



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 21 DECEMBER, 2009  
COMMENCING AT 3.03PM IN THE  
LESSER HALL, JOAQUINA STREET, YORK.**

## **MISSION STATEMENT**

***"To build on our history to create our future"***



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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 DECEMBER 2009, COMMENCING AT  
3.03PM IN THE LESSER HALL, JOAQUINA STREET, 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  
*The Shire President, Cr Pat Hooper, welcomed everyone and declared the meeting open at 3.03pm.*
- 1.2 Acting Chief Executive Officer to read the disclaimer  
*The Chief Executive Officer, Ray Hooper, read the disclaimer.*
- 1.3 Announcement of Visitors  
*Nil*
- 1.4 Announcement of any Declared Financial Interests  
*Cr Lawrance – 9.2.5 – Proximity*  
*Ms Cochrane – 9.4.5 – Financial*  
*Cr Randell – 9.4.3 – Impartiality Interest – Nominated*

### 2. ATTENDANCE

- 2.1 Members  
*Cr Pat Hooper, President; Cr Brian Lawrance, Deputy President; Cr Tony Boyle; Cr Trevor Randell; Cr Roy Scott.*
- 2.2 Staff  
*CEO Ray Hooper, Deputy CEO Graham Stanley; Shire Planner Patrick Ruettjes; Manager of Administration and Technical Services Tyhscha Cochrane; Development Services Officer Nicole McNamara.*
- 2.3 Apologies  
*Cr Tricia Walters*
- 2.4 Leave of Absence Previously Approved
- 2.5 Number of People in Gallery at Commencement of Meeting  
*There was 1 member of the public in attendance at the commencement of the meeting.*





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

3.1 Previous Public Questions Taken on Notice  
*Nil*

3.2 Written Questions  
*Nil*

**4. PUBLIC QUESTION TIME**  
*Nil*

**5. APPLICATIONS FOR LEAVE OF ABSENCE**  
*Cr Walters – Returning February 2010.*

**RESOLUTION**  
**011209**

**Moved: Cr Boyle      Seconded: Cr Randell**

***“That Council grant a leave of absence to Cr Tricia Walters for the period commencing December 2009, and returning at the end of February 2010.”***

**CARRIED (5/0)**

**6. PETITIONS / PRESENTATIONS / DEPUTATIONS**  
*Nil*

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

7.1 Minutes of the Ordinary Meeting of Council held November 16, 2009

Corrections  
*Nil*

Confirmation

**RESOLUTION**  
**021209**

**Moved: Cr Scott                      Seconded: Cr Lawrance**

***“That the minutes of the Ordinary Council Meeting held November 16, 2009 be confirmed as a correct record of proceedings.”***

**CARRIED (5/0)**

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

*Mr President congratulated Miss Nicole McNamara for her effort put into the November 2009 Minutes.*

**9. OFFICER’S REPORTS**



## **9.1 Development Services**



**9. OFFICER'S REPORTS**  
**9.1 DEVELOPMENT REPORTS**  
**9.1.1 Wheatbelt Regional Strategy - Submission**

*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.*

<b>FILE NO:</b>	<b>PS.TPS.1</b>
<b>COUNCIL DATE:</b>	<b>21 December 2009</b>
<b>REPORT DATE:</b>	<b>10 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Patrick Ruettjes, Shire Planner Peter Wright, Shire Planner Beverley/Brookton</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Appendix A – Presentation to SEAVROC</b>
<b>DOCUMENTS TABLED:</b>	<b>Discussion paper 'Towards a Wheatbelt Regional Strategy', submission from SEAVROC</b>

**Summary:**

Council is asked to endorse a submission to the Department of Planning with regard to the discussion paper 'Towards a Wheatbelt Regional Strategy' and also to include some additional comments relating to the specific situation in the Shire of York.

**Background:**

The discussion paper 'Towards a Wheatbelt Regional Strategy' was presented by the Department of Planning in August 2009.

The discussion paper identifies the following objectives:

*"The WAPC and the Department of Planning (DoP), in considering the future of the Wheatbelt region, have the following objectives:*

- to provide leadership and direction across government and for Wheatbelt communities;*
- to establish a sustainable settlement hierarchy for the region based on environmental, social and economic considerations;*
- to protect land required for food production and environmental processes;*
- to promote economic development and respond to emerging industries;*
- to understand water availability for domestic and commercial uses;*
- to understand the potential impact of climate change on the region's changing land use demands, including rainfall, bushfires, coastal processes and extreme climatic and weather events;*
- to consider the effectiveness and relevance of current state planning policy for Wheatbelt communities;*
- to provide strategic direction for the preparation of local planning strategies and schemes by local government; and*
- to provide more detailed consideration of planning issues for high-growth areas near the metropolitan region (north-west Wheatbelt)."*

The discussion paper also states general trends affecting the region:

- A decline in agricultural production and population in the eastern Wheatbelt region due to climate change.

- The western Wheatbelt region will assume a greater importance in food production in conjunction with an increasing population.
- The continued expansion of the metropolitan area will lead to conflict and opportunities with productive agricultural areas, through peri-urban development. The discussion paper indicates the main area of concern is in the north-west of the Wheatbelt, which includes some SEAVROC shires.

The proposed submission focuses on five major issues that will be discussed in the comment section of this report in greater detail:

- Population and Settlement Patterns
- Land Supply
- Economic Development and Diversification
- Infrastructure Provision
- Environment

The closing period for submissions is 21 December 2009.

**Consultation:**

The attached presentation has been presented to the SEAVROC executive officers and the SEAVROC general committee. Workshops outlining the discussion paper have been attended by staff.

**Statutory Environment:**

Planning and Development Act 2005

**Policy Implications:**

At this stage no direct implications on relevant Shire of York policies are expected.

**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.”*

**Voting Requirements:**

**Absolute Majority Required: No**

**Site Inspection:**

**Site Inspection Undertaken: N/A**

**Triple bottom Line Assessment:**

**Economic, Social and Environmental Implications:**

Economic, social and environmental implications of the proposed ‘Wheatbelt Regional Strategy’ are discussed in the comment section of this report in great detail.

**Comment:**

At the 3 December 2009 SEAVROC meeting, SEAVROC generally agreed with the possible directions contained in the discussion paper. However it is requested the following concerns and comments be considered when formulating the proposed Wheatbelt Regional Strategy:

## ***Population and Settlement Patterns***

The Wheatbelt Regional Strategy Directions Paper classifies SEAVROC Shire into the following categories:

- a) Growth pressure – York
- b) Stable slight growth – Brookton, Cunderdin
- c) Decline stable – Beverley, Quairading (and Tammin)

Anecdotal evidence indicates these categories are not necessarily correct. As an example Beverley is experiencing growth pressure for lifestyle lots in the Westdale area and a continuing increase in population. Beverley which is notated as having declining growth is experiencing higher growth than adjoining Shires that are notated as “slight growth”.

In relation to population it appears the biggest challenge for all the SEAVROC shires is the conflict between peri-urban development and agricultural production. It is anticipated that the influx of people looking for a ‘lifestyle lot’ as part of a ‘treechange’ movement will increase rapidly during the life of the Wheatbelt Regional Strategy. This will have an impact on productive agricultural land and therefore needs to be considered specifically as part of the Wheatbelt Regional Strategy.

Whilst the discussion paper outlines three growth categories, these categories are not considered to adequately address anticipated accelerated growth, such as the boom experienced in the recent past. Related to this matter, the discussion paper does not appear to address how the various population projection scenarios relate to issues like infrastructure provision, land release and land affordability.

With regard to the proposed hierarchy of towns, if established as part of the Strategy any hierarchy must not impede on the development potential of the towns. Such a hierarchy of towns should not limit the potential for land release or commercial/industrial floor space or constrict the expansion of towns. A criticism of the discussion paper is that does not provide sufficient information in this regard.

There are a number of undeveloped townsites within the SEAVROC shires, such as Kokeby in Beverley or Mount Hardey in York. These undeveloped townsites are generally the result of outdated historic development patterns and on occasion have resulted in unrealistic developer expectations with regard to the provision of infrastructure and services. Possible direction 20 of the discussion paper mentions a potential policy position but does not provide any detail on this matter.

## ***Land Supply***

There is a requirement to identify adequate land supply areas for various needs and growth scenarios. In particular the need for an affordable residential and industrial land supply has been identified by Planning staff within SEAVROC. Juxtaposed with the previous point, the cost of headworks is a major impediment to land development, land release and land affordability. The cost for connection to power, for instance, is cost prohibitive in smaller developments throughout the SEAVROC region.

The Wheatbelt Regional Strategy makes an encouraging reference to alternatives to “traditional” sewerage infrastructure provision in Possible Direction 25. Initiatives in this possible direction include maximising the use of existing sewer infrastructure and increasing local government and private sector involvement in providing sewer infrastructure, as well as the provision of alternative localised sewer treatment options to service smaller subdivisions. The availability of

sewer is a major constraint for residential development in the SEAVROC shires. Therefore strongly encourages Possible Direction 25.

### ***Economic Development and Diversification***

An initiative has been launched by the state government to identify “Agribusiness Precincts”. It is anticipated that SEAVROC may be chosen as a location for one primary and possibly other secondary precincts. These precincts will have a significant impact on the economic development of an area. To allow proper and orderly planning for these precincts adequate infrastructure has to be provided (road/rail access, power, water, wastewater) and buffer zones to sensitive land uses have to be considered. In addition access to workforce, workforce accommodation and social infrastructure are major issues that will require extensive planning and consideration within the proposed strategy.

Economic diversification has to be encouraged to provide for a mix of uses and employment opportunities, such as diverse agricultural production, tourism, recreation and lifestyle development. However the protection of priority agricultural land for broad acre agriculture has to be implemented as part of the Wheatbelt Regional Strategy. Areas have to be sufficiently identified for priority food production and appropriate constraints placed on development.

### ***Infrastructure Provision***

The Wheatbelt Region has significant infrastructure shortfalls which impedes on development potential. The Strategy needs to specifically map and identify infrastructure inadequacies, such as road, rail, water, power, sewer and telecommunications shortfalls. The Strategy can then be used as a background document to lobby Federal and State Governments for increased infrastructure funding.

A further infrastructure requirement which should be included in the proposed strategy is the identification of transport routes and patterns. SEAVROC strongly encourages the proposed strategy focusing on maintaining and expanding the railway network as the primary transport option. However if the railway network cannot be maintained or expanded, alternative solutions, such as a comprehensive road network, should be identified. This has to include provisions for bypass roads, dual carriageways, passing lanes where appropriate and a regime for funding and maintaining these roads without cost shifting to local governments.

### ***Environment***

It is anticipated the Strategy will identify and map environmentally sensitive areas as well as priority agricultural land. The lack of easily accessible mapping is seen as a major impediment to incorporating environmental considerations into local planning. Conversely however, the proposed strategy should identify areas that are neither environmentally sensitive nor usable as priority agriculture land and can therefore be developed for alternative purposes, such as tourism, recreation and lifestyle development.

A major impact on land use is anticipated to come from environmental consideration relating to the construction of dams and the revegetation of existing waterways. In general, waterways, wetlands, flood, remnant vegetation, endangered species and other environmental issues will have a significant impact on local planning decisions. To allow incorporation of these matters into local planning schemes and strategies, the proposed WRS must contain detailed criteria, objectives and desired outcomes. Without such guidance Natural Resource Management in SEAVROC will be less effective and optimum planning outcomes may not be achieved.



## **Conclusion**

It is anticipated that the Wheatbelt Regional Strategy will have an important impact on land use planning in the SEAVROC Region. It is therefore essential that any concerns and comments submitted to the Department of Planning be considered and where possible incorporated into the strategy. Through such comments the Strategy may be strengthened and the desired outcome for the SEAVROC Shires in partnership with the Department of Planning can be achieved.

### **RESOLUTION**

**031209**

**Moved: Cr Boyle**

**Seconded: Cr Lawrance**

**“That Council resolves-**

- 1. to commend the Department of Planning for the release of the discussion paper ‘Towards a Wheatbelt Regional Strategy’; and**
- 2. to endorse the action in submitting the tabled SEAVROC submission with regard to the discussion paper ‘Towards a Wheatbelt Regional Strategy’ to the Department of Planning.”**

**CARRIED (5/0)**



**WHEATBELT REGIONAL STRATEGY  
DISCUSSION PAPER**

**PRESENTATION TO SEAVROC**

**3 DECEMBER 2009**

**Peter Wright, Shire Planner, Beverley & Brookton  
Patrick Ruettjes, Shire Planner, York**



**WHEATBELT REGIONAL STRATEGY  
DISCUSSION PAPER  
PRESENTATION TO SEAVROC**

Item 9.1.1  
Appendix A

## BACKGROUND

- Department of Planning presented discussion paper for public comment  
'Towards a Wheatbelt Regional Strategy' in August 2009
- Workshops were held in September and October 2009
- Comment has been invited and the comment period closes on 21 December 2009



## KEY CONSIDERATIONS OF THE DISCUSSION PAPER

- **Any Local Planning Strategies and/or Local Planning Schemes must be consistent with the Wheatbelt Regional Strategy (WRS) when the strategy is produced.**
- The current document is a directions paper published to promote discussion and obtain comment. The possible directions are included to guide discussion and may be included in the eventual strategy.
- Not all the information contained within the document is accurate. Many of the possible directions are not relevant to SEAVROC.
- The strategy will generally not focus on individual Shires, but will take a regional approach to matters of concern.
- Neither the directions paper or the future WRS will contain specific detailed planning.
- If the WAPC and Department of Planning “get it right” the WRS can be of substantial benefit to SEAVROC. That is why SEAVROC’s comments are so important.



**WHEATBELT REGIONAL STRATEGY  
DISCUSSION PAPER  
PRESENTATION TO SEAVROC**

## OBJECTIVES OF THE STRATEGY AS STATED IN THE DISCUSSION PAPER

The WAPC and the Department of Planning (DoP), in considering the future of the Wheatbelt region, have the following objectives:

- to provide leadership and direction across government and for Wheatbelt communities;
- to establish a sustainable settlement hierarchy for the region based on environmental, social and economic considerations;
- to protect land required for food production and environmental processes;
- to promote economic development and respond to emerging industries;
- to understand water availability for domestic and commercial uses;
- to understand the potential impact of climate change on the region's changing land use demands, including rainfall, bushfires, coastal processes and extreme climatic and weather events;
- to consider the effectiveness and relevance of current state planning policy for Wheatbelt communities;
- to provide strategic direction for the preparation of local planning strategies and schemes by local government; and
- to provide more detailed consideration of planning issues for high-growth areas near the metropolitan region (north-west Wheatbelt).



## GENERAL TRENDS

The directions paper identifies general trends. These trends include:

- A decline in agricultural production and population in the eastern Wheatbelt region due to climate change.
- The western Wheatbelt region will assume a greater importance in food production in conjunction with an increasing population.
- The continued expansion of the metropolitan area will lead to conflict and opportunities with productive agricultural areas, through peri-urban development. The discussion paper indicates the main area of concern is in the north-west of the Wheatbelt, which includes some SEAVROC shires.



WHEATBELT REGIONAL STRATEGY  
DISCUSSION PAPER  
PRESENTATION TO SEAVROC

## MAIN TOPICS FOR DISCUSSION

- Population hierarchy, population shifts, population trends and settlement patterns will form the base for a comprehensive land supply strategy within the Wheatbelt Regional Strategy.
- Economic development and diversification will be considered on a regional basis with specific consideration of agricultural industry development, agricultural diversification and alternate economic activity in rural areas such as tourism, recreation and lifestyle development.
- The Wheatbelt Regional Strategy has to map and set criteria for regional infrastructure, such as road, rail, water, power, sewer and telecommunications.
- Environmental matters will assume a greater importance in the Wheatbelt Regional Strategy. Waterways, wetlands, flood, remnant vegetation, endangered species and other environmental issues will have a significant impact on local planning decisions.





## POPULATION ISSUES

The SEAVROC shires have been categorised into the following categories:

- a) Growth pressure – York
  - b) Stable slight growth – Brookton, Cunderdin
  - c) Decline stable – Beverley, Quairading (and Tammin)
- Anecdotal evidence indicates these categories are not necessarily correct, i.e. Beverley experiences growth pressure for lifestyle lots in the Westdale area.
  - While the discussion paper outlines these three categories, these categories are not considered to adequately address anticipated accelerated growth, such as the boom experienced in the recent past.
  - In addition, the discussion paper does not address how the various population projection scenarios relate to issues like infrastructure provision, land release and land affordability.



## POPULATION ISSUES (cont.)

- The biggest population related challenge for the SEAVROC shires is the conflict between peri-urban development and agricultural production. It is anticipated that the influx of people looking for a 'lifestyle lot' as part of a 'treechange' movement will increase rapidly during the life of the Wheatbelt Regional Strategy. This will have an impact on productive agricultural land and therefore needs to be considered specifically as part of the Wheatbelt Regional Strategy.
- Any hierarchy of towns – if established as part of the Strategy – must not impede on the development potential of the towns. Any hierarchy of towns must not limit the potential for land release or commercial/industrial floor space or constrict the expansion of towns. The discussion paper does not provide sufficient information in this regard.
- There are a number of undeveloped townsites within the SEAVROC shires, such as Kokeby in Beverley or Mount Hardey in York. Possible direction 20 of the discussion paper mentions a potential policy position but does not provide any detail on this matter.



## POPULATION GROWTH AND LAND SUPPLY

- The Wheatbelt Regional Strategy has to identify adequate land supply areas for various needs and various growth scenarios, in particular affordable residential and industrial land supply.
- Currently, the cost of headworks is a major impediment to land development, land release and land affordability. The cost for connection to power, for instance, is cost prohibitive in smaller developments throughout the SEAVROC region.
- The availability of sewer is a major constraint for residential development in the SEAVROC shires. The Wheatbelt Regional Strategy makes an encouraging reference to this matter by maximising the use of existing sewer infrastructure and increasing local government and private sector involvement in providing sewer infrastructure, including the provision of alternative localised sewer treatment options to service smaller subdivisions. This possible direction should be encouraged.



## ECONOMIC DEVELOPMENT AND DIVERSIFICATION

- The State Government has launched an initiative to identify 'Agribusiness Precincts' comprising large scale agricultural industry development, such as meat processing plants, feedlots and the like. It is anticipated that SEAVROC may be chosen as a location for one primary and possibly other secondary precincts. These precincts will have a significant impact on the economic development of an area. Adequate infrastructure has to be provided (road/rail access, power, water, wastewater) and buffer zones to sensitive land uses have to be considered. Access to workforce and workforce accommodation are major issues as well.
- The protection of priority agricultural land for broad acre agriculture has to be implemented as part of the Wheatbelt Regional Strategy. Areas have to be sufficiently identified as priority food production areas.
- Economic diversification has to be encouraged to provide for a mix of uses and employment opportunities, such as diverse agricultural production, tourism, recreation and lifestyle development.



## INFRASTRUCTURE PROVISION

The Wheatbelt Region has significant infrastructure shortfalls which impedes on development potential.

