written into the Vesting Orders. These lands cannot be sold or changed in purpose without the consent of the State Government. Any proceeds from the sale of unwanted land go to the state treasury.

Examples of this are the Pacing Track/Sports Fields in South Street (Reserve No 7079-Recreation), Pony Club on Ford Street, (A Class Reserve 11515) and Mt Brown (Reserve 6915 Parkland).

6.2 Freehold Land

Freehold land is held in *fee simple* and may be disposed of by sale or changes of use as determined by the land holder, in this case the Shire, although there are provisos to ensure adequate procedures are followed.

These provisos are firstly that any land zoned under the town planning scheme is rezoned to another purpose so invoking a public participation by means of advertising of the scheme amendment, and, secondly, open tender to ensure that there is no perception of collusion.

Examples of this are sports ground and showground on Henrietta Street and children's playground on Newcastle Street.

In both cases the land is under several individual titles which have never been amalgamated into a single entity to reflect the single use of the land.

6.3 Special Titles Grants

The York Race track is subject to Special Titles dedicating the grounds specifically for racing as well as having a reservation (Reserve 1377 – Racecourse.)

These titles have special conditions being Restricted Freehold Titles – dedicated to the York-Beverley Racing Club.

The buildings and places are not included in the public open space assessment but are mentioned because of their overall contributions to the leisure pursuits of the community.

6.4 Civic and Cultural Facilities

York has many centres for social and cultural pursuits including the town hall, other halls owned and operated by religious and cultural organisations where there are a various activities held at day and night. Many buildings have and are used for a multiple of functions.

Community group meetings, music and dancing, health and educations courses, telecentre, historical displays and libraries are amongst this category in civic purpose buildings.

Special seasonal events add to the use of the public open areas and structures as with the festivals of show days and music festivals.

Special activities for the aged and youth groups are catered for at a minimal level.

7.0 STATUTORY MANAGEMENT

7.1 Town Planning Scheme Provisions

The Town Planning Scheme depicts the land set aside for recreation and open space regardless of the land tenure.

The larger natural heritage areas are the responsibility of government departments such as the Department for Environment and Conservation and the Department of Water.

The LPS specifies a clear objective in that the open space is required to be rationalised. This means, in terms of provision and management.

7.2 Local Government Management

The Local Authority is responsible for:

- a) The management of lands for which they are intended;
- b) The concentrations of uses which can share facilities like clubrooms and car parking;
- c) Rationalisation of lands – provision of new areas as well as disposal of lands not needed for either recreation or conservation;
- d) Rationalisation of land tenure by amalgamations of lots and/or dedicating freehold titles into reserves for long term protection and security;
- e) Relocating some activities to new locations;
- f) Enabling contributions form land subdivision and development to be provided in either land or cash-in-lieu so that there is an equitable provision of facilities for the increasing population.
- g) Creation and support of partnerships between the Local Authority and government agencies as well as with incorporated organisations and special interest volunteer groups.
- h) Special cooperation with interested indigenous representatives for the protection of sites of spiritual importance.

8.0 RECOMMENDATIONS

8.1 Forrest Street Sporting Complex

This centralised area should remain as the focus for organised sports. There is the potential for the relocation of the swimming pool when the aquatic centre has exceeded its physical and economic life.

The site of the aquatic centre is inappropriately located in a residential area and where the adverse affects of traffic noise and lighting can cause problems for the nearby residents. The existing site can be converted to residential by rezoning and be developed and sold by Landcorp on behalf of the government.

The showgrounds at Forrest Street Complex are limited in areas and can be relocated to a sit in the equine centre thus freeing up space for additional recreational uses.

The sports ground for football and cricket should remain but the pacing track relocated to the Equine Precinct. The Bowling Club should retain its present position.

The land tenure could be modified by amalgamation of the freehold lots and converted to a reserve, to avoid potential management problems and conflict, with the power to lease granted to the local authority.

(Refer Appendix B)

8.2 Pony Club uses. There is the potential for North Road on location (Lots Y 23 and Y24) to become a sub-regional centre for a variety of equestrian activities as well as support equestrian businesses.

The Pony Club should be relocated to Lot Y12, North Road, along with other non-racing horse uses. This could include polo cross, riding for the disabled, dressage events and similar. The existing land on Ulster Road should be returned to its natural state as local parkland.

8.3 Racing and Pacing

The racecourse dominates this precinct but is underutilised with ten or fewer race meetings each year.

Pacing is similarly below capacity in events with only six meeting per year.

The Showgrounds could also be located in this area

(Refer Appendix B)

8.4 Conservation and Natural Resource Management

Conservation and protection of natural heritage areas can not be overstated. There is a higher and growing awareness of the environment in these times than ever before.

The scenic backdrop and surrounds of the town gives it its unique character and they are highly regarded in the community as irreplaceable assets.

Protection of natural flora and fauna in a time of threat of climate change as well as interference by human activities is essential. Overuse by man and non-native animals has caused significant damage by habitat destruction and invasion of weeds which threaten the survival of fragile vegetation communities.

Such natural assets are valued and appreciated by careful and passive observation and it is from these benign actions that give pleasure and tranquillity.

The areas of Mt Bakewell, Mt Brown and the Avon River riverine system in the town, amounts to about 397 hectares.

9.0 DEVELOPER CONTRIBUTIONS

The Shire has abundant open space and recreation facilities and for most new developments additional open space is not necessarily needed.

For Residential and Rural Residential subdivisions and development a normal contribution of 10% is required for public open space. This may be in the form of linear reserves acting as a combination of drainage and trail systems if land is to be ceded to the Crown (Shire) for the advantage of an extended catchment.

Land in this form is generally unsuited for any form of human habitation being low lying and subject to inundation. At the same time such land is generally occupied by natural vegetation needed for environmental purposes in arresting stream flows and providing natural habitat or biodiversity corridors.

Where a development does not attract land contribution, a cash-in-lieu payment based on an unimproved valuation, is a more appropriate form of contribution with the proceeds being expended (with Ministerial Approval) on the purchase of land elsewhere or for the improvement of existing facilities.

York, being a relatively small and contained town means that any funds accumulated and placed in trust, may be expended anywhere where the Council deems fit to provide the optimum benefit of all residents of the York community. There are many existing sporting, passive open spaces and environmental examples where such funds may be expended to raise the standard of facilities or improve environmental lands for the whole district's population to enjoy.

The Rural Residential developments on the fringes of the townsite may not need open space except for environmental or drainage purposes, but demands on the town's sporting and cultural facilities by the new outlying residents will only increase. Therefore, it is appropriate that the burden of financing improvements and new facilities be shared by all of the population and not only to those in the inner residential areas.

Appendix A – Schedule of Open Space

Lot No	Reserve No	Location	Street	Use	Area
Un-numbered	31150	Blandstown	Elizabeth	Un-used	0.2466
Un-numbered	31150	Blandstown	Elizabeth	Un-used	0.0453
					0.2919
Un-numbered		Blandstown	Bland Brook	Creek	0.0819
Un-numbered		Blandstown	Bland Brook	Creek	0.1435
Un-numbered		Blandstown	Bland Brook	Creek	0.5537
Un-numbered		Blandstown	Bland Brook	Creek	0.1422
					0.9213
440	7079	Daliak	South St	Pacing/sports oval, club rooms	6.2248
1		Daliak	Barker	Radio Station	0.1677
2		Daliak	Barker	Vacant	0.1680
3		Daliak	Barker	Car Park	0.1683
4		Daliak	Nil	Car Park	0.1686
5		Daliak	Nil	Car Park	0.1689
6		Daliak	Nil	Car Park	0.1692
7		Daliak	Nil	Car Park	0.1696
8		Daliak	Nil	Sports	0.1699
9		Daliak	Nil	Sports	0.1702
10		Daliak	Nil	Sports	0.1776
Un-numbered		Daliak	South St	Sports	1.3664
100		Daliak	South St	Sports	0.2056
43		Daliak	South St	Sports	0.1829
44		Daliak	South St	Sports	0.1830
45		Daliak	South St	Show Ground	0.1829
46		Daliak	South St	Show Ground	0.1830
47		Daliak	South St	Show Ground	0.1830
48		Daliak	South St	Show Ground	0.1830
49		Daliak	South St	Show Ground	0.1831
50		Daliak	South St	Show Ground	0.1830
51		Daliak	South St	Show Ground	0.1713
52		Daliak	South St	Show Ground	0.1525
53		Daliak	South St	Show Ground	0.1526
54		Daliak	South St	Show Ground	0.1831
55		Daliak	South St	Show Ground	0.1534
					11.76132
Un-numbered	37317	Daliak	Ulster St	Natural (Chinamen's Pit)	0.8381
	A 1814	Resid.	Pool St	Arboretum Nat Park	1.5953
					2.4334
Un-numbered	1515	Daliak	Ulster Rd	Pony Club	4.1232
Un-numbered		Daliak	Dinsdale St	Pony Club	1.7990
Un-numbered		Daliak	Dinsdale St	Pony Club	0.1793
Un-numbered		Daliak	Ford St	Pony Club	0.2090
Un-numbered		Daliak	Ford St	Pony Club	0.4291
Un-numbered		Daliak	Ford St	Pony Club	0.4468
Un-numbered		Daliak	Ford St	Pony Club	0.4468
Un-numbered		Daliak	Ford St	Pony Club	0.4468
Un-numbered		Daliak	Ford St	Pony Club	0.4468
Un-numbered		Daliak	Ford St	Pony Club	0.4468
Un-numbered		Daliak	Ford St	Pony Club	0.3876
Un-numbered		Daliak	Ford St	Pony Club	0.3615
Un-numbered		Daliak	Ford St	Pony Club	0.2750
Un-numbered		Daliak	Ford St	Pony Club	0.8165
					10.8081

Lot No	Tenure	Location	Street	Use	Area
17		CBD	South St	Gardens	0.1107
43		CBD	South St	Gardens	0.1796
28		CBD	South St	Gardens	0.1202
27		CBD	South St	Gardens	0.1212
25		CBD	South St	Gardens	0.1012
26		CBD	South St	Gardens	0.1012
P4,5			South St	Johanna Whitely Pk	0.1500
				Rotary Park	0.3447
					1.1188
593	45638	CBD	Georgiana St	Swim Pool	0.8999
	45657			Scout Hall	0.4143
	45616			Vacant	0.3064
					1.6206
Un-Numbered	Freehold	York	Avon Tce	Natural	0.2469
Un-Numbered	Freehold	York	Avon Tce	Natural	0.1000
					0.3469
Un-Numbered	Freehold		North Rd	Abandon. Pit	4.0904
Un-Numbered	Freehold		Carter Rd	Un-used	3.4195
90	Special Title	Equine Prec	Carter Rd	Racecourse	3.4839
97	Special Title	Equine Prec	Carter Rd	Racecourse	3.4727
100	Special Title	Equine Prec	Carter Rd	Racecourse	3.0126
101	Special Title	Equine Prec	Carter Rd	Racecourse	2.6055
102	Special Title	Equine Prec	Carter Rd	Racecourse	2.6055
103	Special Title	Equine Prec	Carter Rd	Racecourse	2.4412
109	Special Title	Equine Prec	Carter Rd	Racecourse	2.2908
110	Special Title	Equine Prec	Carter Rd	Racecourse	1.4455
106	Special Title	Equine Prec	North Rd	Racecourse	8.0437
105	Special Title	Equine Prec	North Rd	Racecourse	4.0504
104	Special Title	Equine Prec	North Rd	Racecourse	4.0457
99	Special Title	Equine Prec	North Rd	Racecourse	4.5200
98	Special Title	Equine Prec	North Rd	Racecourse	4.0457
91	Special Title	Equine Prec	North Rd	Racecourse	4.0545
					50.1177
Un-Numbered	17487	Mt Bakewell	North Rd	Conservation	16.1873
Un-Numbered	17487		North Rd	Grazing	36.4159
Un-Numbered	17487		North Rd	Grazing	42.7764
					95.3796
149			Newcastle St	Playground	0.5482
150			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.4055
Un-Numbered			Newcastle St	Playground	0.5772
					4.7749
Un-Numbered	R6195		Mt Brown	Conservation	129.5441
Un-Numbered			Glebe St	Croquet Club	1.1301
Un-Numbered			Glebe St	Tennis Club	0.3547
Un-Numbered		York	Glebe St	Tennis Club	0.2706
				Tennis Club	0.1290
					0.7543