- The Wheatbelt Regional Strategy has to identify transport routes and patterns.
- The Strategy should focus on maintaining and expanding the railway network as the primary transport option. If the railway network cannot be maintained or expanded, alternative solutions, such as a comprehensive road network, should be identified. This has to include provisions for bypass roads, dual carriageways and passing lanes where appropriate.
- The Strategy has to specifically map and identify infrastructure inadequacies, such as road, rail, water, power, sewer and telecommunications shortfalls. The Strategy can then be used as a background document to lobby Federal and State Governments for increased infrastructure funding.



## ENVIRONMENT

- The Wheatbelt Regional Strategy will put a stronger emphasis on environmental matters in the Wheatbelt Region. The Strategy will comply with Federal and State Government legislation relating to environmental matters and this will influence planning on a local level.
- The Strategy should identify and map environmentally sensitive areas as well as priority agricultural land. It should, however, identify areas that are neither environmentally sensitive nor usable as priority agriculture land and can therefore be developed for alternative purposes, such as tourism, recreation and lifestyle development.
- A major impact on land use is anticipated to come from environmental consideration relating to the construction of dams and the revegetation of existing waterways. In general, waterways, wetlands, flood, remnant vegetation, endangered species and other environmental issues will have a significant impact on local planning decisions.



## THE WAY FORWARD

- It is anticipated that the Wheatbelt Regional Strategy will have an important impact on land use planning in the SEAVROC Region.
- It is therefore essential to voice any concerns with the Strategy to the Department of Planning. Through such comments the Strategy may be strengthened and the desired outcome for the SEAVROC Shires in partnership with the Department of Planning can be achieved.
- All issues in the discussion paper and in this presentation are open for questions and discussion.







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

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.2 Amendment 42 – Lot 573 (2) Eighth Road – Second Report to Council**

*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.*

<b>FILE NO:</b>	<b>PS.TPS.37</b>
<b>COUNCIL DATE:</b>	<b>21 December 2009</b>
<b>REPORT DATE:</b>	<b>10 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Lot 573 (2) Eighth Road, York.</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Patrick Ruettjes, Shire Planner</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Appendix A – Schedule of Submissions, Appendix B – Scheme Amendment report, Appendix C – Strata Plan 18228</b>
<b>DOCUMENTS TABLED:</b>	<b>25 May 2009 Council report</b>

#### **Summary:**

Council is asked to adopt Scheme Amendment No. 42 to the Shire of York Town Planning Scheme No. 2 (the 'Scheme') by rezoning Lot 573 (No. 2) Eighth Road, York, (York Caravan Park) from 'Public Purposes' to 'Special Use Zone' for final approval with modifications.

#### **Background:**

Council at its special meeting of 25 May 2009 initiated Scheme Amendment No. 42 to rezone Lot 573 (No. 2) Eighth Road, York, from 'Public Purposes' to 'Special Use Zone'. The Environmental Protection Authority granted consent to advertise on 18 May 2009. Further background from the 25 May 2009 report is tabled or can be found in the minutes of the 25 May 2009 Special Council Meeting minutes.

#### **Consultation:**

The Scheme Amendment has been advertised for 42 days in accordance with the Town Planning Regulations 1967. A Schedule of Submissions is attached. The submissions are acknowledged. A modification to the Schedule 3 is proposed.

#### **Statutory Environment:**

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."*

#### **Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes.

**Triple bottom Line Assessment:**

**Economic and Social Implications:**

The proposed rezoning will provide for more certainty for the landowners at the Caravan Park and the 'Chalets' and reflects the existing uses on the property.

**Environmental Implications:**

There are no direct environmental implications expected as simply the existing uses will be recognised. The watercourse to the north of the lot will restrict any development in this portion of the property, but the property is not located in the Avon River floodplain.

**Comment:**

9 submissions have been received during the advertising period (see attached detailed Schedule of Submissions).

The issues mentioned by the referral agencies (PTA, Department of Water etc.) have been addressed in the Scheme Amendment documentation and the proposed Schedule 3.

The submission by a strata lot owner has resulted in a slight amendment to the proposed Schedule 3.

A submission by another strata lot owner refers to various issues that have been discussed at a council meeting earlier this year.

The matter of access to strata lots, common property, the fence erected within Strata Lot 1 and shared water metres has been subject to various letters to the Shire, the Minister for Local Government and local members of Parliament.

The Shire's solicitors have advised with regard to these issues:

- There are no powers within the Local Government Act 1995 which could allow the Shire to intervene, and a common property access does not fall within the meaning of thoroughfare within the LG Act.
- Control and management of common property including strata access ways and internal roads, is a duty of the strata company under section 35(1)(b) of the Strata Titles Act 1985.
- Further reference is made to sections 11(2)(b); 38(2)(b) and 123B of the Strata Titles Act 1985.

In response to issues raised in the first submission of a strata lot owner, the solicitors advise:

*The problems complained of do not fall within the Shire's jurisdiction. It is not the Shire's responsibility, nor is it the responsibility of the Department PI to resolve strata issues. The strata matters that you and your client complain of are civil matters which must be resolved between the owners and are the responsibility of the strata company, not the local government.*

*Furthermore, the "various issues affecting lot 573" listed in your letter, have not been caused by the Shire nor are they the responsibility of the Shire.*

*1. The Shire is not responsible for the approval of fences and the like, and did not issue approvals for any of the fences on common property. It has however information advising the strata owners that they should remove any obstruction from the common property access way.*

*2. There is no requirement for the Shire to provide drainage. This is a problem to be resolved by the strata company at the owners' expense.*

*3. There is no requirement that individual Water Corporation and Western Power meters be provided for individual strata lots. It is common for strata schemes in Western Australia not to have individual meters for strata lots, and the Shire fails to see how it is responsible for this.*

*The powers and duties of the Shire are determined by legislation. Mediating strata disputes and resolving strata problems are not within the powers and duties given to local governments under the Local Government Act. Your client should address its concerns through the strata company.*

It is therefore proposed to adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by rezoning Lot 573 (No. 2) Eighth Road, York, from 'Public Purposes' to 'Special Use Zone' and amend the Scheme Maps accordingly.

**RESOLUTION  
041209**

**Moved: Cr Lawrance**

**Seconded: Cr Randell**

**“That Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 42 to the Shire of York Town Planning Scheme No. 2, resolves to -**

**1. Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by rezoning Lot 573 (No. 2) Eighth Road, York, from ‘Public Purposes’ to ‘Special Use Zone’ and amend the Scheme Maps accordingly;**

**2. Inserting the following ‘Special Use Zone 5’ into Schedule 3:**

	No	Particulars of Land	Special Use	Conditions
SU5	5	Lot 573 Eighth Road	Caravan Park, Residential, Short Term Accommodation	<ol style="list-style-type: none"><li>1. Further subdivision or strata which would increase the residential density will not be supported unless suitable reticulated sewerage is available. Residential development shall be restricted to the existing Strata Lots 2 to 13.</li><li>2. All development shall be subject to application for the local government's planning consent.</li><li>3. Any development for residential uses or short term accommodation or any tourism purposes shall-<ul style="list-style-type: none"><li>• Incorporate a Notification pursuant to section 70A of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, to be placed on title of the land indicating that residential amenity may be affected by noise and vibration from the rail line, with all costs related to the Notification being borne by the owner/applicant; and</li><li>• Incorporate noise abatement measures to the satisfaction of the Council.</li></ul></li></ol>

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

**4. Forward Scheme Amendment No. 42 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”**

**CARRIED (5/0)**



SHIRE OF YORK – TOWN PLANNING SCHEME NO. 2  
SCHEME AMENDMENT NO. 42 - SCHEDULE OF SUBMISSIONS

No	Submission	Comments	Council Response
1	Telstra	"At this point in time Telstra has no requirements or negative comment to make."	Acknowledged.
2	Department of Health	"The DOH has no objection to the proposed Amendment."	Acknowledged.
3	Water Corporation	"The Water Corporation has no objections to the proposed Town Planning Scheme No. 2 Amendment No. 42."	Acknowledged.
4	Heritage Council of WA	"As there are no places on either the Shire of York's Municipal Inventory nor the State Register of Heritage Places affected by this scheme amendment the Heritage Council has no comment to offer."	Acknowledged.
5	FESA	"We also wish to advise that we have no information or comment to provide at this time."	Acknowledged.
6A	Strata Lot Owner A (First submission)	<p>"We refer to a notice issued by the Shire of York pursuant to the Planning and Development Act 2005 to initiate amendment of Town Planning Scheme No 2. In particular, Amendment No 42, the rezoning of Lot 573 Eighth Road, York from public purposes to special use zone (dated 25 May 2009).</p> <p>We represent [...], the registered proprietor of Lot [...], No 2 Eighth Road, York (being one of the 13 strata lots comprising Lot 573, Eighth Road, York). The amendment proposes to rezone Lot 573 from public purposes - tourism to special use zoning being "caravan park, residential, short term accommodation". Our client formally objects to Condition 1 of Amendment No 42, being:</p> <p>Residential development shall be restricted to the existing strata lots 2 - 13. No further sub-division / strata will be supported.</p> <p>As the Shire of York is well aware, Lot 573 is strata titled (Strata Plan 18228), comprised of Lot 1 (a caravan park), and Lots 2 - 13 (90 short stay accommodation chalets). The Shire of York also is well aware of, due to its own investigations and correspondence from [...] and us to the Shire, that there are numerous and ongoing issues with the strata title relating to Lot 573. We direct your attention, specifically to a memorandum drafted by a Planning Consultant to the Shire of York dated 5 July 2007 (copy enclosed) outlining the various subdivision and strata issues affecting the property.</p> <p>Background to Strata Plan 18228</p> <p>There are various issues affecting Lot 573</p> <p>1. There is no public road frontage to any of the strata units and although access to the strata units should be by way of a gravel road over common property (and was for a long time over land belonging to the caravan park) and currently access to some Lots can only be achieved by trespassing over other Lots;</p> <p>2. There is an absence of adequate drainage; and</p>	<p>Acknowledged.</p> <p>"We refer to your letter dated 3 August 2009 regarding proposed Amendment No 42 to the Shire of York's Planning Planning Scheme No 2, and in particular Condition 1 of Special Use to Zone 5 to be inserted into Schedule 3 of the Scheme.</p> <p>We have been forwarded a copy of your letter by the Shire and we provide the following response in regard to your claims relating to the behaviour of the Shire and Condition 1 of the Amendment.</p> <p>Claims in regards to behaviour by Shire</p> <p>Your claims that Shire has acted irresponsibly are plainly incorrect. The problems complained of do not fall within the Shire's jurisdiction. It is not the Shire's responsibility, nor is it the responsibility of the Department PI to resolve strata issues.</p>

	<p>3. The Lots do not have individual Water Corporation or Western Power meters.</p> <p>The Shire of York is aware through correspondence from [...] dated 5 November 2007 that the owners of the strata units have closed off the common property access way between the dwelling lots, being the proper access to their respective strata units as stated in the strata plan. The residents of the strata units were trespassing over our client's property to access their own Lots. [...] made a State Administration Tribunal application ("SAT Application") with regard to the issue of constructing a fence due to failure by the Shire of York to approve the developmental application forwarded by our client to the Shire of York<sup>1</sup>. Our client has since constructed a fence on her property, preventing any further trespass by the owners of Lots 2 - 13.</p> <p>[The CEO] is closely and personally cognisant with these matters and the various strata titles issues affecting Lot 573, as demonstrated following his attendance at the SAT Application hearing on 2 July 2008. [The CEO] has brought these matters to the attention of the currently day council and the Shire of York solicitors, as evidence in his letter to use dated 25 February 2009. Unfortunately, the Shire of York has consistently been opposed to providing any constructive assistance to resolve strata title issues or matters arising with regards to Lots 573 as may be seen by their correspondence to our client<sup>2</sup>.</p> <p>Objection to Condition 1</p> <p>Condition 1 in Scheme Amendment No 42 will effectively prevent any further subdivision or strata improvements, in circumstances where the local government is aware and has acknowledged the many issues associated with the strata scheme which they have refused to resolve.</p> <p>The effect of Condition 1, in impeding or preventing any further subdivision or strata improvements, is to perpetuate the wholly unworkable current subdivision and strata scheme which fails to provide proper access to Lots 2 - 13. This condition is clearly a further manifestation of the Shire of York's continuing refusal to correct the mess the Shire was responsible or partly responsible for in the first place. Inclusion of condition 1 in Amendment No 42 providing that no further subdivision or strata will be supported, is clearly inconsistent with the honest and competent performance of the duties of the Shire of York's Councillors in light of their knowledge of the complex ongoing strata and subdivision issues affecting Lot 573. It is inappropriate to the point of absurdity for the Shire of York to propose such a condition, particularly where the Shire was complicit in the formation and continuation of the current strata scheme which is a product of serious maladministration, and perhaps more serious misconduct.</p> <p>Our client has instructed us that, if the Shire passes a resolution including Condition 1 in Amendment No 42 to the Shire of York Town Planning Scheme No 2 despite this submission, our client will make a complaint to the Corruption and Crime Commission that the Shire of York Councillors and planning officers could not</p>	<p>The strata matters that you and your client complain of are civil matters which must be resolved between the owners and are the responsibility of the strata company, not the local government.</p> <p>Furthermore, the "various issues affecting lot 573" listed in your letter, have not been caused by the Shire nor are they the responsibility of the Shire.</p> <p>1. The Shire is not responsible for the approval of fences and the like, and did not issue approvals for any of the fences on common property. It has however information the strata owners that they should remove any obstruction from the common property access way.</p> <p>2. There is no requirement for the Shire to provide drainage. This is a problem to be resolved by the strata company at the owners' expense.</p> <p>3. There is no requirement that individual Water Corporation and Western Power metres be provided for individual strata lots. It is common for strata schemes in Western Australia not to have individual meters for strata lots, and the Shire fails to see how it is responsible for this.</p> <p>The powers and duties of the Shire are determined by legislation. Mediating strata disputes and resolving strata problems are not within the powers and duties given to local governments under</p>
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		<p>possibly have honestly and competently concluded that it is appropriate to include a condition in the scheme amendment that no further subdivision or strata will be supported in light of their knowledge of the current detrimental strata situation and the history which has led to the current situation.</p> <p><sup>1</sup> Please refer to correspondence from Our Client to the Shire of York on 5 November 2007, 7 January 2008, 21 February 2008 and 30 March 2008 and correspondence from the Shire of York to our client dated 28 November 2007, 6 February 2008, 5 March 2008, 31 March 2008 and 22 May 2008.</p> <p><sup>2</sup> Please refer to correspondence from the Shire of York to our client dated 28 November 2007, 6 February 2008, 5 March 2008, 31 March 2008 and 22 May 2008."</p>	<p>the Local Government Act. Your client should address its concerns through the strata company.</p> <p>The Condition</p> <p>Condition 1 was included in the Schedule to protect the caravan park use in Strata Lot 1 and to prevent any further residential development as on reticulated sewer is available in the area. The Shire's information is merely following standard recommendations from the Department of Health and the Western Australian Planning Commission.</p> <p>For the sake of addressing your concerns we are instructed that the Shire will agree to a condition which maintains the intent of Condition 1 as follows:          "Further subdivision of strata which would increase the residential density will not be supported unless suitable reticulated sewerage is available. Residential development shall be restricted to the existing Strata Lots 2 to 13".</p>
6B	Strata Lot Owner A (Second submission)	<p>"We refer to your letter dated 14 September 2009 ("Letter").</p> <p>Our client agrees with and will not oppose the proposed amended condition 1, as outlined in your Letter which clearly states the Shire of York's intent.</p> <p>Our client agrees with the contentions in your letter, particularly that mediating strata disputes and resolving strata problems does not fall within the powers and duties of the Shire of York. The intent of our letter dated 3 August 2009 was to alert the Shire to the likelihood that the imposition of a condition whereby "no further sub-division / strata will be supported" would be to the detriment of our client. In particular, our client's surprise that such a condition was proposed in circumstances</p>	<p>Acknowledged.</p> <p>Proposed condition 1 reflects the changes.</p>

		where the Shire of York was well aware of the various issues affecting the Strata Plan, which may require re-subdivision, with local government input, approval to rectify. However, our client is now satisfied that the condition as re-drafted in your letter adequately clarifies the position of the local government."	
7	Public Transport Authority	<p>"PTA has no objections to the proposed changes, provided the following conditions are met:</p> <ol style="list-style-type: none"> <li>1. All water drainage is to be contained within development sites and directed away from the rail corridor. There is to be no water run off onto rail corridor;</li> <li>2. Fencing to a minimum 1.8m height must be installed to all correct rail corridor boundaries;</li> <li>3. All residential lots situated within 50 metres of the rail corridor will require Memorials (Section 165) registered on the Certificate of Titles, advising potential purchasers that the proximity to rail may adversely impact on their use and enjoyment of the land i.e. rail noise and vibration;</li> <li>4. Developer/Shire is to ensure that all developments comply with the recently endorsed State Planning Policy 5.4, Road &amp; Rail Transport Noise &amp; Freight Considerations in Land Use Planning, prepared under Section 26 of the Planning &amp; Development Act 2005 by the WAPC." </li></ol>	<p>Acknowledged.</p> <p>Will be addressed at development application stage. Only applicable if new development is proposed.</p> <p>Addressed in Schedule 3 (proposed condition 3.</p> <p>Acknowledged.</p>
8	Strata Lot Owner B	"This land is a Survey Strata Lot Strata Titles Act 33 of 1985 as amended. Lots 2 to 13 are "fee simple" the remaining land is "common property" which is shared by all owners. By law the owners have to insure the common property for "public liability". Any change at all to the "common property" has to have full agreement of all the "fee simple" owners first, then Shire and Town Planning Department. As the Lots 2 - 13 are the majority owners of Lot 573 the wording of Special Purposes (use ) is misleading as the Caravan Park business has short term accommodation of caravans or tents. While the private houses are permanent dwellings. The houses residents do not interfere with the Caravan Parks operating business yet the Shire allowed this business to erect a fence blocking access to six (6) rate paying properties. This is against Strata Law and Australian Law. Having been rejected by State Administration Tribunal five (5) times. I would like to know why the Shire allowed this fence especially after receiving a Ministerial Order sent 4 May 3009 with a map which clearly shows Eighth Road and Lot 573 plus the "private" internal roads. One area for the private lots and clearly the Caravan area opposite Carter Road. No reason at all for this fence which prevents easy access for Emergency Vehicles. The plan 18228 passed in 1989 changed the land from belonging to a Caravan Park to belonging to the owners of Lots 2 - 13. Bad legal advice on the Shire's behalf! Having paid "market price" for Lot [...], I object to being referred to as part of a Caravan Park just because there's one next to us. Note the letter is written on behalf of Lot [...] only."	<p>Acknowledged. Comments not relevant to the proposed Scheme Amendment. All comments address internal civil matters to be resolved by the strata lot owners themselves. The Shire has no jurisdiction over internal strata matters. The 'Chalets' were never approved as long term accommodation.</p> <p>All houses and the caravan park form part of one strata plan, SP 18228 (see attachment).</p> <p>Strata Plan 18228 has not changed since 1989. There are no green title lots as all lots are part of a strata plan.</p>
9	Department of Water	"The Department of Water has not objection to the proposal provided the following is included in the decision letter: Suitable arrangements being made for the protection of the existing natural flow and ecology values of the watercourse located in the north-eastern corner of the property."	<p>Acknowledged.</p> <p>The watercourse has been addressed in the Scheme Amendment documentation.</p>





**SHIRE OF YORK**  
**TOWN PLANNING SCHEME NO. 2**  
**AMENDMENT NO. 42**

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF YORK**

**TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 42**

Resolved that the Council, in pursuance of the Planning and Development Act 2005 amend the above local planning scheme by:

1. Rezoning Lot 573 Eighth Road, York, from 'Public Purposes' to 'Special Use Zone'.
2. Inserting the following 'Special Use Zone 5' to Schedule 3:

	No	Particulars of Land	Special Use	Conditions
SU5	5	Lot 573 Eighth Road	Caravan Park, Residential, Short Term Accommodation	<ol style="list-style-type: none"> <li>1. Residential development shall be restricted to the existing Strata Lots 2 - 13. No further subdivision/strata will be supported.</li> <li>2. All development shall be subject to application for the local government's planning consent.</li> <li>3. Any development for residential uses or short term accommodation or any tourism purposes shall- <ul style="list-style-type: none"> <li>• Incorporate a Notification pursuant to section 70A of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, to be placed on title of the land indicating that residential amenity may be affected by noise and vibration from the rail line, with all costs related to the Notification being borne by the owner/applicant; and</li> <li>• Incorporate noise abatement measures to the satisfaction of the Council.</li> </ul> </li> </ol>

Dated this 25th day of May 2009

A/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** : 42

## REPORT

### Background

This Amendment No. 42 to the Shire of York Town Planning Scheme No. 2 (the 'Scheme') seeks to rezone Lot 573 (No. 2) Eighth Road, York, from the current 'Public Purposes' zoning to 'Special Use Zone' and add an appropriate list of uses and conditions to Schedule 3 of the Scheme. The subject property is located in the northern part of the York townsite, adjacent to the Northam railway line and adjoining the racecourse. It is subject to Strata Plan 18228 and accommodates the York Caravan Park and 11 'chalets' (also referred to as 'Mount Bakewell Resort'). The total area of Lot 573 comprises 49,726 m<sup>2</sup>.