Lot No	Tenure	Location	Street	Use	Area
Un-Numbered	19039	Avon River	Avon River	Avon River	49.3540
Un-Numbered	19039	Avon River	Avon River	Avon River	12.8919
Un-Numbered	19039	Avon River	Avon River	Avon River	42.4649
Un-Numbered	19039	Avon River	Avon River	Avon River	1.0488
Un-Numbered	19039	Avon River	Avon River	Avon River	1.1309
Un-Numbered	19039	Avon River	Avon River	Avon River	14.2426
Un-Numbered	19039	Avon River	Avon River	Avon River	43.7546
					164.8877
Un-Numbered	7451	Avon River	Spenc. Bk Rd	Un-used	14.02332
Un-Numbered		Avon River	Spenc. Bk Rd	Moto Cross	7.5023
Un-Numbered		Avon River	Spenc. Bk Rd	Un-used	2.6953
Un-Numbered		Avon River	Spenc. Bk Rd	Recycl. Depot	25.1263
Un-Numbered		Avon River	Spenc. Bk Rd	Dwell/Crop	33.0116
					82.3588

SUMMARY OF OPEN SPACE	
Mt Brown, Mr Bakewell and Avon River and Bland Brook , Arboretum	About 397 hectares
* Does not include the Spencers Brook riverside lots not the existing Pony Club.	
Active Sports incl. Racetrack, Forrest St. sports complex and others	About 52 hectares
Playgrounds and Gardens	About 6 hectares
Underutilised lands (Crown) Spencers Brook Road, and Carter Road	About 85 hectares
TOTAL	About 540 hectares

Appendix B – Forrest Oval Precinct Re-development Project Brief

Background

The Shire of York has a strong sporting culture with a variety of sport and recreational activities available for residents and visitors alike. The Forrest Oval precinct is home to a number of these sporting clubs including bowls, cricket, netball, football and hockey, as well as the York Recreation Centre, which hosts badminton, squash, basketball and a gymnasium. This precinct has the potential to become a very strong and highly utilised sport and recreation 'hub' within the Shire of York.

Currently however, many of the facilities within the precinct are inadequate in size and function for the majority of the sporting groups that use them. It is proposed to re-develop the precinct to ensure that the facilities available are sustainable and will service the sporting groups and the community adequately well into the future.

York's current population of approximately 3700 is projected to increase to 6000 within the next 5-10 years. This significant growth consolidates the need to redevelop Forrest Oval Precinct to sustain the growing membership and participation in local sport, recreation and physical activity.

Project Overview

The Forrest Oval Precinct hosts the majority of sporting clubs in the Shire of York; however the facilities available are inadequate.

The current pavilion, which serves as a social meeting place for the football and cricket clubs after games, as well as a general function and meeting room for other clubs, groups and community members, is extremely outdated and insufficient in size and function. The York Hockey Club is experiencing a growth in membership, however their clubrooms are small with no toilet or change room facilities, and as such are not adequate. Similarly the Netball Club is experiencing a growth in membership, but does not have any clubrooms – relying on the small pavilion for any functions or meetings that may be scheduled.

It is planned to redevelop the current Forrest Oval Recreation Centre and pavilion, and construct a shared use facility. This facility will house function rooms, bar, dining/meeting room, viewing areas, offices, telecommunication facilities, storage areas, gymnasium, indoor sports areas, foyer, toilets, change rooms, and large kitchen and cool room.

The construction of such a multi-purpose facility will provide these clubs and others, such as the social badminton and gym groups, with a place to socialise with members, hold functions and sporting meets, and store equipment. The co-location of these clubs and groups will also promote sustainability, shared facilities and responsibilities, reduction in costs, and a positive community spirit. A shared facility can result in the reduction of infrastructure and maintenance responsibility for individual clubs through consolidated facilities. This will also enable a higher standard of facilities for the enjoyment of patrons.

It is also planned to realign the oval running south to north which will provide better playing conditions for football and cricket teams. There may also be the need to provide further facilities and infrastructure such as a second hockey field, and further netball courts to meet growing membership numbers. The relocation of the tennis club and swimming pool to Forrest Oval has also been discussed. Due to the size of these developments it would be wise to carry them out in stages over a period of 3-5 years. These proposals will be explored further during the consultation and planning phase of this project.

In order to obtain sufficient funding to redevelop Forrest Oval the Shire of York must develop a Sport & Recreation Plan. Major funding bodies such as the Department of Sport and Recreation, Lotterywest and the Federal Government stipulate that projects of a large and extensive nature such as the Forrest Oval Redevelopment require significant planning and community consultation, as well as a detailed Strategic and Sport & Recreation Plan.

A Sport & Recreation Plan will be developed over the next 6 months. This will include facilities inventory, literature reviews, current facility performance, demographic analysis, leisure and participation trends, community consultation, rationalisation of facilities and recommendations.

Once this plan is developed and adopted by Council and the community, funding will be sought from a range of agencies and government bodies.

Providing the funding applications are successful, it is hoped to start construction of the new facility in February 2009.

What are our goals?

- To re-develop the Forrest Oval precinct to include a shared use facility which will house function rooms, bar, dining/meeting room, viewing areas, offices, telecommunication facilities, storage areas, gymnasium, indoor sports areas, foyer, toilets, change rooms, cool room, large kitchen.
- To provide adequate infrastructure and facilities at Forrest Oval Precinct for the majority of sporting clubs in York. These include hockey, tennis, basketball, netball, badminton, squash, cricket, bowls, and school sports and activities.
- To realign the oval to meet the needs of football and cricket
- To remove the trotting track and stables, and re-locate them to the equine precinct
- To move the agricultural society and showgrounds to the equine precinct

How do we get there?

- Work with the York Harness Racing Club and the York Racing Club to work towards relocation of the trotting track to the equine precinct
- Work with the agricultural society to relocate them and the showgrounds to the equine precinct
- Identify the sporting and recreational needs of the community through community consultation (surveys, focus groups etc.)
- Examine the recreation needs of sporting clubs and community groups within the Shire of York, particularly those situated within the Forrest Oval Precinct (surveys, focus groups etc.)
- Determine the need for multi-purpose recreational facility at Forrest Oval
- Develop and prepare a draft Forrest Oval Precinct site and building plan for presentation to sporting groups and the community
- Develop a sport and recreation plan for the Shire of York, which is endorsed by the Council, the community and Government
- Obtain CSRFF and other major funding to support the re-development and construction of the Forrest Oval Precinct

Methodology and timing of the project

This project will be separated into five major phases:

Phase	What's Involved?	Timeframe
Phase 1 Project Clarification	Project Brief	February → March 2008
	Committee Established	
	Roles Identified	
Phase 2 Sport & Recreation Plan	Background Research	February → July 2008
	Demographic Analysis	
	Facilities Inventory	
	Stakeholder Consultation	
	Draft site & building plan	
	Draft Plan	
	Public Comment	
	Final Plan	
Phase 3 Relocation	Relocation of York Harness Racing Club	February → December 2008
	Relocation of agricultural society and showgrounds	
Phase 4 Grant Applications & Notification	CSRFF	July → November 2008 for applications February → March 2009 for notifications
	Lotterywest	
	Regional Partnerships	
	Other	
Phase 5 Building	Tenders	February → ? 2009
	Plans finalised	
	Contractors hired	
	Building commences	

Community consultation

Significant community consultation will need to be carried out to determine the sport and recreational needs of the sporting groups located within Forrest Oval, as well as the general community. This consultation will also be a vital part of the sport and recreation plan for York.

A general community sport and recreation survey has been sent to all residents. The survey will provide an insight into residents' preferred sport and recreational pursuits, highlighting possible activities, sports and facilities they would like to see become available within the Shire. The survey is due by 28 February 2008 and a cash prize of \$100 has been used as an incentive to encourage return of the survey.

Focus groups with local sporting clubs and community groups will be scheduled to determine their needs into the future. The Forrest Oval Redevelopment Committee – with support from Shire staff – will coordinate and administer these sessions.

A general sport and recreation survey will also be developed for staff and students of York District High School to determine their needs into the future. Discussion with Council will also be an important part of the consultation process.

Draft plans will be put out for community consultation before adopted at Council Meetings to ensure the community have had the opportunity to comment on developments and provide input.

Project Management & Support available

The Forrest Oval Precinct redevelopment will require significant staff and volunteer time to meet the deadlines indicated above.

The Community Recreation Officer, who is employed to work two days per week will oversee the project, write the Sport & Recreation Plan, and complete all funding submissions for the project. At least one day per week will be allocated to this project.

The Forrest Oval Redevelopment Committee will be responsible for community consultation and preparing the draft site and building plans.

Existing information available

There have been a number of reports and studies on sport and recreation in the Shire of York. These documents will be valuable in determining the implications for a local sport and recreation plan.

These documents are:

- Recreation Needs 2008 to the Future (Shire of York)
- Recreation and Public Open Space Policy December 2007 (Shire of York)
- York Forrest Oval Precinct Expression of Interest and Design Brief 2002 (Shire of York)
- Regional Sport & Recreation Plan 2000 (Solly)
- Feasibility Study Mutli-Purpose Community Centre October 1997 (Focus 4)

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.2 Scheme Amendment 36

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.31/Gr 2.1121
COUNCIL DATE:	12 May 2008
REPORT DATE:	1 May 2008
LOCATION/ADDRESS:	Lot 7082 Helena Road, York
APPLICANT:	Mr A Johnson/Greg Rowe and Associates
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	D Lawn, Planner
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Scheme Amendment 36
DOCUMENTS TABLED:	Map

Summary:

Proposed Scheme Amendment to create a Conservation Zone to support subdivision in Conservation Areas, where extensive native vegetation is prohibited from being cleared.

Background:

The particular landholder is to apply for subdivision on Lot 7082 Helena Road, York.

Council considered the concept at its Ordinary Council meeting held on the 17 September 2007 where it was resolved as follows:

“That Council advise the applicant that it supports in principle the concept of a Conservation Estate to protect the environmental values of the area.”

Consultation:

The applicant has engaged a consultant who has approached the Department for Planning and Infrastructure and the advice provided by DPI officers was to create a Conservation Zone.

Statutory Environment:

Planning and Development Act 2005.

Policy Implications:

Nil.

Financial Implications:

Costs of scheme amendment (or part thereof) would be attributed to the Helena Road applicant.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Extension of services may apply eg. school bus.

Social Implications:

Future occupants would be of like mind i.e. appreciation and protection of natural bush environment.

Environmental Implications:

Some minimal loss of natural vegetation via roads and building envelopes.

Comment:

This lifestyle would appeal to some who would prefer a secluded living environment and manage quality remnant vegetation.

**OFFICER RECOMMENDATION
RESOLUTION 020508**

Moved: Cr Boyle Seconded Cr Walters

“That Council initiate Scheme Amendment No 36 to create a Conservation Zone and Rezone Lot 7082 Helena Road, York in accordance with Appendix A.”

(CARRIED 6-0)



SHIRE OF YORK

TOWN PLANNING SCHEME NO 2

AMENDMENT NO 36

CONSERVATION ZONES

(VERSION – APRIL 2008)

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
SHIRE OF YORK
TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 36

Resolved that the Council, in pursuance of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Adding to the scheme text a new zone – Conservation Zone together with development and related land use controls; and
2. Rezoning of Lot 7082 Helena Road, York from General Agriculture Zone to Conservation Zone.

Dated this _____ day of _____ 2008

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1. **LOCAL AUTHORITY** : SHIRE OF YORK
2. **DESCRIPTION OF TOWN PLANNING SCHEME** : TOWN PLANNING SCHEME NO. 2
3. **TYPE OF SCHEME** : DISTRICT ZONING SCHEME
4. **SERIAL NUMBER OF AMENDMENT** : 36

Background:

Council is responding to a current application for subdivision of a lot with wide coverage of natural bushland.

In responding, Council is aware of the need for conservation of the natural environment as accepted in the Shire's Local Planning Strategy.

Part 2.1 (Page 16) General Strategies

- a. Support subdivision for conservation purposes where it can be demonstrated that:
 - i. subdivision will be of benefit to the environment;
 - ii. the area for conservation can be protected and managed by appropriate scheme provisions and covenants;
 - iii. the new lot/s created can be adequately serviced;
 - iv. the new lot/s will not adversely impact upon the prevailing settlement pattern of the Shire and the viability of services provided by the Shire; and
 - v. it is consistent with any relevant policy of the Western Australian Planning Commission including State Planning Policy 2.5 Agricultural and Rural Land Use Planning (refer Section 8 References).

The Western Australian Planning Commission's SPC 3.4 and 2.4, which deal with rural lands, provide guidelines for conservation and occupation of properties.

The current town planning scheme is required to be amended to include a new zone - Conservation Zone, with appropriate development and land use conditions.

This requires modifications to the Zoning Table and adding a new schedule – Schedule 15 – Conservation Zone.

Reasons for Amendment

The proposed subdivision and development of Lot 7082 Helena Road, York, has been presented to Council which supports the proposal. Advice from the DPI is that the scheme is required to be amended as the land is zoned General Agriculture. The development is primarily for rural living in a natural environment where care, protection and maintenance of the natural flora and fauna are fundamental and there is better likelihood of the land receiving approval for clearing for agricultural use.