Lot 573 Eighth Road has been part of the previous Scheme Amendment 21 and the conjoint Equine Precinct Outline Development Plan. The previous amendment aimed at rezoning the subject land to 'Residential R10' with the Caravan Park as an 'Additional Use'. The Minister for Planning directed the Shire of York in a Schedule of Modifications to delete Lot 573 Eighth Road from Scheme Amendment 21 and dismissed the amendment proposal of 'Residential R10' plus the 'Additional Use' of 'Caravan Park'. Subsequent discussions with officers from the Department for Planning and Infrastructure ('DPI') have identified a 'Special Use Zone' as the most appropriate zoning for the property.

The purpose of this Scheme Amendment 42 is therefore to follow the Minister's direction and DPI's advice and rezone Lot 573 Eighth Road to a 'Special Use Zone' accommodating the existing uses.

The Scheme includes the following provisions relating to 'Special Use Zones':

#### "3.4 Special Use Zones

*Special Use Zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table. No persons shall use any land or any structure or buildings thereon, in a Special Use Zone except for the purpose set out against that land in Schedule 3 and subject to the conditions set out in Schedule 3 with respect to that land."*

#### Location Plan and Current Land Uses

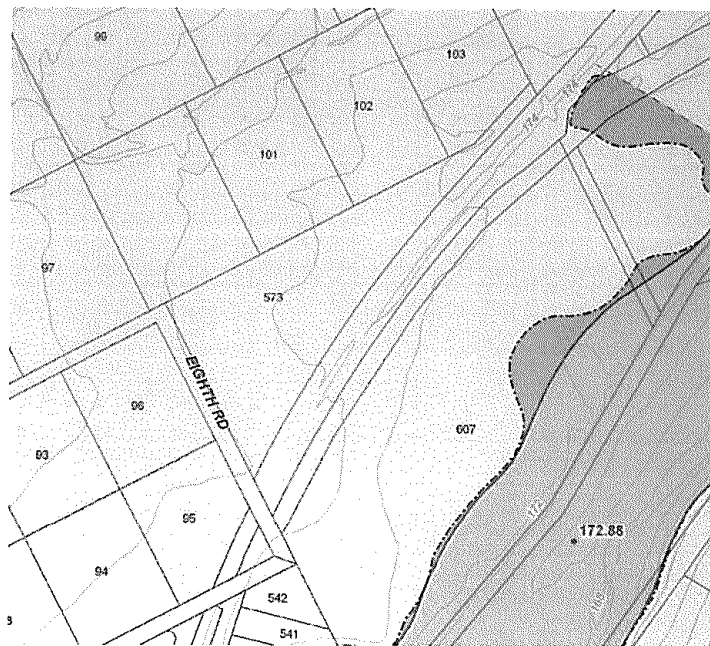


*Map 1 – Location Plan and Current Land Uses (Aerial Photography ca. 2005)*

The aerial photography shows the location of the caravan park in the western part of Lot 573 and the 'chalets' in the eastern portion of the subject lot. The location plan also indicates the approximate location of a 'chalet' built in 2007 which was erected after the aerial photo was taken.

#### Water Management and Flood Issues

The following map shows that Lot 573 (2) is not directly affected by flood issues from the Avon River.



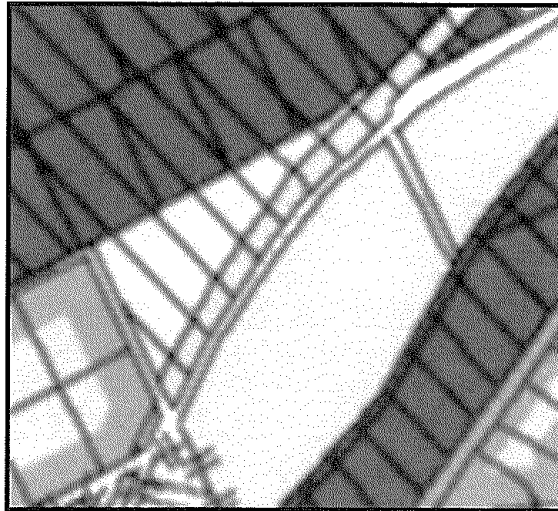
Map 2 – Flood Information: Flood way/flood fringe (yellow), 100 year ARI flood level (blue).

It should be noted, however, that a recognised watercourse runs through the northern portion of the subject land which will restrict development in this area (see Map 1 further above).

#### **Proposal/Conclusion**

This Scheme Amendment No. 42 recognizes the existing uses on Lot 573 (2) Eighth Road, York (i.e. Caravan Park, Residential and Short Term Accommodation) and follows the ministerial direction to delete the subject lot from previous Scheme Amendment No. 21. The most appropriate zoning has been identified as a 'Special Use Zone' and appropriate conditions have been included in an addition to Schedule 3 of the Scheme. The conditions simply recognise the existing strata pattern which effectively means that only one additional 'chalet' can be constructed on the only vacant strata lot. No residential density code has been included in the schedule for the reason that any further subdivision or strata creating additional lots will not be supported. The last vacant strata lot comprises 1,000 m<sup>2</sup> and can only accommodate one dwelling as no reticulated sewer is available in this part of town.

The additional conditions of notifications on the titles relating to the issue that residential amenity may be affected by noise and vibration from the adjacent railway line and adequate noise abatement measures follow a ministerial direction from Scheme Amendment No. 10 and have been applied to amendments and subdivisions in proximity of the railway line.



EXISTING ZONING

# LEGEND

York / 2

- RAIL WAY
- ROAD
- RECREATION AND OPEN SPACE
- GENERAL AGRICULTURE
- RURAL RESIDENTIAL
- PUBLIC PURPOSES
- RESIDENTIAL
- LPS Records - Enquiry data
- LPS Town Body Land Act - Enquiry data
- LPS Councillors - Capture data



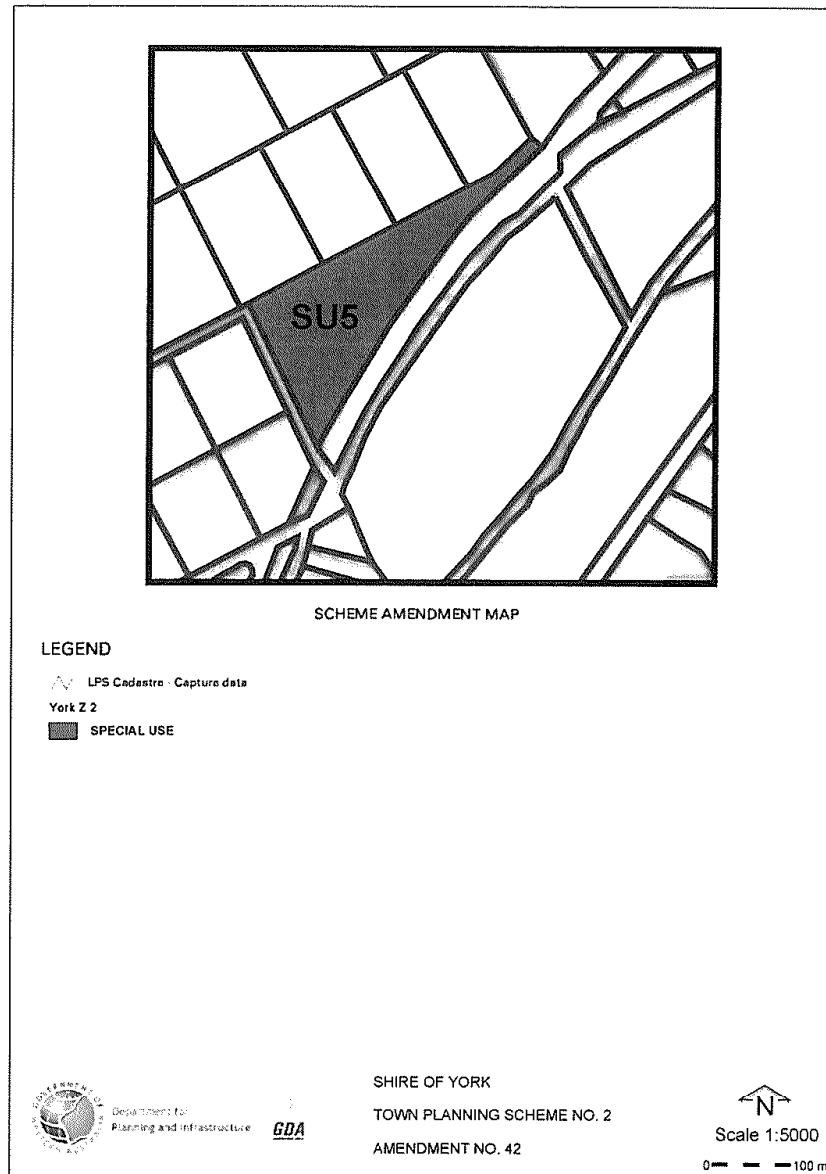
Department for  
Planning and Infrastructure



SHIRE OF YORK  
TOWN PLANNING SCHEME NO. 2  
AMENDMENT NO. 42



Scale 1:5000  
0 100 m





**SHIRE OF YORK**  
**TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 42**  
**SCHEDULE OF MODIFICATIONS**

Inserting the following 'Special Use Zone 5' to Schedule 3:

	No	Particulars of Land	Special Use	Conditions
SU5	5	Lot 573 Eighth Road	Caravan Park, Residential, Short Term Accommodation	<ol style="list-style-type: none"> <li>1. Further subdivision or strata which would increase the residential density will not be supported unless suitable reticulated sewerage is available. Residential development shall be restricted to the existing Strata Lots 2 to 13.</li> <li>2. All development shall be subject to application for the local government's planning consent.</li> <li>3. Any development for residential uses or short term accommodation or any tourism purposes shall- <ul style="list-style-type: none"> <li>• Incorporate a Notification pursuant to section 70A of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, to be placed on title of the land indicating that residential amenity may be affected by noise and vibration from the rail line, with all costs related to the Notification being borne by the owner/applicant; and</li> <li>• Incorporate noise abatement measures to the satisfaction of the Council.</li> </ul> </li> </ol>

**PLANNING AND DEVELOPMENT ACT 2005**

**SHIRE OF YORK**

**TOWN PLANNING SCHEME NO. 2 - AMENDMENT NO. 42**

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 local planning scheme by:

1. Rezoning Lot 573 Eighth Road, York, from 'Public Purposes' to 'Special Use Zone'.
2. Inserting the following 'Special Use Zone 5' to Schedule 3:

	No	Particulars of Land	Special Use	Conditions
SU5	5	Lot 573 Eighth Road	Caravan Park, Residential, Short Term Accommodation	<ol style="list-style-type: none"> <li>1. Further subdivision or strata which would increase the residential density will not be supported unless suitable reticulated sewerage is available. Residential development shall be restricted to the existing Strata Lots 2 to 13.</li> <li>2. All development shall be subject to application for the local government's planning consent.</li> <li>3. Any development for residential uses or short term accommodation or any tourism purposes shall- <ul style="list-style-type: none"> <li>• Incorporate a Notification pursuant to section 70A of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, to be placed on title of the land indicating that residential amenity may be affected by noise and vibration from the rail line, with all costs related to the Notification being borne by the owner/applicant; and</li> <li>• Incorporate noise abatement measures to the satisfaction of the Council.</li> </ul> </li> </ol>

**RESOLUTION TO AMEND SCHEME**

Adopted by resolution of the Council of the Shire of York at the Special Meeting of the  
Council held on the .....25th.....day of.....May.....2009

\_\_\_\_\_  
A/CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
SHIRE PRESIDENT

**RESOLUTION TO ADOPT AMENDMENT TO SCHEME**

Adopted by resolution of the Council of the Shire of York at the Special Meeting of the  
Council held on the .....14th..... day of .....December.....2009

(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

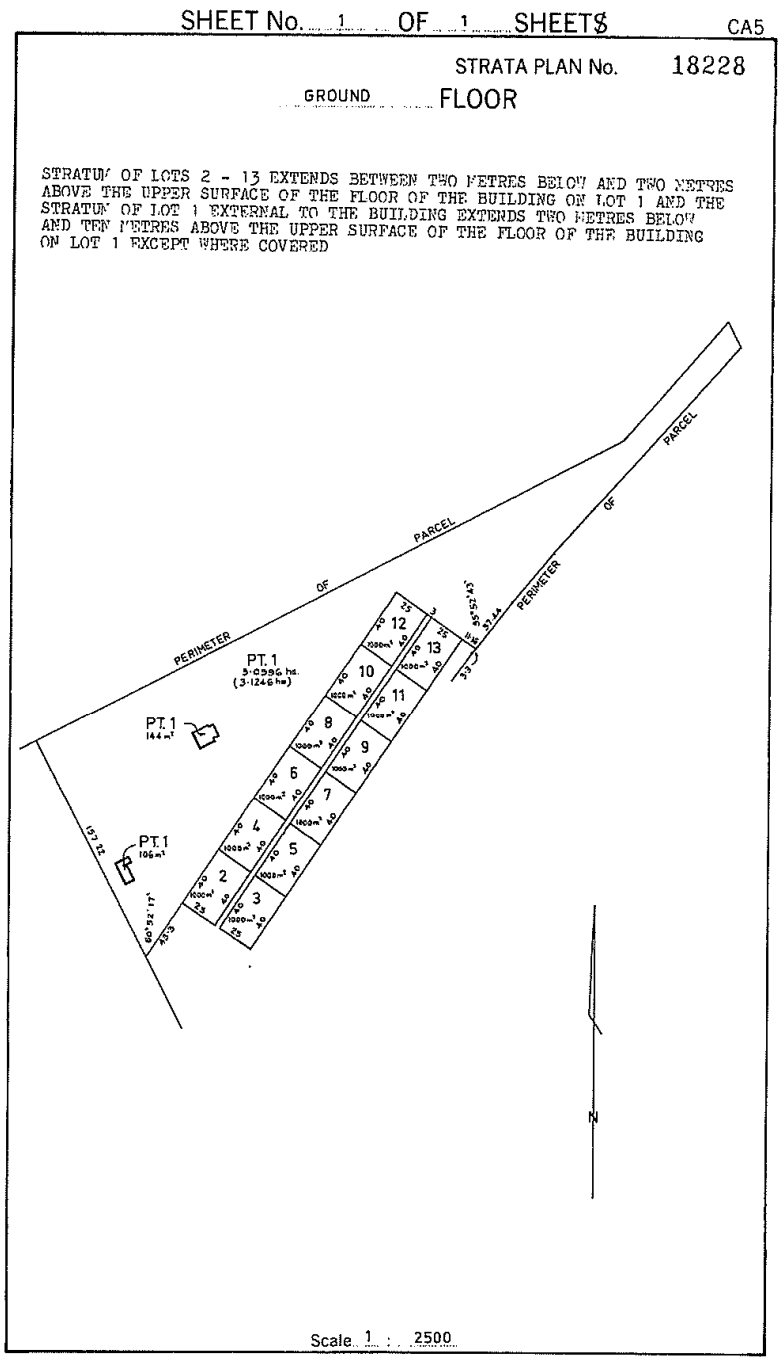
Date: \_\_\_\_\_

Final Approval Granted

\_\_\_\_\_  
MINISTER FOR PLANNING

Date: \_\_\_\_\_





LANDGATE COPY OF ORIGINAL NOT TO SCALE Thu May 21 08:50:10 2009 JOB 32253640



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

### **9.1 DEVELOPMENT REPORTS**

#### **9.1.3 Scheme Amendment 12 – Lot 104 Henrietta Street**

*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.*

<b>FILE NO:</b>	<b>PS.TPS.7</b>
<b>COUNCIL DATE:</b>	<b>21 December 2009</b>
<b>REPORT DATE:</b>	<b>8 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Lot 104 (Pt) Henrietta Street, York</b>
<b>APPLICANT:</b>	<b>Shire of York</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Patrick Ruettjes, Shire Planner</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Appendix A – Location plan, Appendix B – Subdivision plan Appendix C – Schedule of submissions</b>
<b>DOCUMENTS TABLED:</b>	<b>Scheme Amendment 12 documentation, site inspection photos</b>

#### **Summary:**

Council is asked to adopt Scheme Amendment No. 12 to the Shire of York Town Planning Scheme No. 2 (the 'Scheme') by rezoning Lot 56 (No. 22) Forrest Street, York, (formerly Part Lot 104 Henrietta Street, York), from 'Residential R10' to 'Industrial' for final approval with modifications.

#### **Background:**

Council, at its Ordinary Meeting of 15 November 2004 resolved to finally approve proposed Scheme Amendment No. 12 to the Shire of York Town Planning Scheme No. 2 (the 'Scheme'), for the purpose of rezoning Lot 104 (Pt) Henrietta Street, York, from 'Residential R10' to 'Mixed Business' (see attached location plan).

The amendment, however, has not been finalised since then. In 2005, a subdivision was approved and endorsed depicting a different lot layout (see attached subdivision plan). Lot 55 (2,038 m<sup>2</sup>), Lot 56 (2,110 m<sup>2</sup>), Lot 57 (2,100 m<sup>2</sup>) and Lot 58 (2,605 m<sup>2</sup>) on Deposited Plan 42813 were created as part of subdivision 124458. Subsequently, light industrial uses were approved by the Shire on the newly created lots.

While Lots 57 and 58 are zoned 'Industrial', Lots 55 and 56 remain zoned 'Residential R10'. Lot 55 accommodates a single residence and no change is proposed. Lot 56 is occupied by an industrial shed with the company York Auto Electrics. It is therefore proposed to rezone Lot 56 to 'Industrial' to reflect the existing use.

It should be noted that the Shire of York Local Planning Strategy identifies the area bound by Henrietta, Forrest and Fisher Streets and the railway line as the existing industrial area. This includes Lot 56 which is proposed to be rezoned to 'Industrial'.

#### **Consultation:**

The amendment has been advertised in accordance with the Town Planning Regulations 1967. A Schedule of Submissions is attached. The submissions are acknowledged. A modification to the amendment is proposed.

#### **Statutory Environment:**

Town Planning Regulations 1967 and

Shire of York Town Planning Scheme No. 2

**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.”*

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes.

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil.

**Social Implications:**

Nil.

**Environmental Implications:**

Nil.

**Comment:**

Scheme Amendment No. 12 was initiated to enable industrial uses on the then Lot 104 Henrietta Street. The original proposal was to rezone the portion of the lot in question, the current Lot 56 (22) Forrest Street, to ‘Mixed Business’. It is not recommended to continue with the ‘Mixed Business’ zoning as it enables residential and industrial uses on the same property. The submissions reflect the already existing land use conflicts between the industrial area and the row of houses along Henrietta Street zoned ‘Residential R10’.

It is, however, recommended, to rezone Lot 56 (22) Forrest Street, York, from ‘Residential R10’ to ‘Industrial’ to acknowledge and formalise the existing use, i.e. the operation of York Auto Electrics, on the site.



**RESOLUTION  
051209**

**Moved: Cr Boyle**

**Seconded: Cr Randell**

**“That Council resolves to -**

**1. Rescind the following resolution adopted at the Ordinary Council Meeting of 15 November 2004, in respect to Amendment No. 12 to the Shire of York Town Planning Scheme No. 2:**

**‘- That Council resolves to grant final approval to the proposed Scheme Amendment No. 12 to the Shire of York Town Planning Scheme No. 2, for the purpose of rezoning Pt Lot 104 Henrietta Street, York, from ‘Residential R10’ to ‘Mixed Business’ in accordance with the amendment documents attached and labelled ‘Appendix A’;**

**- Approve the Shire of York seal to be affixed to the scheme amendment;**

**- Note the table of submissions attached and labelled “Appendix B”; and**

**- Forward the amendment to the Department for Planning and Infrastructure for final approval.’**

**And that Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 12 to the Shire of York Town Planning Scheme No. 2, resolves to -**

**2. Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by rezoning Lot 56 (No. 22) Forrest Street, York, from ‘Residential R10’ to ‘Industrial’ and amend the Scheme Map accordingly;**

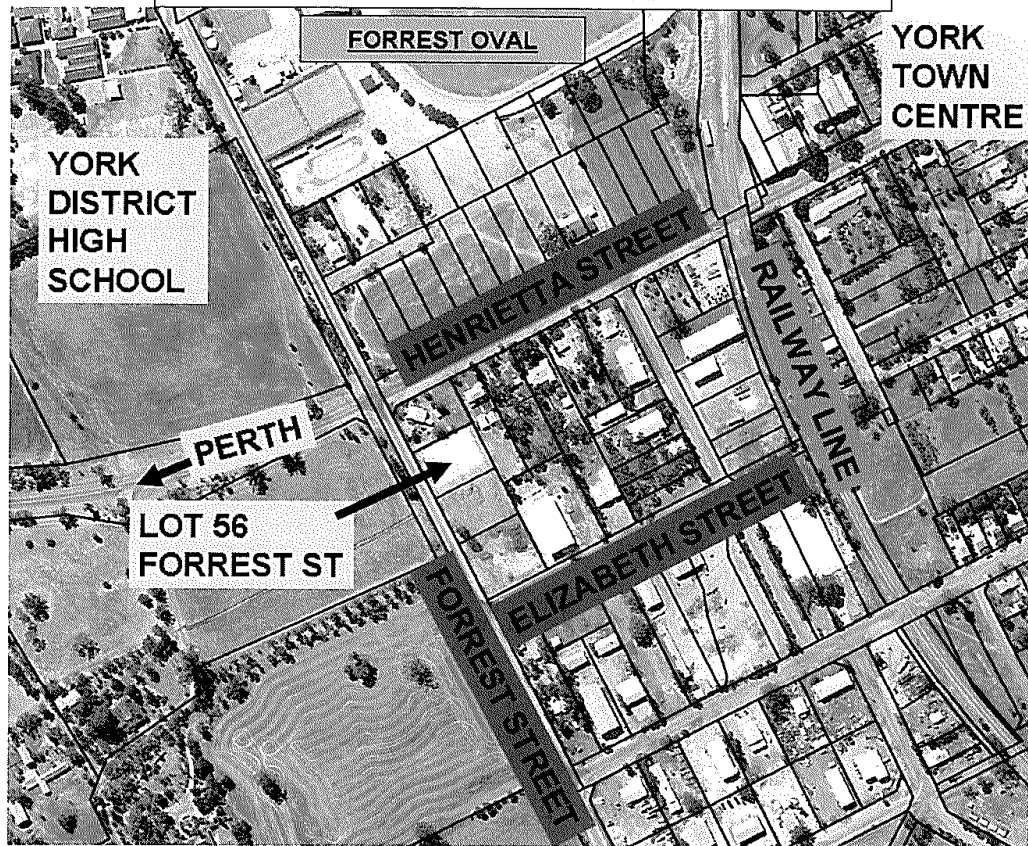
**3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation; and**

**4. Forward Scheme Amendment No. 12 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”**

**CARRIED (5/0)**



**SCHEME AMENDMENT NO. 12  
LOCATION PLAN**





[illegible]





**SHIRE OF YORK – TOWN PLANNING SCHEME NO. 2  
SCHEME AMENDMENT NO. 12 - SCHEDULE OF SUBMISSIONS**

No	Submission	Comments	Council Response
1	Western Power	No objection – comment: Worksafe requirements must be observed when excavation work is undertaken and any cost of any changes will be the responsibility of the individual developer.	Noted.
2	Water Corporation	No objection – comment: areas have access to an adequate scheme water supply. Scheme sewerage is not available.	Noted.
3	Resident 1	Objection – comment: readjustment of boundaries will have an adverse effect on the value of residential property and impact through noise on the quiet enjoyment of the residence.	Noted.
4	Resident 2	Objection – comment: affect quiet enjoyment of residence, affect value of property, back of home is an entertainment area – they would be looking straight into the adjacent property, it would become a problem if the businesses were to have machinery or heavy equipment.	Noted.
5	Resident 3	Objection – comment: noise emanating from the industrial area, intrusive of guests staying at the Bed and Breakfast, dust, landscaping concerns and move the industrial area.	Noted.

Original schedule of submissions as per Council Meeting Minutes dated 15 November 2004.





## **9.2 Administration Reports**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.1 Community Seed Orchard**

<b>FILE NO:</b>	<b>EV.PVN.6</b>
<b>COUNCIL DATE:</b>	<b>14 December 2009</b>
<b>REPORT DATE:</b>	<b>2 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Avon River Foreshore</b>
<b>APPLICANT:</b>	<b>Avon Wildflower Group</b>
<b>SENIOR OFFICER:</b>	<b>Graham Stanley</b>
<b>REPORTING OFFICER:</b>	<b>Tyhscha Cochrane</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Appendix A – Proposal</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

That Council endorses the proposal by the Avon Wildflower Group to complete the establishment of a Seed Orchard on Shire Reserve 121 (adjoining the Avon River), as per Appendix A.

**Background:**

Outlined in Appendix A - Background Information.

**Consultation:**

Council. Liz Manning and the Avon Wildflower Group.

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

Not applicable.

**Financial Implications:**

The approximate cost is \$2,700. There are sufficient funds within the 2009/10 financial budget and the allocations can be deducted from General Ledger Account – 105104 – Protection of the Environment. The account currently has an allocation of \$6,000 and no actual monies have been deducted from this account to date.

**Strategic Implications:**

Key Result Area 6 – The Environment states:

*“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:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Cr Pat Hooper

**Triple bottom Line Assessment:**

**Economic Implications:**

Sufficient funds within account 105104 – Environmental Control Expenses.

**Social Implications:**

The project could be promoted through signage placed along the verge of Spencers Brook Road and via stories in the paper.

**Environmental Implications:**

It is essential that a sustained approach to weed management is implemented through an ongoing program of regular and timely annual spraying of targeted areas. Reducing the weed seed bank will optimise the chances of seedling success, minimise the threat of fire and spread of weeds to other areas, as well as improving access and safety of visitors to the site.

**Comment:**

Council has worked well in the past with the Avon Wildflower Group to achieve shared objectives for the Avon River.

**RESOLUTION**

**061209**

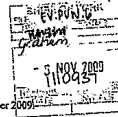
**Moved: Cr Scott**

**Seconded: Cr Boyle**

***“That Council endorses the proposal by the Avon Wildflower Group and allocates a maximum of \$2,700 from General Ledger Account 105104.”***

***CARRIED (5/0)***

cc All crs.



# York Community Seed Orchard A proposal submitted by the Avon Wildflower Group, October 2009

## Project description

Complete establishment of a community seed orchard on York Shire reserve land (Reserve 121, and Lot 497 York) adjoining the Avon River, over a three year period (2010 – 2013).

## Background Information

In 2002 a joint project by the York LCDC and Shire of York undertook to establish a community seed orchard on Shire reserve land adjoining the Avon River (Appendix). The project, assisted by a Community Conservation Grant, represented the first stage of a 4 year plan to establish a reliable seed production area to be utilised by the York community.

Partnerships were formed with the Water and River's Commission, Greening Australia WA, and the York LCDC. These provided important linkages to Local and State Government plans – "Avon River Recovery Plan, Section 9 – York; NHT "Sustaining Ecology in York into the future". The project was managed the York Landcare Officer, Liz Manning. Considerable support was given by government departments, local groups and individuals. Local provenance seed was collected by LCDC members. Greening Australia WA contributed through seed collection, processing and cleaning. A local nursery was contracted to grow the seed. The Water and River's Commission provided 3 kms of fencing material through its "Fence the River" project. This was erected by community volunteers. The Shire of York provided machinery and equipment as required. Conservation Volunteers Australia provided in-kind assistance through its "Landing a Hand" program. Other community groups also contributed many hours in-kind labour. Planting began in 2003 and continued into 2004. However, the loss of the Community Landcare Coordinator position, halted further work on the seed orchard.

## Purpose of this proposal

The Avon Branch of the Wildflower Society wish to see the planting of the seed orchard completed. Doing so will expand the range of species available for restoration projects and ensure the objectives to address local conservation issues are achieved. It is expected planting will continue for a further three years until 2012, as seed of targeted species becomes available. While the purpose of the project has always been to provide local groups access to seed for restoration projects, opportunity exists for the Shire to promote a salable commodity to government departments and natural resource management groups. This is a consideration the Avon Branch of the Wildflower Society wishes to discuss further with the Shire to reach common agreement.

## What is the work?

A collaborative partnership is sort with the York Shire to implement this project. Work involves existing with the necessary ground works prior to and after planting (Figure 1). The Avon Branch members have a supply of local seed that will complement and increase the range of species already planted (Figure 2). However, members are unable to propagate the quantity of seedlings required and request the York Shire pay nursery costs to propagate the seed (Figure 3). It is essential that a sustained approach to weed management is implemented through an ongoing program of regular and timely manual spraying of targeted areas. These include maintaining a 4 meter fire around the perimeter of the orchard (where possible); a similar fire break along the

adjoining bank of the River; and specified areas within the seed orchard prior to planting. Reducing the weed seed bank will optimise the chances of seedling success, minimise the threat of fire and spread of weeds to other areas, as well as improving access and safety of visitors to the site. The project could be promoted through signage placed along the verge of Spencer's Brook Rd and via stories in the local paper.

Figure 1: York Community Seed Orchard - Schedule of works 2008/2010

Activity	Quantity	Time	Cost born by	Responsibility
Spray weeds in proposed planting areas for 2010	Glyphosate @ 12 ha	Sept 2009	In-kind contribution	Bruce McGregor
Field walk to view previous plantings	Approx 2 hours	Oct 2009	No cost	Open to all
Plough/leash fire break along fence adjoining Aven River	4 km of fence line	End Oct 2009	York Shire	Shire work staff / contractor
Seed collection of selected species (Fig. 2)	Quantities as available	Oct – Dec 2009 and 2010	In-kind contribution	Aven branch - Wildflower Society (Eric Ayling)
Propagate seedlings @ 64 stems per tray (Fig. 3)	Exc. species @ 1 tray other species @ 5 trays	To nursery by late Oct 2009	York Shire Approx \$2,700	Arylark Nursery Westgrove Tree Farm
Ripping	When required	Feb 2010	In-kind	Bruce McGregor
Spray weeds prior to planting	Glyphosate @ 12 ha	1 <sup>st</sup> spray early June 2010 2 <sup>nd</sup> spray early July 2010	York Shire	York shire / local contractor
Spray fire break along both sides of fence adjoining the River	Glyphosate	July – Aug 2010	York Shire	Shire work's staff / contractor
Plant seedlings using tree planter or hand plant	Approx 5,500 stems	July 2010	York Shire	Volunteers - In-kind
Spray fire breaks/ areas as required	Glyphosate	September 2010	York Shire	contractor

Figure 2: Proposed species list for 2010, and showing species planted in 2003/04

Species list for 2010	Species list for 2003/04
<i>Ac. crataegifolia</i>	<i>Ac. acuminata</i>
<i>Banksia attenuata</i>	<i>Ac. microbotrya</i>
<i>Banksia eriocarpa</i>	<i>Ac. mesneri</i>
<i>Calothamnus rupestris</i>	<i>Ac. linifolia</i>
<i>Euc. vandoi</i>	<i>Ac. ligustica</i>
<i>Euc. caesia</i>	<i>Ac. lasiocarpa</i>
<i>Euc. macrocarpa</i>	<i>Ac. pulchella</i>
<i>Gastrolobium</i> sp.	<i>Ac. linifolia</i>
<i>Hibiscus</i> sp.	<i>Ac. sessilifolia</i>
<i>H. undulata</i>	<i>Allocasuarina campetris</i> *
<i>H. prelati</i>	<i>Callistemon phoeniceus</i>

2009 11 1

H. trifurcata	Culcitanthus quadrifidus
Lepidospermum areboscences	Hidrea scopora *
Mel. radula	H. undulata *
Mel. scabra	Mel. Lateriflora
Mel. thyoides	Mel. ucinata *
Petrophile heterophylla	Petrophile heterophylla *
	* = not planted

Figure 3: Nursery costs per stem. Seed cleaning is extra charge

Nursery	Seeds to hand	Euc. / Mel.	Ukies / Banksia
Aryia Nursery – Downin.	Early Oct	40c + GST	H. 80c + GST B. 50c + GST
Westgrow farm trees – Meckering	Late Oct	40c + GST	\$1.50c + GST
Chaffield Tree Nursery – Tarpole	Mid Oct	38c + GST	H. 90 c + GST B. not available
1 tray = 64 stems: purchase Bux's. @ 1 tray / species; others @ 5 trays / species			
Approximate cost: \$2,700			

#### Site notes

- Total length (including both sites) is approximately 3 kms.
- Width of orchard is 50 meters
- Row spacings @ 4 meters x 11 rows
- Fire break around perimeter @ 5 meters
- Within rows plant Eucs. at 5 meter spacings, plant other species at 3 meter spacing.
- Block plant each species using at least 2 blocks per species to safeguard against failures.
  - o Euc. sp. 3 x 64 stems planted along 3 rows = 102 metres row lengths.
  - o Other sp. 14 x 320 stems planted along 11 rows = 1400 metres row lengths.
- Planting area estimated at 10 hectares.
- Use Chaffield tree planter to rip / scalp / mound lines prior to planting.

#### Contact details

Pat McGregor: President, Avon Branch of the Wildflower Society.  
Ph: 96 411184 email: [mcgregor@spardenet.com.au](mailto:mcgregor@spardenet.com.au)

Eric Ayling: Secretary, Avon Branch of the Wildflower Society.  
PO Box 373 York, WA 6302.  
Email: [ayling@am.com.au](mailto:ayling@am.com.au)

Liz Manning:  
Ph: 96 431026  
Email: [lizmanning@bigpond.com](mailto:lizmanning@bigpond.com)





**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.2 Review of Local Laws**

<b>FILE NO:</b>	<b>LE.LLW</b>
<b>COUNCIL DATE:</b>	<b>21 December 2009</b>
<b>REPORT DATE:</b>	<b>14 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>APPLICANT:</b>	<b>Shire of York</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Darren Long – DL Consulting</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Local Laws Review Discussion Papers November 2009</b>

**Summary:**

To undertake a statutory review of the Shire of York's local laws in accordance with section 3.16 of the Local Government Act 1995.

**Background:**

Section 3.16 of the *Local Government Act 1995* requires that a periodic review of all local laws is undertaken within a period of 8 years from the date of the local law commenced or was last reviewed. Section 3.16 states:

**3.16 Periodic review of local laws**

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.
- (2) The local government is to give State wide public notice stating that –
  - (a) the local government proposed to review the local law;
  - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
  - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a date that is not less than 6 weeks after the notice is given.
- (2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- (4) When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.

\* Absolute majority required.

The Shire has the following local laws:

<b>Local Law</b>	<b>Gazettal / Amendment Date</b>
Bylaws relating to Payment of Rates by Moieties	15 May 1963
Bylaws relating to Brick Areas	2 November 1973
Local Laws relating to Signs and Advertisements	1 August 1997
Parking and Parking Facilities Local Law	22 February 2000
Extractive Industries Local Law	22 February 2000
Cemeteries Local Law 2000	22 February 2000
Local Laws relating to Pest Plants Repeal	16 January 1981
Local Laws relating to Pest Plants	21 August 2000
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law	22 February 2000
Local Government Property Local Law	22 May 2001
Dogs Local Law	17 January 2001
Local Laws relating to Fencing	22 May 2001
Local Laws relating to Fire Precautions	22 May 2001
Local Laws relating to Standing Orders	10 March 2000
Health Local Laws	17 January 2001

SEAVROC, on behalf of the five participating member Councils, has commissioned Mr Darren Long, from DL Consulting, to conduct the review of local laws for each of the individual member Councils. The aim of the joint exercise is to attain as much alignment as possible in the local laws amongst the member Councils.