The Scheme Amendment is in two Parts:

- a) Creating a new zone - Conservation Zone with attached development provisions; and
- b) Rezoning Lot 7082 Helena Road York from General Agriculture Zone to Conservation Zone.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF YORK

TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 36

The Shire of York Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above Town Planning Scheme by inserting Part 9 and Part 10, as follows:

The following is proposed:

- (1) Adding to the list of zones in Part 3.1 of the Scheme the new zone – Conservation;
- (2) Adding to the scheme text Clause 4.16 Conservation Zone - Requirements

4.16 Conservation Zone

Objective: The objective of this zone is to conserve areas of natural vegetation, whilst permitting limited development for human occupancy with strict conditions of land uses.

4.17 Requirements

The following provisions shall apply generally to all land included in the “Conservation Zone” in addition to any provisions which are more specifically applicable to individual “Conservation Areas”.

Prior to providing for a Conservation Zone over a particular property, Council shall require the landowner or agent to prepare a submission supporting the creation of the Zone and such submission shall include:

- 1) a plan showing the location of the lot/s proposed to be included in the zone together with the area surrounding and its uses, which are likely to be affected by proposed zone having regard to the nature and purpose of the proposed lots and the intended uses.
- 2) The reasons for the selection of the particular area with reference to the location, land characteristics and land capability which are to support the intended uses.
- 3) A visual analysis of the land as viewed from the surrounding vantage points.
- 4) Description the flora and fauna present on the land, its condition and threats from exotic plants, weeds and animals and the measures required to prevent degradation for such introduced species.

- 5) A Subdivision Guide Plan which shows:
 - a) the proposed lots including lot sizes and dimensions;
 - b) existing and proposed roads;
 - c) building envelopes – 4,000m² not to be split for minimal destruction to vegetation;
 - d) any improvements or impairments to the land including buildings, fencing, bores, dams, wells, or other impediments;
 - e) extent of natural vegetation on the land and a broad description of the species;
 - f) areas to be revegetated (if applicable);
 - g) areas of exclusion to occupation such as watercourses, wetlands, severe slopes and other natural features;
 - h) Fire Management Plan showing strategic fire breaks and fire fighting facilities;
 - i) relevant information on water supplies for domestic and fire fighting purposes; and
 - j) effluent disposal systems as appropriate in the land capability assessment.
- 6) Planning approval is required for all development including a single house and any outbuildings.
- 7) Any clearing of indigenous vegetation shall comply with the clearing of Native Vegetation Regulations as administered by the Department of Environment and Conservation and shall be limited to the making of roads, creation of fire breaks and within the depicted building envelope.
- 8) The keeping of animals is not permitted.
- 9) Strategic Fire Breaks shall be provided outside the building envelopes and shall conform to the approved Fire Management Plan and be maintained in compliance with the Bush Fires Act and the Shire of York Firebreak Notices.
- 10) The planting of exotic or introduced species outside of the building envelopes is not permitted.
- 11) The vendor of any lot shall make arrangements to the satisfaction of the Council to ensure prospective purchasers are aware of the conditions of occupancy and of the requirements of FESA for the fire risks pertaining to the property.

- (3) Amending the Zoning Table by adding the new zone - Conservation Zone with Associated Uses.

USES		CONSERVATION
1	aged or dependent persons' dwelling	X
2	ancillary accommodation	IP
3	caretakers dwelling	X
4	civic building	X
5	club premises	X
6	consulting rooms	X
7	dog kennels	X
8	education establishment	X
9	fast food outlet	X
10	fuel depot	X
11	grouped dwelling	X
12	home business	AA
13	home occupation	AA
14	hotel	X
15	industry - cottage	SA
16	industry - extractive	X
17	industry - general	X
18	industry - light	X
19	industry - noxious	X
20	industry - rural	X
21	industry - service	X
22	intensive agriculture	X
23	motel	X
24	motor vehicle repair	X
25	office	X
26	piggery	X
27	plant nursery	AA
28	poultry farm	X
29	public recreation	X
30	public utility	AA
31	residential building	X
32	restaurant	X
33	rural pursuit	X
34	service station	X
35	shop	X
36	single house	P
37	tavern	X
38	transport depot	X
39	veterinary centre	X

- 4) Amending the Scheme Maps to rezone Lot 7082 Helena Road, York, from General Agriculture Zone to Conservation Zone.

5) Adding Schedule 15 – Conservation Zone to the Scheme Text

SCHEDULE 15
CONSERVATION ZONE

Site	Location	Provisions
1	Lot 7082 Deposited Plan 225081 Helena Road, York.	In addition to the general provisions in clause 4.16, the following provisions shall apply: (a) Fencing shall be limited to the primary boundary and around each building envelope; (b) Demonstrate the accessibility of a water supply for domestic and fire fighting purposes; (c) Effluent Disposal: All dwellings shall be connected to an Aerobic Treatment Unit.

RESOLUTION TO AMEND SCHEME

Adopted by resolution of the Council of the Shire of York at the Special Meeting of the Council held on theday of.....2008

CHIEF EXECUTIVE OFFICER

SHIRE PRESIDENT

RESOLUTION TO ADOPT AMENDMENT TO SCHEME

Adopted by resolution of the Council of the Shire of York at the Ordinary Meeting of the Council held on the day of2008

- (a) that the amendment to the Scheme be adopted with or without modification;
- (b) that it does not wish to proceed with the amendment to the Scheme,
(delete whichever is not applicable)

The Common Seal of the Shire of York was hereunto affixed by authority of a resolution of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

SHIRE PRESIDENT

Recommended/Submitted for Final Approval

DELEGATED UNDER
s. 16 OF THE PD ACT 2005

Date: _____

Final Approval Granted

MINISTER FOR PLANNING &
INFRASTRUCTURE

Date: _____

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.3 Outline Development Plan

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

FILE NO:	PS.PPD.5.4
COUNCIL DATE:	12 May 2008
REPORT DATE:	1 May 2008
LOCATION/ADDRESS:	Lot 4 Great Southern Highway, York
APPLICANT:	Peter D Webb and Associates
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, MATS
DISCLOSURE OF INTEREST:	Nil.
APPENDICES:	Nil.
DOCUMENTS TABLED:	Large Scale Map Appendix A – Outline Development Plan Appendix B – Schedule of Submissions

Summary:

The intent of this report is to adopt the Outline Development Plan for Lot 4 Great Southern Highway, York to enable Council to forward it to the Western Australian Planning Commission for endorsement.

Background:

Council considered the Outline Development Plan at its meeting held on the 19 November 2007 and at this meeting it was resolved as follows:

“That Council:

- 1. Receive the Outline Development Plan from Peter D Webb and Associates for Lot 4 Great Southern Highway, York (Gwambygine Precinct); and*
- 2. Advertises the proposal for a period of 28 days for public comment and provide details to all relevant government departments.*

Advice Note:

A map showing the correct scale detail is available at the office in A2 format and tabled for consideration.”