#### **Consultation:**

Public consultation is currently underway as part of the review process (closes 6 January 2010). Councillors will be given the opportunity to make comment on the draft amendments.

#### **Statutory Environment:**

Agriculture and Related Resources Protection Act 1976  
 Cemeteries Act 1986  
 Dog Act 1976  
 Health Act 1911  
 Local Government Act 1995  
 Bush Fires Act 1954

#### **Policy Implications:**

There are no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed in the review report to Council.

#### **Financial Implications:**

Advertising and Darren Long's consultancy – a SEAVROC initiative.

#### **Strategic Implications:**

Resource Management.

#### **Voting Requirements:**

**Absolute Majority Required:** No

#### **Site Inspection:**

**Site Inspection Undertaken:** Not Applicable.

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

Not applicable.

**Social Implications:**

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

**Environmental Implications:**

Not applicable.

**Comment:**

Clause (2) of section 3.16 requires that public consultation be conducted for a period of at least 6 weeks as part of the review process. The public notice of the proposed review must be advertised State-wide, following which all submissions are to be considered by the local government and a report prepared of the review process and presented to Council. Council is then required to consider the report and determine whether or not it considers that the local law should be repealed or amended.

Consultation with internal officers has been initiated. To supplement the review process, a discussion paper will be prepared and made available to members of the public highlighting the proposed amendments to each local law, arising from the internal review process.

The following process and timeline is envisaged for the review process:

Stage	Date
1. SEAVROC resolution to conduct review	October 2009
2. Preparation of Discussion Paper and Placement of Public Notice	14 November 2009
3. Closure of Public Notice and Consultation Period	6 January 2010
4. Review of submissions and preparation of report to Council	February 2010

It is envisaged that a report on the review process will come back to Council in February 2010. Draft new local laws and any amendments to existing local laws will be available for the December meeting. Should the Council determine that a Local Law requires amendment a separate process under section 3.12 of the Act will take place, which covers the making and amending of local laws.

**RESOLUTION  
071209**

**Moved: Cr Lawrance**

**Seconded: Cr Randell**

***“That Council:***

***1. resolves to undertake a review of its existing local laws.***

***Advice Note:***

- a. In accordance with section 3.16 (2) of the Local Government Act 1995 the proposal was advertised for public comment with the consultation period due to expire of the 6<sup>th</sup> January 2010, following which a review of submissions and preparation of a final report to Council will be prepared.***
- b. The Local Laws review may result in the repeal, amendment or adoption of new local laws to suit community needs for the following eight (8) year period.”***

***CARRIED (5/0)***

**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.3 Springbett Airfield**

<b>FILE NO:</b>	<b>CCP.20</b>
<b>COUNCIL DATE:</b>	<b>21 December 2009</b>
<b>REPORT DATE:</b>	<b>14 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Reserve 121 – Spencers Brook Road, York</b>
<b>APPLICANT:</b>	<b>Shire of York</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Tyhscha Cochrane, MATS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

To formally close the airstrip, name the reserve in recognition of the Springbett family and provide six months to the proponent to remove the hangar from Reserve 121, known as the Springbett Airfield.

**Background:**

Council at its Ordinary Council Meeting held on the 17<sup>th</sup> September 2007 resolved as follows:

*"That Council:*

- 1. advertises the closure of Sprinbett Airfield; and*
- 2. notifies regular users of the facility.*

*Advice Note:*

*Council supports the recognition of the Springbett family in aviation activities and would strongly recommend the name being included in the final design of the Brooklands Airfield."*

The commencement of the lease occurred approximately 1993, as per the following correspondence:

*"Further to your letter dated 23 November 1993 I am pleased to advise that the Council has agreed to a licence agreement between the Council and yourself as owner of the hangar situated at the York aircraft landing area.*

*This letter serves to confirm the following in relation to the licence agreement.*

- 1. The hangar / farm shed is the property of Mr D A Johnson.*
- 2. The Council has agreed to allow the hangar to remain in its present location on Council reserve 13323 for the purposes of aircraft hangar / aviation usage.*
- 3. Allowing use and rights of access to yourself from York / Spencers Brook Road landing area entrance to the hangar by the access road, runway and taxi way.*
- 4. If joy flights or other flights are performed where a fee is charged then you will be required to obtain a trading in public places licence at the adopted fee.*

5. *Annual rental of \$50 per annum payable on or before 1 January 1994 for the forthcoming twelve months.*
6. *The Council may give six months' notice to yourself, requiring you to remove the hangar, if required.*
7. *You are required to request a further twelve months' renewal prior to 31 December 1994.*

*If you are happy with the above terms and conditions of this licence agreement then could you please indicate by signing and returning the attached copy."*

**Consultation:**

Users of the airstrip;  
Department for Planning and Infrastructure;  
Ms J Stanton; and  
Councillors.

**Statutory Environment:**

Not applicable.

**Policy Implications:**

Not applicable.

**Financial Implications:**

Council has a budget of \$12,170.00 of which \$200.40 has been spent on water rates. The remainder of the monies will be carried over and re-budgeted in the 2010/11 financial year.

Planning for the use of the land will incur costs at a later date.

**Strategic Implications:**

Community Services - Key Result Area 7:

*"To ensure a safe community environment."*

**Voting Requirements:**

**Absolute Majority Required:**                      **No**

**Site Inspection:**

**Site Inspection Undertaken:**                      **Various**

**Triple bottom Line Assessment:**

**Economic Implications:**

Not applicable – information available under Financial Implications.

**Social Implications:**

Reference to the Springbett family has been considered in this report.

**Environmental Implications:**

Nil at this stage.

**Comment:**

When Council first considered the closure of the airstrip, it was to support the Regional Airport funding for the sealing of two runways at a commercial airport.

It is noted that Springbett Airfield is not sustainable in its current form and the use of the airstrip for community benefit is extremely limited with no income being generated to meet maintenance and upgrading costs other than a \$50.00 per year hanger rental.

The airfield in its current form, as it is located on land vested in the Shire potentially exposes the Shire of York and the York community to a level of risk through its location, the quality of the surface, landing and takeoff constraints and other matters.

**RESOLUTION  
081209**

**Moved: Cr Lawrance                      Seconded: Cr Randell**

***“That Council:***

- 1. acknowledges that Skydive Express is not proceeding with a funded airfield;***
- 2. will not re-open the Springbett Airfield, as it is not sustainable in its current form;***
- 3. will consider alternative proposals for the use of the land in accordance with the Equine Precinct;***
- 4. recommend to the Geographic Names Committee that Springbett be used to name the Reserve in recognition of the Springbett family;***
- 5. advise J Stanton that removal of the hangar to be completed within six months from the date of Council’s resolution. Should additional time be required, Council delegates to the Chief Executive Officer to negotiate an arrangement; and***
- 6. advise Civil Aviation Authority and all relevant users of Council’s resolution.***

***Advice Note:***

***Funds to be carried over and re-budgeted for in the 2010/11 financial year. Funds to be used for the purpose of fencing.***

***CARRIED (5/0)***

**RESOLUTION  
091209**

**Moved: Cr Boyle                      Seconded: Cr Scott**

***“That a report will go to the Ordinary Council Meeting to be held February 15, 2010 detailing potential locations for a public use airfield within the Shire of York”.***

***CARRIED (5/0)***







**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.4 Australian Local Government Communiqués**

**FILE NO:**  
**COUNCIL DATE:** 21 December 2009  
**REPORT DATE:** 2 December 2009  
**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Australian Local Government Assoc.  
**SENIOR OFFICER:** Ray Hooper, Chief Executive Officer  
**REPORTING OFFICER:** Ray Hooper, Chief Executive Officer  
**DISCLOSURE OF INTEREST:** Nil  
**APPENDICES:** Appendix A – ALGA Communiqué  
**DOCUMENTS TABLED:** National Roads Congress Notes

**Summary:**

The 10<sup>th</sup> National Roads & Transport Congress held in Mackay on the 8 – 10 November 2009 developed and approved the communiqué as the framework for a new Roads and Transport Strategy.

**Background:**

The National Roads and Transport Forums generated the Roads to Recovery funding provided to local government.

**Consultation:**

N/A

**Statutory Environment:**

N/A

**Policy Implications:**

Nil

**Financial Implications:**

Nil at this stage however government adoption of all or part of the strategy will significantly increase funds to local government to deal with the transport infrastructure task.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil at this stage.

**Social Implications:**

Transport is an integral part of social connectedness, particularly in regional areas.

**Environmental Implications:**

Nil at this stage.

**Comment:**

It appears that Roads to Recovery will continue into the future to assist with the transport infrastructure needs to meet the projected freight and transport doubling by 2020.

**RESOLUTION**

**101209**

**Moved: Cr Randell**

**Seconded: Cr Boyle**

***“That Council:***

***Endorse the Mackay Roads and Transport Communiqué prepared by the Australian Local Government Association and advise federal and state politicians of Council’s support.”***  
***CARRIED (5/0)***

## Australian Local Government Association

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### Newsroom

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### Communiqués

**The Australian Local Government Association**

**National Local Roads and Transport Congress**

**The Mackay Communique  
A Framework for the New Strategy**

**10 November 2009**

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### Preamble

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1. Recognising the critical importance of Australia's transport system for the economic and social wellbeing of the nation, delegates to the 2009 National Local Roads and Transport Congress meeting in Mackay, Queensland, called for greater collaboration between all levels of government on the planning, delivery and funding of transport infrastructure at the local, regional, state and national level.
2. Delegates endorsed the need for the ALGA Board to update the Local Government Roads and Transport Strategy 2006–2016, to reflect the current policy and economic environment as well as taking into account the position adopted by delegates on the key issues set out below.
3. Delegates welcomed the ALGA Board's commitment to launch the revised strategy at ALGA's next National General Assembly in June 2010 and called on the Board to also develop a plan to drive the roads and transport agenda forward.
4. As representatives of the sphere of government closest to the community, delegates welcomed Federal Government funding initiatives in relation to transport and infrastructure. Local government also applauded the Federal Government's decision to support improved planning and management of councils through the establishment of the Australian Centre of Excellence for Local Government and the Local Government Reform Fund.
5. Local government embraced the transport vision adopted by the Australian Transport Council (attached).
6. As owner and manager of more than 80% of the nation's road network on which more than 25% of the transport task is undertaken, local government acknowledged the importance of continuous improvement in the way governments meet the transport

<http://www.alga.asn.au/newsroom/communiques/15.nlrta/20091111.php>

1/12/2009

task through the provision of transport infrastructure and in partnership with each other through land use and wider city or regional planning.

7. Local government recognised there will be technological innovations but acknowledges that the motor vehicle will remain the dominant form of transport in our cities and regional areas for the foreseeable future.
8. The projected growth in population to 35 million by 2049 will require high standards of planning in our cities and regional areas. Consideration should be given to the most appropriate locations to settle the expanded population including examining the scope for decentralising industry and government agencies. Planning for this population increase should recognise the critical importance of retaining land and providing transport links for sustainable food and agricultural production.
9. Social cohesion and inclusion is dependent on access to social, medical and educational facilities in both urban and regional Australia and is critically dependent on an efficient and effective transport system.
10. Local government recognised the importance of and the need for collaboration on developing strategies to adapt to changes in the way transport will need to be delivered in the future, eg in a low carbon economy.
11. Whilst local roads and transport are core deliverables for local government, they cannot be viewed in isolation from the broader issue of local government financial sustainability. Local government's contribution to the transport vision can only be achieved with appropriate resources.

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#### **Local road funding and management**

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##### ***Objective: Permanent and certain funding arrangements for local roads***

12. Local government has responsibility for the vast majority of Australia's road infrastructure (over 80% by length). These roads are currently predominantly funded by councils from rate revenues however Commonwealth funding, especially through the Roads to Recovery Program, is a valuable source of funding to assist councils to improve the standards of their roads.
13. Local government called for Roads to Recovery to be made permanent and indexed in line with the cost increases of roads and bridges. Funding should not be unnecessarily administratively complex. The delegates called on the ALGA Board to develop campaign to lobby for more funding from both the Federal and State Governments.
14. Local government called on the Federal Government, in light of the High Court's recent judgment in the Pape case, to provide certainty for direct local road funding from the Commonwealth to councils.
15. If the Federal and State Governments decide to move to a system of funding roads by road user charging then local government calls on them to ensure that local roads are included. Local government must be consulted through the ALGA prior to the adoption of any proposed roads user charging system that applies to local roads. Any road user charging arrangement must result in appropriate funding for local roads.

16. If the Government does not choose to adopt road user charging, then local government seeks hypothecation of a fixed portion of fuel excise revenue for funding of local roads in addition to current funding programs. Local government needs to develop a consistent set of data on the condition of local roads to provide evidence of the funding gap.
17. Local government called on the Federal Government to support improvement in the management of the 650,000 kilometres of local roads by funding programs aimed at improving the management capacity of councils and supporting further technical work to improve the maintenance process and outcomes of local roads.

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#### **Transport Planning**

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***Objective: Establish transport and planning systems that improve amenity, public transport, social inclusion, freight efficiency and to provide viable alternatives to the private motor vehicle.***

18. Local government welcomed the decision of the Federal Government to involve itself more directly in the planning of our cities to accommodate the expected population of 35 million by 2049 and looks forward to working with the Federal Government on these issues. The efficient operation of our cities is a matter for all levels of government.
19. Local government called on the Federal Government to acknowledge that urban planning issues extend beyond the capital cities and are just as important in provincial centres and sea and tree change areas of Australia
20. In developing plans for our cities and regional centres there is a need to balance the requirements of communities and industry so that efficient and equitable outcomes can be achieved. The needs of all in our society including the disabled and the aged, must be taken into account as part of the planning process.
21. Local government recognised the need for better integrated transport planning between adjoining local government areas, state government and Federal Government. Local government encouraged the integrated planning which links social infrastructure such as housing, access to schools and health facilities to transport infrastructure which is essential to employment growth in middle, outer metropolitan and regional areas.
22. Planning for our cities needs to recognise the changing transport patterns of individuals who must integrate a number of points in their daily transport requirements to meet family and work commitments, eg particularly working families.
23. Local government recognised that future transport developments must take account of the impact on the environment, especially greenhouse gas emissions, and the increasing scarcity of the supply of oil, and seeks to work with the Federal Government to establish sustainable communities to meet these challenges.
24. The design of the Carbon Pollution Reduction Scheme (CPRS) should recognise the transport system is likely to remain heavily dependent on oil for the foreseeable future.
25. All levels of government need to develop and coordinate plans for dealing with disruptions to oil supplies and, in the longer term, the increased price of oil especially greater use of Australia's abundant gas resources.

26. Local government recognised the need for State and Federal Governments to develop alternative approaches to dealing with congestion such as congestion charging. In developing these schemes local government called for a whole of road network approach to be taken so that congestion is not simply transferred from the freeway or arterial road system on to local roads.
27. Specifically local government is seeking:
  - an integrated whole of government approach to urban and regional transport, land use planning and service provision;
  - expansion of programs that encourage more physically active transport across urban, regional and rural Australia and provide for funding for the associated infrastructure eg bike paths;
  - equitable access to services, particularly to essential services, through integrated planning and the provision of appropriate transport services for all regional communities; and
  - a comprehensive government policy for the production and effective use of alternative fuel sources including gas and non-food biofuels.
28. Local government urged the Federal Government to immediately restrict the graduated formula for the charging of Fringe Benefits Tax on motor vehicles to vehicle owners that do not have access to public transport. The FBT should be used to positively encourage reduced use of motor vehicles in order to improve health outcomes and air quality and to invest in public transport to assist passengers to achieve less reliance upon fossil fuels and cars.

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#### **Public Transport**

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***Objective: Australian cities to be adequately serviced with public transport to provide a viable alternative to the use of private vehicles and to meet existing population and future population growth.***

29. Local government acknowledged the initiative of the Federal Government to become involved in the provision of public transport in capital cities and reminded the Federal Government of the public transport needs of regional centres.
30. There is a need to urgently deal with the backlog in public transport in existing areas and to make early provision for it in newly developing areas. This should be achieved by establishing long term public transport plans for all urban areas with an appropriate funding source and implementation schedule. The public transport needs of outer metropolitan growth should receive priority.
31. Governments need to encourage and develop transport systems that provide a balance between urban amenity, freight efficiency and viable alternatives to the use of private motor vehicles. A priority is the efficient movement of freight vehicles through local communities must be in a way which recognises community concerns for safety and amenity.

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**Mobility and Access for Rural, Regional and Remote Australia**

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***Objective: Equitable access, particularly to essential services, for all regional communities***

32. Australians living in rural, regional and remote Australia face particular transport handicaps with limited or no public transport and dependence on the car for their transport needs. People living in Indigenous communities also have high levels of dependence on the car for transport. Everyday services such as medical services are increasingly being centralised in larger regional centres which provide a greater range of facilities. This means, however, reduced access for those living away from those centres and even greater dependence on motor vehicles.
33. Federal and state governments need to recognise that people in regional and rural Australia have no alternative to the use of motor vehicles to meet their everyday needs of education, freight, industry and social needs.
34. Ownership of regional airports was transferred to local government without ongoing means of financing their maintenance or upgrading. The Federal Government needs to show leadership and provide financial support to establish a proper hierarchy of regional airports.
35. Local government welcomed the studies undertaken by the Federal Government into rural rail freight services. It recognises that rural passenger trains have only a limited role to play but that rail has a key role to play for freight which will require selective investment in lines and associated infrastructure if rail freight is to be competitive in an environment of changing needs and technologies.
36. Note a further aspect of access in regional Australia is good access to broadband and mobile phone coverage.
37. Local government called on the Federal Government to:
  - Recognise the special public transport needs of regional Australia especially in regional centres;
  - Recognise the high level of dependence on motor vehicles for access and mobility for those living in regional Australia, the cost of which is exacerbated by higher fuel costs;
  - Recognise the special mobility and access issues for Indigenous communities;
  - Recognise that the high level of dependency on motor vehicles for mobility and access in rural and regional Australia will result in the greater likely impact of oil shortages or price increases on individuals, communities and industry;
  - Provide an equivalent level of funding for regional rail services as is provided for urban rail;
  - Ensure that a full assessment of the impact on the road system is undertaken when rail services are closed and provide appropriate funding to compensate for roads damage caused by the additional freight being moved onto the road system;



- Provide access for all Australians to the broadband network and full mobile phone coverage of the arterial road network and small populations centres; and
- Provide dedicated funding for timber bridge maintenance and renewal.

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#### **Road safety**

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##### ***Objective: Reducing road deaths and serious injuries on local roads***

38. The death and injury caused by road vehicle crashes is a national tragedy and remains a major concern to all communities. Local government supported strategies to reduce accidents and lessen their impact through improvements in road infrastructure (such as the Blackspots Program), level crossing improvements, vehicle design, speed enforcement, and educational programs for drivers.
39. Local government recognised the principles of Safe Systems approach to road safety. However this approach needs to be cognisant of the vast distances in rural and regional Australia and that some speeds proposed under Safe Systems could result in considerable economic costs from increased travel times. Local government supports realistic and practical speed limits for low volume roads.
40. Local government can play a vital role in road safety by providing good quality roads that have as many hazards as possible removed.

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#### **Freight management**

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##### ***Objective: Efficient movement of freight through local communities in a way that recognises community concerns for safety and amenity***

41. Local government recognised and understands that emerging freight-efficient road transport technologies have an important role to play if Australia is to meet the challenge of the doubling of the freight task by 2020. Local government has already shown that it can work with the freight industry to meet the infrastructure challenges of new technologies and is committed to working even more closely with industry and other levels of government in the future.
42. Local government recognised the need for the development of standard policies for Higher Mass Limits and other freight-efficient vehicles access at the council level and seeks the assistance of the National Transport Commission in this area. Access policies should recognise that the social and economic impacts fall disproportionately on rural and remote communities.
43. Local government called on the Federal, State and Territory Governments and the road transport industry to recognise that:
  - Local government has responsibilities to its communities on how it spends its available resources and how it meets all of the expectations of communities including the access, safety and amenity of its citizens;

- Many councils face financial constraints which make it difficult for them to finance road upgrading to meet the needs of freight efficient vehicles;
  - Local government receives no direct funding for the use of local roads by heavy vehicles;
  - There is a need for partnerships between all levels of government and industry such as mining to fund local transport solutions; and
  - There is an essential role for multimodal transport hubs in the Australian freight system.
44. Local government, consistent with the 2006 Intergovernmental Agreement on Cost Shifting, called for the development of mechanisms which enable it to recover the costs imposed and the investment required to provide access for freight efficient vehicles to the local road system and to develop and upgrade existing multimodal transport hubs.
  45. Local government considers revitalisation of rail in regional Australia (including the establishment of the inland rail route between Melbourne and Brisbane) to be essential to contribute to meeting the expected growth in the land transport freight task.

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#### **Local Government Sustainability**

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***Objective: Long term sustainability of local road and transport systems is dependent on financing and the ongoing access to an appropriately skilled workforce.***

46. The significance of road funding in council budgets mean the sustainability of this infrastructure is closely tied to the financial sustainability of councils themselves.
47. Delegates noted that the Federal Government collects more than 80% of the nation tax revenue whilst local government collects about 3% of the total tax revenues.
48. Delegates reiterated their call for long-term financial sustainability for local government by the provision of a fair share of at least 1% of Commonwealth taxation revenue (excluding GST) to local government as an untied intergovernmental transfer.
49. Local government recognised the importance of workforce planning including the attraction and retention of appropriate skilled personnel.
50. The ageing of the technical staff of local government has the potential to create major deficiencies in council capabilities to manage its physical infrastructure in the medium term. Local government called on the Federal and State Governments to work with it to develop and retain the people with the necessary technical skills for the ongoing management of its assets.

**Cr Geoff Lake**

**Chair of the 2009 National Local Roads and Transport Congress**

**Attachment**

**Australian Transport Council Vision for Transport in Australia**

Australians want a national transport system that is safe and secure, efficient, competitive and integrated, sustainable and reliable and which supports and enhances the nation's social, environmental and economic prosperity.

This will be achieved when:

- Freight and services logistics systems are integrated across modes and operate efficiently and competitively with only necessary and nationally consistent regulation;
- People can access employment and the services and community resources they need safely, reliably and routinely without undue delay because of urban congestion or lack of public transport; and
- Transport systems are planned, built, operated and regulated to minimise their impact on the environment and energy consumption.



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**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.5 Withdrawal of Caveat**

**FILE NO:** CU2.60091  
**COUNCIL DATE:** 21 December 2009  
**REPORT DATE:** 16 December 2009  
**LOCATION/ADDRESS:** Lot 803 Cut Hill Road, York  
**APPLICANT:** JH & RA Turner  
**SENIOR OFFICER:** R Hooper, CEO  
**REPORTING OFFICER:** T Cochrane, MATS  
**DISCLOSURE OF INTEREST:** Cr Lawrance – Proximity Interest  
**APPENDICES:** Appendix A – Caveat K606894  
Appendix B – Deed of agreement between JH & RA Turner and the Shire of York  
Appendix C – Letter from applicant dated 13/12/2009  
**DOCUMENTS TABLED:** Nil

**Summary:**

The applicant is requesting the withdrawal of the caveat imposed by the Shire of York at Lot 803 Cut Hill Road, York.

**Background:**

On the 20<sup>th</sup> May 2008, the Shire of York entered into an agreement to approve the re-siting of a house subject to the applicant completing the proposed re-siting within 12 months and paying the \$5000 bond to the Shire of York.

An inspection was carried out on the 1<sup>st</sup> December 2009 by Mr Allan Ramsay, the house is deemed suitable and in a good condition to release the bond in accordance with the Resited Houses Policy.

**Consultation:**

Applicant.

**Statutory Environment:**

The Local Government Act 1995 provides a head of power to Councils Re-sited House Policy.

**Policy Implications:**

Section 10 of Council's Re-sited House Policy states the following:

"Pursuant to clause 5.8 of the scheme, where a second hand building is acceptable to the Council, prior to a building licence being issued the applicant shall be required to enter into a contract prepared by the Shire's solicitors at the expense of the applicant, and provide a bond in the sum of \$5000.00 to re-instate the building to an acceptable standard of presentation within a period of 12 months and such bond will be refunded upon the following basis:

- 10.1 The second hand building, when transported to the site, must be stumped, properly joined, all windows, internal and external made good and all doors and windows to be in working order. At this stage \$1000.00 will be released;
- 10.2 When all septic tanks, electrical wiring and plumbing are completed, a further \$1000.00 will be released;
- 10.3 The final refund of \$3,000.00 will be made when the work is completed, including all painting, clearing of debris from the site and the satisfactory completion of any other conditions imposed by the Council; and

- 10.4 All works to be completed with 12 months of the siting of the second hand building or the bond will be forfeited"

**Financial Implications:**

The application involves the refund of \$5000 bond.

In 5(b) of the agreement, the applicant has agreed to pay all costs relating to the withdrawal of the caveat.

**Strategic Implications:**

Not applicable

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes by Building Surveyor – Mr A Ramsay

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil.

**Social Implications:**

Not applicable

**Environmental Implications:**

The re-sited house complies with the energy efficiency requirements of the BCA.

**Comment:**

An inspection by the Shire's Building Surveyor confirms the conditions of the agreement have been met. On that basis a refund of the \$5000.00 bond and a withdrawal of the caveat is recommended.

3.51pm – Cr Lawrance removed himself from the room.

**RESOLUTION**

**111209**

**Moved: Cr Boyle**

**Seconded: Cr Randell**

***"That Council:***

***Advise the applicant that it agrees to refund the \$5000.00 bond and withdraw caveat K606894 from the title of Lot 803 Cut Hill Road, York subject to:***

- 1) the applicant meeting all costs relating to its withdrawal, in accordance with 5(b) of the deed.***

***CARRIED (5/0)***

3:52pm – Cr Lawrance returned to the room.



Our Ref  
Your Ref

McL/M29/YORK-23597  
TC:tc K4 2.60091

27 May 2008

Chief Executive Officer  
Shire of York  
P.O. Box 22  
YORK WA 6302

Attention: Ms Tyhscha Cochrane

Dear Sir

AGREEMENT - RESITED HOUSES POLICY: LOT 803 CUT HILL ROAD, YORK: TURNER

We refer to previous correspondence in respect of the above.

We confirm that Caveat K606894 was lodged over the above property on 26 May 2008. We enclose a copy of the Caveat and the original stamped Deed for the Shire's records.

We will proceed to close our file in accordance with our normal procedures.

We thank you for your instructions.

Yours faithfully

Enc.

McLEODS



BARRISTERS &  
SOLICITORS

Local Government Law  
Environmental Planning Law

Stirling Law Chambers  
220-222 Stirling Highway  
Claremont WA 6010  
Tel (08) 9383 3133  
Fax (08) 9383 4935  
Email:  
mcleods@mcleods.com.au

Denis McLeod (Counsel)

Neil Douglas  
Fiona Grigich  
David Nadebaum  
Geoff Owen  
Andrew Roberts  
Craig Clarke  
Peter Wittkuhn

Elisabeth Stevenson (Senior Associate)  
David Nicholson (Associate)  
Peter Gillett (Associate)

SHIRE OF YORK  
FILE: K4 2.60091  
30 MAY 2008  
110316  
REFERRED TO COUNCIL  
DATE INITIALS

COPY

original on C42-60091

FORM C 1

FORM APPROVED  
NO. B2583

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

AGREEMENT DATED

STAMPED

SIGNED

## CAVEAT

DESCRIPTION OF LAND (Note 1)

Lot 803 on Deposited Plan 44867

EXTENT

Whole

VOLUME

2605

FOLIO

779

CAVEATOR (Note 2)

SHIRE OF YORK of 1 Joaquina Street, York.

ADDRESS OR FACSIMILE MACHINE NUMBER FOR SERVICE OF NOTICE ON CAVEATOR (Note 3)

McLeods, Barristers & Solicitors, 220 - 222 Stirling Highway, Claremont.

REGISTERED PROPRIETOR (Note 4)

JOHN HARVEY TURNER and ROSEMARY ANNE TURNER both of 95 Victoria Avenue, Dalkeith.

ESTATE OR INTEREST BEING CLAIMED (Note 5)

as chargee

The CAVEATOR claims an estate or interest as specified herein of the estate or interest of the abovenamed REGISTERED PROPRIETOR in the land above described BY VIRTUE OF (Note 6)

a deed dated 20 May 2008 made between the registered proprietors and the caveator.

And FORBIDS the registration of any instrument affecting the estate or interest (Note 7)

Absolutely

Dated this 26 day of May Year 2008

CAVEATOR OR AGENT SIGN HERE (Note 8)

Signed



Tim Beckett  
For McLeods  
Solicitors for the Caveator

In the  
presence of



Madeleine Powell  
128 Waratah Avenue  
DALKEITH WA 6009  
Legal Secretary

### INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet, Form B1, should be used with appropriate headings. The boxed sections should only contain the words "see page ..."
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

### NOTES

1. **DESCRIPTION OF LAND**  
Lot and Diagram/Plan/Strata/Survey-Strata plan number or Location name and number to be stated.  
Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.  
The Volume and Folio or Crown Lease number, to be stated. If this document relates to only part of the land comprised in the Certificate of Title further narrative or graphic description may be necessary.
2. **CAVEATOR**  
State full name of the Caveator.
3. State the address, or a number for a facsimile machine in Australia for service of notice on the Caveator.
4. **REGISTERED PROPRIETOR**  
State full name and address of the Registered Proprietor/Registered Proprietors as shown on Certificate of Title or Crown Lease and any address/addresses to which future notices can be sent.
5. Specify the Estate or Interest claimed
6. Specify the grounds on which claim is made.
7. State whether "Absolutely" or "Unless such Instrument be expressed to be subject to the Caveator's claim", or "until after notice of any intended registration or registered dealing to the Caveator at the address for service of notice".
8. **CAVEATOR'S OR AGENTS EXECUTION**  
A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated..

EXAMINED

OFFICE USE ONLY

K606894

lodged 26 May 2008

### CAVEAT

LODGED BY	McLeods
ADDRESS	220-222 Stirling Highway CLAREMONT WA 6010
PHONE No.	9383 3133
FAX No.	9383 4935
REFERENCE No.	M32/YORK/23597-TB-Caveat
ISSUING BOX No.	346K

PREPARED BY	McLeods
ADDRESS	220-222 Stirling Highway CLAREMONT WA 6010
PHONE No.	9383 3133
FAX No.	9385 2693

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

### TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1. _____	Received Items
2. _____	Nos.
3. _____	
4. _____	
5. _____	Receiving Clerk
6. _____	

Lodged pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.





DATED \_\_\_\_\_ 2008

JOHN HARVEY TURNER  
and  
ROSEMARY ANNE TURNER

and

SHIRE OF YORK

---

D E E D

---

**McLEODS**  
SOLICITORS  
220-222 Stirling Highway  
CLAREMONT WA 6010  
Telephone: 9383 3133  
Facsimile: 9383 4935  
Reference: McL/M32/YORK-23597,  
© McLeods

DEED is made the 20<sup>th</sup> day of May 2008.

**BETWEEN :**

JOHN HARVEY TURNER and ROSEMARY )  
ANNE TURNER both of 75 Victoria Avenue, )  
Dalkeith, in the State of Western Australia ("the )  
Applicants")

**AND**

SHIRE OF YORK of 1 Joaquina Street, York in the )  
said State ("the Shire") )

**RECITALS :**

- A. The Applicants are registered as the proprietors in fee simple in the land described in Item 1 of the Schedule ("the Land").
- B. The Land is situated within the district of the Shire and the Applicants applied to the Shire for planning approval pursuant to Town Planning Scheme No 2 to re-erect the development listed in Item 2 of the Schedule on the Land ("the Development").
- C. The Shire approved the Development subject to a number of conditions including the following:
- "(b) payment of a \$5,000.00 bond is required at the time of lodging a building licence, which will be released as the development reaches different stages;  
...
  - (i) entering into a contract prepared by Council's solicitor at the expense of Applicant in accordance with Council planning policy relating to re-sited houses section 10;
  - (j) the dwelling is to be completed within a 12 month period;"
- ("the Conditions")

D. Section 10 of Council's Re-sited House Policy states as the following:

"Pursuant to clause 5.8 of the scheme, where a second hand building is acceptable to the Council, prior to a building licence being issued the Applicant shall be required to enter into a contract prepared by the Shire's solicitors at the expense of the applicant, and provide a bond in the sum of \$5,000.00 to reinstate the building to an acceptable standard of presentation within a period of 12 months and such bond will be refunded upon the following basis:

- 10.1 The second hand building, when transported to the site, must be stumped, properly joined, all windows, internal and external made good and all doors and windows to be in working order. At this stage \$1,000.00 will be released;
- 10.2 When all septic tanks, electrical wiring and plumbing are completed, a further \$1,000.00 will be released;
- 10.3 The final refund of \$3,000.00 will be made when the work is completed, including all painting, clearing of debris from the site and the satisfactory completion of any other conditions imposed by the Council; and
- 10.4 All works to be completed within 12 months of the siting of the second hand building or the bond will be forfeited."

E. The Applicants enter into this deed to ensure that the requirements for the Conditions are satisfied.

#### **OPERATIVE PART :**

##### **1 APPLICANTS' COVENANTS**

The Applicants HEREBY COVENANT AND AGREE with the Shire that they will:

- (a) perform and complete at their own expense the Works in Item 4 of the Schedule ("the Works") by the date for completion as defined in Item 3 of the Schedule ("the Completion Date"); and
- (b) on the execution of this Deed and prior to the issuing of a building licence provide to the Shire the amount specified in Item 5 of the Schedule ("the Bond").

---

2      **DEFAULT**

In the event that the Applicants default in completing the Works within the period specified in **clause 1** of this Deed the Applicants AUTHORISE the Shire to complete the Works and for that purpose HEREBY IRREVOCABLY APPOINT the Shire as their attorney from the date of execution of this Deed for a period of three (3) years for and on their behalf to enable the Shire to enter the Land and carry out the Works and thereby indemnify the Shire against:

- (a) any cost it may incur in carrying out such acts on the Applicants' behalf should it exercise the power to do so; and
- (b) any liability to any party that the Shire may incur as a result of any act or omission of the Shire associated with the carrying out of the Works.

Furthermore, the Applicants agree that the estimate of the cost of the Works included as the Annexure to this Deed is a genuine pre-estimate of the cost of the Shire undertaking the Works and if the Shire should carry out the Works in accordance with this clause, the cost of the Works shall become a liquidated debt payable by the Applicants to the Shire and due on the date of default. Such debt is to be recoverable from the Applicants in a court of competent jurisdiction together with any additional costs incurred by the Shire as a result of it carrying out the Works, or in taking action to recover the cost of doing so. A certificate signed by the Chief Executive Officer of the Shire shall be prima facie evidence of costs and expenses incurred by the Shire.

3      **CHARGE AND CAVEAT**

The Applicants HEREBY CHARGE the Land in favour of the Shire with the performance of their obligations undertaken hereunder and with the payment of all or any monies payable or which may become payable by the Applicants to the Shire and for the purpose of securing the same authorise the Shire to lodge an absolute Caveat at Landgate against the Certificate of Title to the Land or any part thereof in order to protect the rights and interest of the Shire under this Deed.

---

4      **NO DISPOSAL**

The Applicants shall not sell, transfer, mortgage, charge, assign or otherwise dispose of or encumber the Land without the prior written consent of the Shire, which consent the Shire will not withhold if the person to whom any such right or interest in the Land is to be granted, enters into a Deed (or in the case of a mortgagee, a specific undertaking) with the Shire, whereby such person covenants to observe and perform the covenants on the part of the Applicants herein contained to ensure that any successor observes such obligations, such Deed or undertaking to be prepared by the Shire's solicitors at the expense of the Applicants.

5      **WITHDRAWAL OF CAVEAT**

Subject to there being no existing or unremedied breach of any condition of this Deed and subject to:

- (a) the Applicants complying with **clause 4** of this Deed the Shire will at the request of the Applicants and at the Applicants' cost provide to the Applicants a withdrawal of any caveat lodged by the Shire pursuant to this Deed sufficient to enable the registration of any transfer, lease, assignment or mortgage document in respect of the Land provided that the Shire is entitled to relodge its absolute caveat following the registration of such mortgage or charge;
- (b) the Applicants having complied with **clause 1** of this Deed to the Shire's satisfaction the Shire shall provide on receipt of a written request and at the cost of the Applicants a withdrawal of any caveat lodged by the Shire pursuant to this Deed and the provisions of this Deed shall then be of no further force and effect.

---

6 COSTS

The Applicants shall pay the costs of and incidental to:

- (a) the preparation (including all preliminary drafts), execution and stamping of this Deed and all stamp duties hereon; and
- (b) the preparation and lodgement of the Caveat referred to in **clause 3** and any withdrawal or withdrawals thereof and all fees thereon respectively.

7 INTERPRETATION

Reference to the parties includes their personal representatives, successors and lawful assigns.

Where a reference to a party includes more than one person the rights and obligations of those persons shall be joint and several.

Headings have been inserted for guidance only and shall be deemed not to form part of the context.

The Schedule and Annexures (if any) form part of this Deed.

---

## SCHEDULE

1. **The Land:**

Lot 803 on Deposited Plan 44867 being the whole of the land in Certificate of Title Volume 2605 Folio 779.

2. **The Development:**

The re-sited house approved by the Shire on 21 April 2008.