The Gwambygine Precinct has been depicted on the Local Planning Strategy (LPS) as Future Rural Residential.

Consultation:

The Outline Development Plan was advertised for a period in excess of 28 days and was provided to government departments.

The Local Planning Strategy went through extensive advertising periods and Lot 4 Great Southern Highway, York was identified through this process also.

A meeting was held with Main Roads after Council received their submission.

Statutory Environment:

The proposal is for the Outline Development Plan to become part of the Scheme. A Scheme Amendment will be required and will be prepared under procedures in accordance with the Planning and Development Act 2005.

Policy Implications:

Nil.

Financial Implications:

The developers will be responsible for costs, which may include developer contributions, public open space etc.

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.”

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Various

Triple bottom Line Assessment:

Economic Implications:

Upgrading of some essential service infrastructure will be required by the developers and service providers when development commences.

Social Implications:

An increase in population will increase demands for services in the town and community facilities may need to be provided or enhanced.

Environmental Implications:

Stormwater runoff needs to be managed to prevent adverse affects on the proposed lots and further towards the Avon River. Nutrient stripping and litter capture is essential prior to discharge into the River.

Comment:

Whilst there has been an indication from Main Roads WA that they would not support a rezoning on the basis that the location of the Great Southern Highway Bypass had not been determined it is considered an impost to delay development when this can be resolved by allocating two future 50 metre reserves until such time as the location is determined. Once this is determined then one of the road reserves can be returned back to the developer/landowner.

This report is for Council to resolve to either adopt the plan with or without modifications and forward the document to the WAPC for endorsement. This document will then be used for future planning determinations in this area.

The Outline Development Plan is a guide only and minor modifications are likely to eventuate. This is acceptable so long as the principles of traffic circulation, drainage, lot areas and frontages are complied with. This document is not fixed in stone, it is a living document.

OFFICER RECOMMENDATION

Resolution 030508

Moved: Cr Randell Seconded: Cr Lawrance

“That Council:

- 1. Adopt the Outline Development Plan for Lot 4 Great Southern Highway, York, noting the changes as provided in Appendix B – Schedule of Submissions, as tabled;***
- 2. Forward the Outline Development Plan (Appendix A) and the Schedule of Submissions (Appendix B) for Lot 4 Great Southern Highway, York to the Western Australian Planning Commission; and***
- 3. Delegate to the Chief Executive Officer to make minor modifications to the Outline Development Plan, if required by the Western Australian Planning Commission.***

Advice Note:

The Outline Development Plan is a guide only and modifications are likely to eventuate. This is acceptable so long as the principles of traffic circulation, drainage, lot areas and frontages are complied with. This document is not fixed in stone, it is a living document.”

(Carried 6-0)

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Land Acquisition – Road Widening

FILE NO: Yo1
COUNCIL DATE: 12 May 2008
REPORT DATE: 22 April 2008
LOCATION/ADDRESS: York Merredin Road
APPLICANT: Main Roads WA
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, MATS
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Drawing 0806-012
DOCUMENTS TABLED: Nil

Summary:

Main Roads WA is looking for Council's support for the proposed land acquisition of Lot 10431 Kauring, as depicted in Appendix A.

Background:

The request is made to enable future road widening and associated improvements.

Consultation:

Main Roads WA.

Statutory Environment:

Land Administration Act.

Policy Implications:

Nil.

Financial Implications:

No costs to Council.

Strategic Implications:

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

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil to Council.

Social Implications:

This will be for the betterment of the road networking system.

Environmental Implications:

Nil at this stage.

Comment:

The total area of land required for the future widening and associated improvements is a strip of land along the York Merredin Road, totalling an area of 1.7343 hectares.

It is recommended for support.

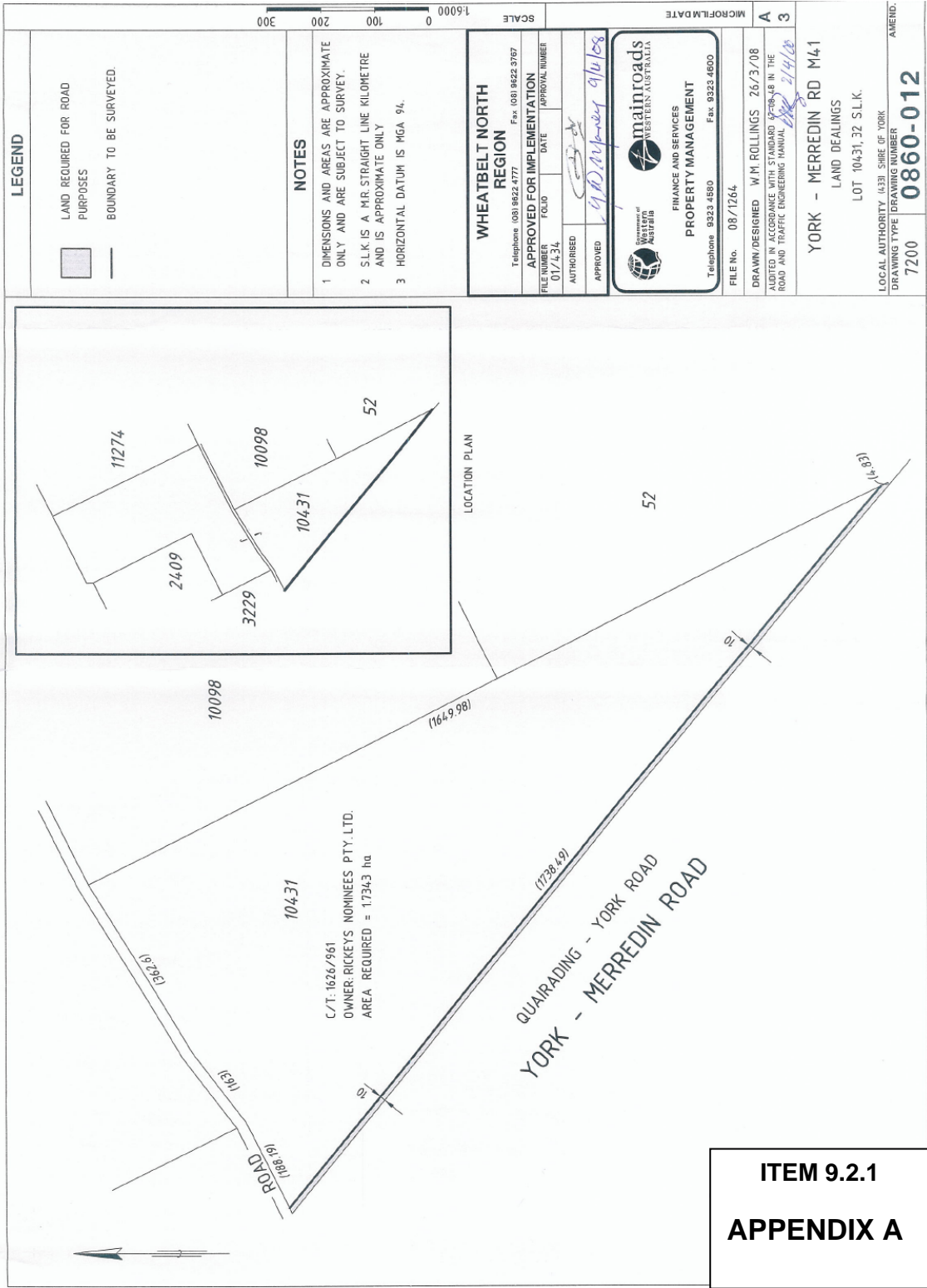
**OFFICER RECOMMENDATION
RESOLUTION 040508**