3. **The Completion Date:**

One year from the date of execution of this deed by the Applicants.

4. **The Works:**

- (a) The obtaining of a building licence and septic system approval being issued prior to relocation;
- (b) The provision of an engineer's report to certify to the Shire that the dwelling is suitable for transportation and relocation at the above address;
- (c) Replacement of all damaged sections of external cladding by new full sheets to match the finished cladding prior to relocation;
- (d) Replacing with new roofing materials where more than 10% of roofing sheets, gutters, ridge caps or flashings are affected;
- (e) Replacing with new materials any damaged or rusted gutters or downpipes;
- (f) All windows and openings are to comply with the Building Code of Australia. All broken glass in the dwelling is to be replaced, all windows and doors to open and close freely, and all locks and catches are to be easily operable;
- (g) All asbestos is to be removed prior to relocation as a requirement to comply with the Health (Asbestos) Regulations 1992 and Councils Information Note – Removal and Disposal of Asbestos Cement Building Products.



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5.     **The Bond:**

Five thousand dollars (\$5,000.00).

EXECUTED BY the Parties as a Deed:

SIGNED by the said JOHN HARVEY )  
TURNER in the presence of: )



Witness sign: JRMelvilleJones

Witness name: JOHN RICHARD MELVILLE-JONES

Address: 17<sup>A</sup>/25 Victoria Avenue Claremont WA 6010

Occupation: Professor, University of WA.

SIGNED by the said ROSEMARY )  
ANNE TURNER in the presence of: )

Rosemary A. Turner

Witness sign: JRMelvilleJones

Witness name: JOHN RICHARD MELVILLE-JONES

Address: 17<sup>A</sup>/25 Victoria Avenue Claremont WA 6010

Occupation: Professor, University of WA.

THE COMMON SEAL of the SHIRE OF )  
YORK was hereunto affixed in the )  
presence of: )



John Hooper

J.P. Hooper

MAYOR SHIRE PRESIDENT

Print Name

CHIEF EXECUTIVE OFFICER

Print Name

23597-08.04.21-TB-Deed

© McLeods

8



95 Victoria Ave.,  
Dalkeith, 6009.  
13<sup>th</sup> December, 2009

Mr. Ray Hooper  
Chief Executive Officer,  
Shire of York.  
P.O. Box 22,  
York, W.A. 6302

SHIRE OF YORK	
FILE	Cu2. 60091
OF	INITIALS
Rodney	
15 DEC 2009	
1111628	
REFERRED TO COUNCIL	
DATE	INITIALS

Dear Mr. Hooper,

I am writing to you to request two things.

The first request is to ask if my bond money of five thousand dollars may now be returned. The second request is one of information: information about how soon the caveat may be lifted from my property: *Hawkwell St. Anns*.

The bond, as you may recall, was a council stipulation regarding the relocation and renovation of *Hawkwell Cottage*; of its being renovated within a twelve month period. The twelve months will be up on 15<sup>th</sup> December. Two weeks ago, Mr. Allan Ramsay - the current building inspector inspected *Hawkwell Cottage* and kindly pointed out that all was in order except for a minor detail with outside steps. These were immediately rectified and he has deemed *Hawkwell Cottage* to have now 'passed inspection' to the standard required by the council.

Re the caveat: This was, understandably, placed upon the property so as to ensure that the building reached an acceptable standard before I sold it; that I would be responsible for completing the renovations and not pass this responsibility on to a subsequent owner. As mentioned above, the building has now passed council inspection, and I would like the caveat lifted.

At present, although I would like the caveat lifted, there is however no thought in my mind of selling *Hawkwell St. Anns*. Renovating has been an exhausting (always 3 steps forward, 2 steps backwards) exercise. Nevertheless I would not have missed this creative opportunity as it proved an adventurous road on which to find one's self. The trades involved have taught me much about country philosophy.

At this stage I would like to thank you, Mr. Hooper, for both your interest and help in council matters regarding my property in general, and the cottage in particular. Naively, I had thought this building part of my life would be close to completion, but I now realize there is no end, for there is the pergola to be built, a shed to put in, fences, garden .... I just have to accept that there must be more country philosophy out there with my name on it.

With very best wishes for Christmas and the New Year,  
Yours sincerely,

Dr. Rosemary Turner

*Rosemary A. Turner*



### **9.3 Finance Reports**



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

### **9.3 FINANCE REPORTS**

#### **9.3.1 Monthly Financial Reports**

<b>FILE NO:</b>	<b>FI.FRP</b>
<b>COUNCIL DATE:</b>	<b>21<sup>st</sup> December 2009</b>
<b>REPORT DATE:</b>	<b>16<sup>th</sup> December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Not Applicable</b>
<b>APPLICANT:</b>	<b>Not Applicable</b>
<b>SENIOR OFFICER:</b>	<b>Graham Stanley, Deputy CEO</b>
<b>REPORTING OFFICER:</b>	<b>Colin Whisson, Administration Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Yes – Appendix A as detailed in Summary</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

The Financial Report for the period ending 30 November 2009 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Statement of Financial Position
- Statement of Financial Activity
- 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 and Transaction Listing
- Fuel Card Summary
- Variance Report

#### **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 30 November 2009;

Sundry Creditors as per General Ledger	\$	<b>90,089.05</b>
Sundry Debtors as per General Ledger	\$	<b>273,515.39</b>
Unpaid rates and services current year (paid in advance inc. ESL)	\$	<b>1,014,206.77</b>
Unpaid rates and services previous years (inc. ESL)	\$	<b>232,363.48</b>

#### **Strategic Implications: Nil**

#### **Voting Requirements:**

**Absolute Majority Required: No**



**Site Inspection:**

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

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

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

**Social Implications:**

Not applicable.

**Environmental Implications:**

Not applicable.

**Comment:**

The Council currently has a large surplus position due to the fact that the rates have been raised and Royalties for Regions funds have been received. The surplus will decline as the year goes on and projects are completed. Improving investment interest rates should see the returns on Municipal Funds invested and Reserve funds come in above budget but this won't be reflected in the accounts until 2010, as many of the investments have been set for terms that mature in the third quarter to attain the best rate available.

**RESOLUTION  
121209**

**Moved: Cr Lawrance**

**Seconded: Cr Scott**

**“That Council:**

**Receive the Monthly Financial Report for October and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 November 2009:**

	<b><u>VOUCHER</u></b>	<b><u>AMOUNT</u></b>
<b>MUNICIPAL FUND</b>		
<b>Cheque Payments</b>	<b>28524-28578</b>	<b>\$ 103,126.89</b>
<b>Electronic Funds Payments</b>	<b>6129-6241</b>	<b>\$ 477,860.99</b>
<b>Direct Debits Payroll</b>		<b>\$ 112,074.06</b>
<b>Bank Fees</b>		<b>\$ 2,598.74</b>
<b>Corporate Cards</b>		<b>\$ 293.82</b>
<b>Shell Cards</b>		<b>\$ 7.50</b>
<b>TOTAL</b>		<b>\$ 695,962.00</b>
<b><u>TRUST FUND</u></b>		
<b>Cheque Payments 3632-3655</b>		<b>\$ 38,590.06</b>
<b>Direct Debits Licensing</b>		<b>\$ 146,301.45</b>
<b>TOTAL</b>		<b>\$ 184,891.51</b>
<b>TOTAL DISBURSEMENTS</b>		<b>\$ 880,853.51</b>
<b>CARRIED (5/0)</b>		

**Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 22 September 2008) to make payments from the Municipal and Trust accounts.



**SHIRE OF YORK**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT THE 30 NOVEMBER 2009**

<b>2008/09 ACTUAL</b>		<b>2009/10 ACTUAL 30-Nov-09</b>
<b>\$</b>		<b>\$</b>
	<b>CURRENT ASSETS</b>	
1,117,924	Cash	3,149,485
2,813,794	Cash Restricted	2,823,436
701,106	Receivables	1,801,255
20,936	Stock on Hand	24,772
0	Prepaid Expenses	0
<b>4,653,760</b>	<b>TOTAL CURRENT ASSETS</b>	<b>7,798,948</b>
	<b>CURRENT LIABILITIES</b>	
(211,089)	Accounts Payable	(187,510)
0	Income Received in Advance	0
(422,203)	Provision for Leave	(422,203)
(7,799)	Interest Bearing Liabilities	(7,799)
<b>(641,091)</b>	<b>TOTAL CURRENT LIABILITIES</b>	<b>(617,512)</b>
<b>4,012,669</b>	<b>NET ASSETS</b>	<b>7,181,435</b>
	<b>Less Items</b>	
(2,813,794)	Cash Restricted	(2,823,436)
7,799	Interest Bearing Liabilities Included in Budget	7,799
(8,363)	Self Supporting Loan Income	(8,363)
112,069	Add Back LSL	112,598
<b>1,310,380</b>	<b>TOTAL EQUITY</b>	<b>4,470,034</b>

SHIRE OF YORK STATEMENT OF FINANCIAL ACTIVITY AS AT 30 NOVEMBER 2009						
	2009/10 ADOPTED BUDGET	2009/10 Amended Budget	2009/10 Budget Year to Date	2009/10 Actual	Variance % Budget to Actual	Variance \$ Budget to Actual
<b>OPERATING REVENUE</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	
General Purpose Funding	(1,049,230)	(1,049,230)	(251,918)	(274,542)	9%	22,624
Governance	(1,128,150)	(1,128,150)	(166,194)	(30,574)	(82%)	(135,620)
Law, Order, Public Safety	(269,329)	(269,329)	(19,337)	(7,157)	(63%)	(12,180)
Health	(57,000)	(57,000)	(14,836)	(9,116)	(39%)	(5,720)
Education and Welfare	(19,800)	(19,800)	(6,500)	(6,565)	(1%)	(35)
Housing	-	-	-	-		-
Community Amenities	(668,025)	(668,025)	(487,283)	(465,187)	(5%)	(22,096)
Recreation and Culture	(2,174,274)	(2,174,274)	(629,125)	(629,868)	0%	743
Transport	(1,563,091)	(1,563,091)	(264,732)	(123,095)	(54%)	(141,637)
Economic Services	(125,700)	(125,700)	(41,904)	(61,913)	48%	20,009
Other Property and Services	(276,556)	(276,556)	(164,320)	(123,251)	(25%)	(41,089)
	<b>(7,331,255)</b>	<b>(7,331,255)</b>	<b>(2,046,249)</b>	<b>(1,731,270)</b>	<b>(15%)</b>	<b>(314,979)</b>
<b>LESS OPERATING EXPENDITURE</b>						
General Purpose Funding	160,019	160,019	42,932	41,646	(3%)	1,266
Governance	1,667,171	1,667,171	352,411	150,484	(57%)	201,927
Law, Order, Public Safety	355,006	355,006	121,528	104,595	(14%)	16,933
Health	320,300	320,300	78,938	53,269	(33%)	25,669
Education and Welfare	86,129	86,129	30,007	25,121	(16%)	4,886
Housing	-	-	0	-		-
Community Amenities	1,292,974	1,292,974	372,235	264,560	(29%)	107,675
Recreation and Culture	1,468,483	1,468,483	384,454	331,916	(14%)	52,538
Transport	2,320,154	2,320,154	773,144	996,556	29%	(223,412)
Economic Services	509,010	509,010	159,733	137,214	(14%)	22,519
Other Property & Services	95,000	95,000	-468,328	108,237	(123%)	(576,565)
	<b>8,274,246</b>	<b>8,274,246</b>	<b>1,847,054</b>	<b>2,213,597</b>	<b>20%</b>	<b>(366,543)</b>

SHIRE OF YORK STATEMENT OF FINANCIAL ACTIVITY AS AT 30 NOVEMBER 2009						
	2009/10	2009/10	2009/10	2009/10	Variance %	Variance \$
	ADOPTED BUDGET	Amended Budget	Budget Year to Date	Actual	Budget to Actual	Budget to Actual
<b>ADD</b>						
Proceeds on Sale of Assets						
Profit/Loss on Sale of Assets	(994,704)	(994,704)	8,813	-		
Increase/(Decrease) Non Current Debtors Rates	-	-	0	-		
Increase/(Decrease) Non Current Debtors S/S Loan	(8,363)	(8,363)	-	-		
Change Employee Leave Provisions	(5,323)	(5,323)	-	(529)		
Long Serv. Live Cash at Bank (Increase)/Decrease in Bal.	(2,139,000)	(2,139,000)	(4,027,368)	(836,119)		
Depreciation Written Back	(700,278)	(700,278)	(153,613)	-		
Book Value of Assets Sold Written Back	(3,847,668)	(3,847,668)	(4,172,168)	(836,648)	(80%)	(3,335,520)
	(2,904,677)	(2,904,677)	(4,371,363)	(354,320)	(92%)	(4,017,043)
<b>LESS CAPITAL PROGRAMME</b>						
Purchase Tools	-	-	0	-		-
Purchase Land & Buildings	2,382,259	2,382,259	10,500	44,391	323%	(33,891)
Purchase Plant & Equipment	1,199,570	1,199,570	256,200	-	(100%)	256,200
Purchase Furniture & Equipment	99,000	99,000	18,500	-	(100%)	18,500
Infrastructure Assets - Roads	2,979,510	2,979,510	742,180	84,023	(89%)	658,157
Infrastructure Assets - Recreation Facilities	1,140,880	1,140,880	90,000	73,423	(18%)	16,577
Infrastructure Assets - Other	41,700	41,700	7,232	-	(100%)	7,232
Repayment of Debt - Loan Principal	22,491	22,491	4,108	4,109	0%	(1)
Transfer To Reserves	1,636,669	1,636,669	32,332	9,641		22,691
Transfer to Other Funds	-	-	0	-		-
	9,502,079	9,502,079	1,161,052	215,588	(81%)	945,464

SHIRE OF YORK STATEMENT OF FINANCIAL ACTIVITY AS AT 30 NOVEMBER 2009						
	2009/10 ADOPTED BUDGET	2009/10 Amended Budget	2009/10 Budget Year to Date	2009/10 Actual	Variance % Budget to Actual	Variance \$ Budget to Actual
ABNORMAL ITEMS	-	-	0	-		-
	-	-	0	-		-
	-	-	0	-		-
Plus Rounding						-
	9,502,079	9,502,079	1,161,052	215,588	(81%)	945,464
Sub Total	6,597,402	6,597,402	(3,210,311)	(138,733)	(96%)	(3,071,578)
LESS FUNDING FROM						
Reserves	(1,424,384)	(1,424,384)	-	-		-
Other Funds	-	-	0	-		-
Loans Raised	(1,000,000)	(1,000,000)	-	-	#DIV/0!	-
Operating Funds	(1,146,040)	(1,146,040)	(1,146,040)	(1,310,380)	14%	164,340
Sundry Adjustments				429		(429)
Closing Funds	(3,570,424)	(3,570,424)	(1,146,040)	(1,309,950)	14%	163,910
Total To Be Made up from Rates	(3,026,978)	(3,026,978)	(3,019,154)	(3,021,351)	0%	2,197
Net (Surplus) / Deficit	-	-	(7,375,505)	(4,470,034)	(39%)	(2,905,471)

BANK RECONCILIATION				
NOVEMBER 2009				
		MUNICIPAL	TRUST	RESERVE
<b>OPENING BALANCE PER SYNERGY</b>		<b>3,148,635.15</b>	<b>482,187.05</b>	<b>2,823,435.67</b>
Receipts as per daily cash book		552,400.88	151,636.19	
Muni Interest NCD 175842		685.21		
Muni Interest NCD 181848		744.86		
GJ 01:1109 Refund of previous overpmt creditor 2031		59.75		
Reserve Interest 119521748				0.00
Reserve Interest 11AM At Call a/c				632.98
Reserve Interest NCD				3,591.12
<b>TOTAL RECEIPTS</b>		<b>553,952.93</b>	<b>151,636.19</b>	<b>4,224.10</b>
Payment as per schedule cheques	28524-28578	(103,126.89)		
EFT Direct payments	6129-6241	(477,860.99)		
Payment as per schedule chqs - Trust	3632-3655		(38,590.06)	
Direct Debit Licensing			(146,301.45)	
Direct Debit Payroll		(112,074.06)		
Bank fees BendigoTrust		(52.50)		
Bank fees Bendigo Muni		(360.56)		
Bank fees Bendigo Reserve (inc \$10 bank cheque fee)		(12.15)		
Business Cards Bank Fees		(258.00)		
Dishonour Cheque Fee		(10.00)		
Eftpos Bank Fee Trust		(160.24)		
Eftpos Bank Fee Muni		(1,745.29)		
TOTAL BANK FEES	(2,598.74)			
Business Card Bendigo - CEO		(183.12)		
Business Card Bendigo - DCEO		(110.70)		
PAYMENTS IN ADVANCE - Previous month				
PAYMENTS IN ADVANCE - Current month	0.00			
NET PAYMENTS IN ADVANCE	0.00			
TOTAL BUSINESS CARDS Direct Debits SEPTEMBER	(293.82)			
Shell Card		(7.50)		
Rounding		0.26		
<b>TOTAL EXPENDITURE</b>		<b>(695,961.74)</b>	<b>(184,891.51)</b>	<b>0.00</b>
<b>CLOSING BALANCE - CALCULATED</b>		<b>3,006,626.34</b>	<b>448,931.73</b>	<b>2,827,659.77</b>
<b>CLOSING BALANCE - SYNERGY</b>		<b>3,006,626.34</b>	<b>448,931.73</b>	<b>2,827,659.77</b>
DIFFERENCE		-	-	-