Moved Cr Randell Seconded: Cr Fisher

“That Council:

- 1. advise Main Roads WA that it concurred to the Taking of Land, the subject of Main Roads’ Drawing 0860-012; and***
- 2. to the dedication as a road under Section 56 of the Land Administration Act.”***

(Carried 6-0)



9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Road Closure

FILE NO:	Tr 1
COUNCIL DATE:	12 May 2008
REPORT DATE:	2 May 2008
LOCATION/ADDRESS:	Portion of Trews Road
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, MATS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Location of Area of Trews Road to be Closed

Summary:

To formally close a portion of Trews Road in accordance with Section 58 of the Land Administration Act.

Background:

Council has been undertaking road works on Trews Road, realigning the intersection to past the western entry to the School Administration building.

Consultation:

Department for Planning and Infrastructure – State Land Services.
York & District High School;
P & C Association;
Education Department;
Mark Burgess;
Peter Atkins.

Statutory Environment:

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

“Closure of roads

58.

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolved to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) -*
- (a) *by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a result under subsection (4) -*
- (a) *the road concerned is closed on and from the day on which the relevant order is registered;*
 - (b) *any rights suspended under section 55 (3) (a) cease to be so suspended; and*
 - (c) *the Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.*
- (6) *When a road is closed under this section, the land comprising the former road -*
- (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57 (2), remains Crown land.”*

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

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

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

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

(f) *written confirmation that the local government has complied with section 58(2) and (3) of the Act.*”

Policy Implications:

Nil.

Financial Implications:

The road closure will incur administration costs associated with staff time and advertising.

The realignment works is a project that was joint funded under the State Black Spot Project.

Strategic Implications:

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

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Various

Triple bottom Line Assessment:

Economic Implications:

If the Minister agrees to the closure, the road reserve becomes Crown land.

Social Implications:

This procedure would not appear to impact on future developments within this area, however an advertising period will flush out any concerns.

The new alignment will provide for a safer route for those using Trews Road, in particular those that live on Trews Road, the School and the Hospital.

Environmental Implications:

Nil at this stage.

Comment:

This procedure will provide a true and correct record in due course if the recommendation is accepted.

**OFFICER RECOMMENDATION
RESOLUTION 050508**

Moved: Cr Lawrance Seconded: Cr Walters

“That Council:

- 1. accede to the proposed road closure of a portion of Trews Road, York, as shown on the map, tabled for information, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended); and***
- 2. in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure.***
- 3. Support the inclusion of the closed portion of Trews Road into Reserve 25727/28038 so it becomes part of the school property.”***

(Carried 6-0)

9.3 Finance Reports

9. **OFFICERS' REPORTS**
9.3 **Finance**
9.3.1 **Local Sponsorship Applications**

FILE NO: FI.DON
COUNCIL DATE: 12th May 2008
REPORT DATE: 5th May 2008
LOCATION/ADDRESS: Not Applicable
APPLICANT: Various
SENIOR OFFICER: Ray Hooper, Chief Executive Officer
REPORTING OFFICER: Graham Stanley, Deputy CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Schedule of Recurrent Contributions
Appendix B – Schedule of Non-Recurrent Funding Submissions
DOCUMENTS TABLED: Nil.

Summary:

Each year Council makes a number of contributions by way of donation to various community groups within the York Shire. Some contributions are for ongoing programs that the Shire contributes to each year and others are for “one-off” or non-recurrent projects. This report makes recommendations to Council for inclusion in the 2008/09 Budget. Note: any decisions made are recommendations to the budget only and Council has the ability to change those recommendations when adopting the budget.

Background:

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

Consultation:

Council staff, Shire President and Councillors, various applicants.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Council currently has no policy in relation to the allocation of funding to community organisations.

Financial Implications:

If Council accepts the recommendation as it stands, the total expenditure will be \$51,187

Strategic Implications:

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken:

Not applicable.

Triple bottom Line Assessment:

Economic Implications:

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

Social Implications:

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

Environmental Implications:

No applications were received from environmental groups. Environmental implications arising from this matter are considered negligible.

Comment:

The list of submissions was discussed at a recent strategic planning session. It was suggested that some items be added to the recurrent funding program. At the strategic planning session it was suggested that council's contribution to projects of \$10,000 or more should be limited to a maximum of one third of the cash component of the project. It is recommended that this requirement should be added to the funding guidelines for future funding rounds.

**OFFICER RECOMMENDATION
RESOLUTION 060508**


Moved: Cr Randell Seconded: Cr Lawrance

“That Council:

- 1. Approves the recommendations in the attached “Schedule of Non-Recurrent Funding Submissions” totalling \$ 20,537 and “Schedule of Recurrent Funding Contributions” totalling \$30,650, all totalling \$51,187 for inclusion in the 2007/2008 draft Municipal Budget; and***
- 2. Includes a stipulation in the funding application guidelines for future Community Sponsorship funding rounds restricting Council’s contribution to projects valued at \$10,000 or more to a maximum of one third of the cash component of the project.***

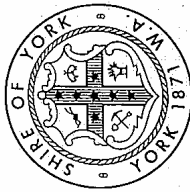
(Carried 6-0)

**ITEM 9.3.1
APPENDIX A**

 YORK SHIRE COUNCIL SCHEDULE OF RECURRENT CONTRIBUTIONS 2008/2009					
ORGANISATION	DESCRIPTION OF PROJECT	ANNUAL CONTRIBUTION	CHART OF ACCOUNT	FUNDING 2007/08 ACQUIRED	
York Agricultural Society	Staging of 2007 Agricultural Show + Evening Entertainment	\$ 2,500	132150	Yes	
York District High School P & C Association	Crosswalk attendant service	\$ 2,000	69101		
York District High School	2007 Presentation Night - Book awards	\$ 150	69101		
York District High School P & C Association	Senior Citizens Appreciation Day 2007	\$ 1,500	69101		
York Society	Archives and Historical Research	\$ 750	106194		
York Society	New Residents Pack	\$ 500	41112		
York Society	Photographic Awards	\$ 500	132150		
Greenhills Progress Association	Improvements and maintenance of Hall	\$ 4,200	111104	Yes	
Northern Districts Cycle Club	Event funding	\$ 2,000	132150	To be held 11th May 2008	
Rotary Club	Australia Day Breakfast	\$ 350	41112		
York District Council of Churches Commission on Education (Youthcare)	Chaplain at York District High School	\$ 3,000	69101	Yes	
York Chamber of Commerce & Industry Inc	Christmas Street party and late night trading & Insurance for event	\$ 2,500	132150		

s/ceased/sponsorships/grantsubmissions


Group	DESCRIPTION OF PROJECT	TOTAL PROJECT COST	REQUESTED AMOUNTED	Group Contribution	FUNDING FROM OTHER SOURCES	FUNDING 2007/08 ACQUIRED	COMMENTS	RECOMMENDED CONTRIBUTION
York Toy Library	Annual Running Costs	\$286.00	\$286.00	\$0.00		N/A	To pay Annual Rental at Community Centre	\$ 286.00
York RSL Sub-Branch	Storage Shed & Decking for Lt LD McCarthy Pavilion & Grounds	\$16,120.00	\$9,000.00	\$7,120.00		N/A	Council workshop recommendation to fund one third of cash requirement.	\$ 3,667
1st York Scout Group	Extensions to facilities	\$28,153.00	\$1,550.00	\$8,000.00	\$18,603	No	A fast growing group that is providing much needed outlet for Youth. A relatively small Council contribution to help leverage much more funding.	\$ 1,550.00
Wheatbelt Individual & Family Support Association	Provision of Outdoor Meeting Table & Chairs	\$349.00	\$299.00	\$50.00		N/A	Volunteer Community support group, who have established in York	\$ 299.00
Australian Breastfeeding Association Wheatbelt Region	Conference Attendance fees for 2 Counsellors & 1 Community Educator	\$750.00	\$750.00	\$0.00	\$0	N/A	For locally based counsellors.	\$ 750
York Telecentre	Equipment & Computer Upgrades	\$7,843.00	\$3,500.00	\$3,843.00	\$500	No (promised by 30.6.2008)	To provide new computers, printers, laptop, tables etc. 2007/08 funds are yet to be acquitted. Provision of equipment to Telecentres is a State Government responsibility	Nil
National Servicemen's Association York Sub Branch	Memorial Maintenance	\$1,284.00		\$450.00	\$534	No (project still in progress)		\$ 300.00
		\$150,883.00	\$48,638.00				TOTAL 2008/2009 NON-RECURRENT CONTRIBUTIONS	\$20,637.00



**YORK SHIRE COUNCIL
SCHEDULE OF NON-RECURRENT FUNDING SUBMISSION
2008/2009**

**ITEM 9.3.1
APPENDIX B**

Group	DESCRIPTION OF PROJECT	TOTAL PROJECT COST	REQUESTED AMOUNTED	Group Contribution	FUNDING FROM OTHER SOURCES	FUNDING 2007/08 ACQUIRED	COMMENTS	RECOMMENDED CONTRIBUTION
York District Council of Churches Commission on Education (Youthcare)	Additional one-off funding for Equipment, books & additional professional development for new School Chaplains	\$25,805.00	\$2,000.00	\$12,400.00	\$ 11,405.00	Yes	Council workshop recommended recurrent annual expenditure be increased by \$500 to \$3,000 & this request be denied	Nil (\$500 added to recurrent funding)
York Chamber of Commerce & Industry Inc	Additional Funding request for Liability Insurance Christmas Street party and late night trading	\$8,250.00	\$1,000.00	\$1,200.00	\$ 6,050.00		To be included as recurrent funding.	Nil (added to recurrent funding)
York Bowling Club Inc.	Clubhouse Furniture (\$8,316)/Clubhouse Extension (\$29,186)/Beer Chiller (\$14,531)	\$51,853.00	\$26,853.00	\$25,000.00		No	Council workshop recommendation to fund one third of cash requirement.	\$ 12,285.00
York Junior Netball Club	Accreditation/ Equipment/ Development Day	\$5,000.00	\$1,400.00	\$3,600.00		N/A	Provision of coaching & umpiring accreditation & netballs for junior teams	\$ 1,400
York Agricultural Society	Ag Show Evening Entertainment	\$5,190.00	\$2,000.00	\$3,190.00		Yes	To be included as recurrent funding.	Nil (added to recurrent funding)

 YORK SHIRE COUNCIL SCHEDULE OF RECURRENT CONTRIBUTIONS 2008/2009					
ORGANISATION	DESCRIPTION OF PROJECT	ANNUAL CONTRIBUTION	CHART OF ACCOUNT	FUNDING 2007/08 ACQUITTED	
York Racing	Promoting York Beverley Turf Club Meetings.	\$ 1,000	41112		
York Motor Museum	York Motor Museum Festival of Motoring	\$ 1,000	132150		
Olive Festival Organising Committee	York Olive Festival 2008/09	\$ 2,000	132150	N/A	
Talbot Brook Community Group	Improvements and maintenance of Talbot Hall	\$ 4,200	111107	Yes	
Community Bus Hire for Companion Time Committee & Other Community Groups	Community Bus Hire for Seniors and Youth Outings	\$ 2,500	41112	N/A	
Total Recurrent Contributions 2007/08		\$ 30,650			

s/cosec/sponsorships/grants/submissions

9.4 Confidential Reports - NIL

9.5 Late Reports - NIL

10. NEXT MEETING

RESOLUTION 070508

Moved: Cr Randell Seconded: Cr Lawrance

“That Council

hold the next Ordinary Meeting of the Council on May 19, 2008, commencing at 3.00pm in the Lesser Hall, York.”

(Carried 6-0)

- 11. There being no further business Cr Hooper thanked all for their attendance and declared the meeting closed at 3.30pm.**