<b>BALANCES AS PER BANK STATEMENTS</b>				
BENDIGO MUNICIPAL 118630623		194,602.29		
BENDIGO MUNICIPAL AT-CALL ACCT 61158		320,000.00		
BENDIGO MUNICIPAL NCD DUE 31/12/09		505,054.79		
BENDIGO MUNICIPAL NCD DUE 2/2/10		600,744.86		
BENDIGO MUNICIPAL NCD DUE 31/12/09		250,000.00		
BENDIGO MUNICIPAL NCD DUE 4/12/09		200,000.00		
WESTPAC MUNICIPAL NCD DUE 23/3/10		500,000.00		
WESTPAC MUNICIPAL NCD DUE 5/4/10		320,000.00		
WESTPAC MUNICIPAL NCD DUE 5/2/10		330,000.00		
BENDIGO TRUST 13074174			130,767.48	
BENDIGO TRUST NCD Open space DUE 31/12/09			128,484.83	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			23,183.60	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			9,015.28	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			25,000.00	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			16,386.00	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			21,750.00	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			56,000.00	
BENDIGO TRUST TERM DEPOSIT DUE 30/01/10			48,188.00	
BENDIGO RESERVE 119521748				1,484.50
BENDIGO RESERVE AT-CALL ACCT				114,000.00
BENDIGO RESERVE NCD DUE 31/12/09				577,584.15
BENDIGO RESERVE NCD DUE 31/03/10				334,591.12
BENDIGO RESERVE NCD DUE 29/01/10				400,000.00
WESTPAC RESERVE				0.00
WESTPAC RESERVE NCD DUE 1/12/09				300,000.00
WESTPAC RESERVE NCD DUE 26/12/09				300,000.00
WESTPAC RESERVE NCD DUE 24/2/10				300,000.00
WESTPAC RESERVE NCD DUE 5/4/10				500,000.00
<b>TOTAL PER BANK STATEMENTS</b>		<b>3,220,401.94</b>	<b>458,775.19</b>	<b>2,827,659.77</b>
<b>RECONCILING ITEMS</b>				
Plus Outstanding Deposits		44,913.55	10,079.50	
Less Outstanding cheques		(227,291.10)	(4,878.00)	
Less Outstanding EFT payments		(25,974.24)		
Less Outstanding Licence Debits			(15,655.45)	
Less November credits - receipted December		(13,626.27)		
Less Unidentified Direct Credits November 09		(1,058.48)		
Less Unidentified Direct Credit (prev)		(346.83)		
Less O/bank - unidentified money order 27/11/08		(250.00)		
Adjustment Trust banked in to Muni		(4,342.65)	4,342.65	
Adjustment Muni banked in to Trust		4,231.65	(4,231.65)	
Plus Dishonoured Cheque		8,920.93	500.00	
Under/overbank (issue rectified in December)		1,047.50	(0.51)	
Adjustments		0.34		
<b>TOTAL CLOSING BALANCE - CALCULATED</b>		<b>3,006,626.34</b>	<b>448,931.73</b>	<b>2,827,659.77</b>
<b>- PER SYNERGY</b>		<b>3,006,626.34</b>	<b>448,931.73</b>	<b>2,827,659.77</b>
<b>DIFFERENCE</b>		<b>-</b>	<b>-</b>	<b>-</b>

Date: 15/12/2009  
Time: 10:04:28AM

**SHIRE OF YORK  
MUNICIPAL CHEQUE PAYMENTS  
NOVEMBER 2009**

USER:Annette Hunt  
PAGE:1

Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
28524		<b>SHIRE OF YORK</b>		
INV CORPO		CORPORATE BOWLS - 2009	140.00	140.00
28525		<b>WHEATBELT ACC</b>		
INV 261009		WYLD - YOUTH DEVELOPMENT CAMP 6-8/10/09	688.00	688.00
28526		<b>PERTS PANTRY</b>		
INV 367902		CHUTNEY/ JAMS/ OLIVES/ DUKKAH	110.50	110.50
28527		<b>WASIL NICHOLI POLIWKA</b>		
INV A4690		Rates refund for assessment A4690 93 AVON TCE YORK 6302	1,346.44	1,346.44
28528		<b>WESTSCHEME SUPERANNUATION</b>		
INV SUPER		SUPERANNUATION CONTRIBUTIONS	338.65	338.65
28529		<b>AMP CORPORATE SUPERANNUATION</b>		
INV SUPER		SUPERANNUATION CONTRIBUTIONS	141.57	141.57
28530		<b>PRIME SUPER</b>		
INV SUPER		SUPERANNUATION CONTRIBUTIONS	139.43	139.43
28531		<b>YORK SHIRE COUNCIL (payroll only)</b>		
INV DEDUC		PAYROLL DEDUCTIONS	340.00	940.00
INV DEDUC			600.00	
28532		<b>YORK PIZZA</b>		
INV 13		REFRESHMENTS - AMCZ WALGA MTG 25/9/09	160.00	160.00
28533		<b>CENTRELINK</b>		
INV DEDUC		PAYROLL DEDUCTIONS	65.38	65.38
28534		<b>COUNTRY ARTS WA</b>		
INV 140909		SUBSCRIPTION 09/10 - COUNTRY ARTS WA	55.00	55.00
28535		<b>AMP FLEXIBLE LIFETIME SUPERANNUATION</b>		
INV SUPER		Superannuation contributions	60.82	60.82
28536		<b>SUNCORP WEALTHSMART BUSINESS SUPER</b>		
INV SUPER		Superannuation contributions	184.56	184.56
28537		<b>DEPARTMENT OF COMMERCE</b>		
INV 2009/22		APPLICATION BUILDING SURVEYOR REGISTRATION	200.00	200.00
28538		<b>THE SHADY LADYS</b>		
INV 03		ASSORTED PLANTS - PEACE PARK	296.50	296.50
28539		<b>AUSTRALIAN SERVICES UNION</b>		
INV DEDUC		UNION FEES	189.00	189.00
28540		<b>LANDGATE</b>		
INV 31129		GRV INTERIM VALS - COUNTRY FULL VALUE & FESA	53.85	261.34
INV 247296-		RURAL UV - SCHEDULE U2009/2	207.49	
		GRV INTERIM VALS - COUNTRY FULL VALUE & FESA		
		<b>NORM REYNOLDS RETRAVISION</b>		

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28541		<b>NORM REYNOLDS RETRAVISION</b>		
INV 58700		VACUUM CLEANER BAGS - ADMIN	14.00	14.00
28542		<b>TELSTRA</b>		
INV 4062574		MOBILE PHONES 11/10-10/11/09		327.32
INV 3334864		MOBILE PHONE 11/10-10/11/09 - WORKS	14.41	
		MOBILE PHONES 11/10-10/11/09	312.91	
28543		<b>THE YORK SOCIETY (INC)</b>		
INV 15		SHIRE ART PURCHASE 2009	645.00	645.00
28544		<b>YORK JUNIOR NETBALL</b>		
INV 16		DONATION	1,250.00	1,250.00
28545		<b>WA LOCAL GOVT SUPER PLAN PTY LTD, (ACN 0</b>		
INV SUPER		SUPERANNUATION CONTRIBUTIONS	6,997.00	10,172.02
INV DEDUC			884.45	
INV DEDUC			244.01	
INV DEDUC			663.50	
INV DEDUC			583.24	
INV DEDUC			119.37	
INV DEDUC			29.84	
INV DEDUC			257.18	
INV DEDUC			88.62	
INV DEDUC			36.85	
INV DEDUC			147.42	
INV DEDUC			120.54	
28546		<b>AVON CIVIL ENGINEERING PTY LTD</b>		
INV 1261		ENGINEERING REVIEW & RECOMMENDATION - SOUTH ST D	6,050.00	6,050.00
28547		<b>SYNERGY</b>		
INV 4675683		ELECTRICITY 22/8-23/9/09 - STREET LIGHTING	3,408.80	3,452.20
INV 7492374		ELECTRICITY 4/9-9/11/09 - MT BAKEWELL REPEATER STN	25.00	
INV 4301537		ELECTRICITY 2/8-30/9/09 - OLD CEMETERY	18.40	
28548		<b>WESTSCHEME SUPERANNUATION</b>		
INV SUPER		SUPERANNUATION CONTRIBUTIONS	334.14	334.14
28549		<b>PRIME SUPER</b>		
INV SUPER		SUPERANNUATION CONTRIBUTIONS	139.43	139.43
28550		<b>YORK SHIRE COUNCIL (payroll only)</b>		
INV DEDUC		PAYROLL DEDUCTIONS	600.00	975.00
INV DEDUC			375.00	
28551		<b>SETTLERS HOUSE PTY LTD</b>		
INV 77084		REFRESHMENTS FAREWELL FUNCTION - P STEVENS/ CR A F	480.40	480.40
28552		<b>STATE LIBRARY OF WESTERN AUSTRALIA</b>		
INV 64456		LOST/ DAMAGED LIBRARY BOOKS X 1	35.20	35.20
28553		<b>DOMINIC CARBONE</b>		
INV 8		SEAVROC MANAGEMENT & ADMIN SERVICES 30/9-31/10/09		6,404.69
INV 11		REVIEW BUSINESS PLAN - FORREST OVAL REDEVELOPMENT	2,596.00	
		SEAVROC MANAGEMENT & ADMIN SERVICES 30/9-31/10/09	3,808.69	
		<b>AMP FLEXIBLE LIFETIME SUPERANNUATION</b>		

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		<b>AMP FLEXIBLE LIFETIME SUPERANNUATION</b>		
28554		Superannuation contributions		53.67
INV SUPER			53.67	
		<b>SUNCORP WEALTHSMART BUSINESS SUPER</b>		
28555		Superannuation contributions		184.56
INV SUPER			184.56	
		<b>KEITH FREDERICK PHILLIPS</b>		
28556		CROSSOVER REBATE - 22 CARDWELL RD - K PHILLIPS		750.00
INV CROSS			750.00	
		<b>RETAIL EMPLOYEES SUPERANNUATION TRUST</b>		
28557		Superannuation contributions		54.10
INV SUPER			54.10	
		<b>JOHN EDWARD &amp; LORRAINE DAWSON</b>		
28558		Rates refund for assessment A60416 LOT 7764 TALBOT WEST RD		713.93
INV A60416			713.93	
		<b>AUSTRALIAN SERVICES UNION</b>		
28559		UNION FEES		189.00
INV DEDUC			189.00	
		<b>TELSTRA</b>		
28560		TELEPHONES 24/10-24/11/09		1,711.96
INV BP0271		INTERNET ACCESS 26/9-25/10/09 - CEO	59.95	
INV 9434282		TELEPHONES 24/10-24/11/09	1,596.17	
INV 9436723		TELEPHONES 28/10-28/11/09 - RES MUS	55.84	
		<b>SHIRE OF YORK</b>		
28561		HEARING TRANSCRIPTS 5/11/09 - ROSMILL		200.00
INV TRANS			200.00	
		<b>YORK DISTRICT HIGH SCHOOL P&amp;C ASSOC INC</b>		
28562		SPONSORSHIP 09/10 - YDHS CROSSWALK ATTENDANT		3,000.00
INV SPONS			3,000.00	
		<b>YORK CROQUET CLUB</b>		
28563		SPONSORSHIP/ DONATION 09/10 - YORK CROQUET CLUB		1,000.00
INV 021109			1,000.00	
		<b>WA LOCAL GOVT SUPER PLAN PTY LTD, (ACN 0</b>		
28564		SUPERANNUATION CONTRIBUTIONS		10,933.99
INV SUPER			7,396.88	
INV DEDUC			1,009.61	
INV DEDUC			275.32	
INV DEDUC			663.50	
INV DEDUC			653.26	
INV DEDUC			119.37	
INV DEDUC			29.84	
INV DEDUC			257.18	
INV DEDUC			88.62	
INV DEDUC			70.59	
INV DEDUC			147.42	
INV DEDUC			120.54	
INV DEDUC			34.17	
INV DEDUC			17.08	
INV DEDUC			50.61	
		<b>YORK &amp; DISTRICTS UHF REPEATER CLUB</b>		
28565		MAINTENANCE/ REPAIRS - UHF REPEATER 2008/2009		600.00
INV 60			300.00	
INV 59		MAINTENANCE/ REPAIRS - UHF REPEATER 2009/2010	300.00	
		<b>RAY HOOPER</b>		
28566		REIMB GARDEN SUPPLIES / SEAVROC / CONFERENCE EXPEN		360.99
INV REIMB			360.99	

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28567		<b>SHIRE OF YORK</b>		
INV Y6555		VEHICLE REGISTRATION - Y6555 - 30/6/10	199.95	199.95
28568		<b>YORK HORSEMAN'S ASSOCIATION INC</b>		
INV SPONS		SPONSORSHIP 2009/10	2,000.00	2,000.00
28569		<b>EASTERBROOK, RICHARD DEREK</b>		
INV 241109		DRAFTING SERVICES - HOCKEY CLUB EXTENSIONS	247.50	247.50
28570		<b>GREEN, VINCENT THOMAS</b>		
INV 301109		HONORARIUM CFCO TALBOT BASE - 08/09 & 09/10	600.00	600.00
28571		<b>DARREN LONG CONSULTING</b>		
INV 84		CONSULTANCY SERVICE - SEAVROC - REVIEW LOCAL LAW	1,144.00	8,184.00
INV 86			5,324.00	
INV 78			1,716.00	
28572		<b>STATE LIBRARY OF SOUTH AUSTRALIA</b>		
INV 181109		DIGITAL IMAGES - RES MUSEUM	22.00	22.00
28573		<b>NATIONAL LIBRARY OF AUSTRALIA</b>		
INV 181109		DIGITAL IMAGES - RES MUSEUM	140.00	140.00
28574		<b>CHRISTINE ANNE GILL</b>		
INV REFUND		REFUND PLANNING APPLICATION FEES - REC 141903 & 1414	208.00	208.00
28575		<b>STATE LIBRARY OF WESTERN AUSTRALIA</b>		
INV 181109		DIGITAL IMAGES - RES MUSEUM	205.00	205.00
28576		<b>PETTY CASH</b>		
INV 301109		PETTY CASH RECOUP	471.65	471.65
28577		<b>WEEKS, JJ &amp; EG</b>		
INV 370		FIREBREAK SPRAYING - MT BROWN & VARIOUS RESERVES	2,500.00	2,500.00
28578		<b>BUSH CONTRACTING PTY LTD</b>		
INV 3104		HIRE SIDETIPPERS / LOADER - FORREST OVAL CONSTRUCTI	33,000.00	33,000.00

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	103,126.89
<b>TOTAL</b>		<b>103,126.89</b>

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		<b>COOL CLEAR WATER BEVERAGES LTD</b>		
EFT6129		WATER FILTRATION UNIT - NOVEMBER 09		66.00
INV 101521			66.00	
		<b>WESTARP</b>		
EFT6130		RESTITCH/ REPAIR SHADE CLOTH - SWIMMING POOL		990.00
INV 16236			990.00	
		<b>BENDIGO BANK LTD</b>		
EFT6131		RATES INCENTIVE SPONSORSHIP 2009/2010		500.00
INV 1			500.00	
		<b>YORK AUTO ELECTRICS</b>		
EFT6132		SUPPLY & FIT REVOLVING LAMP - Y205		522.50
INV 4288		FIT RADIO/ SUPPLY & FIT BATTERY - Y600	209.00	
INV 4620		SUPPLY & FIT REVOLVING LAMP - Y205	313.50	
		<b>YORK LANDSCAPE SUPPLIES</b>		
EFT6133		FREIGHT - LAPTOP - PERFECT COMPUTER SOLUTIONS		12.50
INV 1546			12.50	
		<b>PARS RURAL PTY LTD</b>		
EFT6134		HYDRAULIC OIL - DEPOT		110.00
INV D119			110.00	
		<b>VALUE TISSUE</b>		
EFT6135		HAND TOWEL/ TOILET ROLLS/ HAND SOAP		633.60
INV 4896			633.60	
		<b>KTS - KELYN TRAINING SERVICES</b>		
EFT6136		BASIC WORKSITE TRAFFIC MANAGEMENT & TRAFFIC CON		2,239.20
INV 11942			2,239.20	
		<b>TATTY PARROT BAKERY</b>		
EFT6137		REFRESHMENTS - OCT 09		312.00
INV 022			312.00	
		<b>SHIRE OF NORTHAM</b>		
EFT6138		TIPPING FEES SEPTEMBER 09		7,497.30
INV 3313			7,497.30	
		<b>LUPTONS LIQUID WASTE</b>		
EFT6139		PUMP OUT SEPTIC - AROC TOILETS - JAZZ FESTIVAL 2009		363.00
INV 428/96			363.00	
		<b>SPECTRUM DISTRIBUTORS (ORICA AUSTRALIA PTY LTD)</b>		
EFT6140		CHLORINE SERVICE FEE - SWIMMING POOL/ FORREST OVAL		1,045.70
INV 4460734			950.40	
INV 4469917			95.30	
		<b>WA HINO</b>		
EFT6141		VEHICLE SERVICE 40,000KM - Y345		4,170.95
INV HIFS534			4,170.95	
		<b>HUMPHREY, GRANT THOMAS</b>		
EFT6142		TRUCK HIRE GRAVEL CARTING - FORREST OVAL REDEVLOI		9,570.00
INV 2136			9,570.00	
		<b>LOCAL GOVERNMENT MANAGERS AUSTRALIA</b>		
EFT6143		LGMA STATE CONFERENCE 18-20/11/09 - DCEO		930.00
INV 15294			930.00	
		<b>MIRACLE RECREATION EQUIPMENT LTD</b>		
EFT6144		SWING SEAT/ ROMAN RING		322.30
INV 12178			322.30	
		<b>YORK GENERAL PRACTICE</b>		
EFT6145		MEDICAL		165.00
INV 62847			165.00	

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		<b>MIDLAND RUBBER STAMPS</b>		
EFT6146		SELF INKING STAMP - YORK LIBRARY		52.30
INV 37381			39.80	
INV 37398		SELF INKING STAMP PAD	12.50	
		<b>T-QUIP</b>		
EFT6147		SERVICE MOWER - GIANNI FERRARI - Y1328		926.05
INV 19695			926.05	
		<b>DARRY'S PLUMBING AND GAS</b>		
EFT6148		REPAIR RETIC MAIN - HOCKEY OVAL		323.40
INV 387			323.40	
		<b>YORK GENERAL CONTRACTING</b>		
EFT6149		BOBCAT HIRE		2,422.75
INV 211009			2,422.75	
		<b>IMPACT SWEEPING</b>		
EFT6150		STREET SWEEPING - OCT 09		6,600.00
INV 68			6,600.00	
		<b>COUNTRY METAL RECYCLERS</b>		
EFT6151		SIDE TIPPER HIRE - FORREST OVAL REDELOPMENT		12,342.00
INV 94			12,342.00	
		<b>ING CORPORATE SUPER</b>		
EFT6152		Superannuation contributions		169.70
INV SUPER			169.70	
		<b>WHEATBELT MEN'S HEALTH INC</b>		
EFT6153		SPONSORSHIP 09/10 - YORK MENS HEALTH DAY PROJECT		1,870.00
INV 104			1,870.00	
		<b>SAFEROADS PTY LTD</b>		
EFT6154		INSTALL BARRIER SYSTEM - MOKINE RD		21,058.40
INV 33390			21,058.40	
		<b>ROYAL WOLF TRADING AUSTRALIA PTY LTD</b>		
EFT6155		SEA CONTAINERS - EWASTE DISPOSAL		13,750.00
INV RJ45125			13,750.00	
		<b>COURIER AUSTRALIA</b>		
EFT6156		FREIGHT - ADSL MODEM - PCS		7.32
INV TRANSI			7.32	
		<b>CENTRAL DISTRICTS AIRCONDITIONING</b>		
EFT6157		SUMMER AIR CON SERVICE - 2 DINSDALE ST		85.00
INV 30861			85.00	
		<b>CUTTING EDGES PTY LTD</b>		
EFT6158		GRADER BLADE - Y205/Y130		2,896.52
INV 2863147			2,198.02	
INV 2864383			698.50	
		<b>MCLEODS BARRISTERS AND SOLICITORS</b>		
EFT6159		LEGAL ADVICE - SETTLERS HOUSE SUBDIVISION/ BUILDING		2,018.03
INV 50956			1,013.10	
INV 51150		LEGAL FEES - SECTIONS 70A TITLE NOTIFICATION LOTS 293	1,004.93	
		<b>BJ MEREDITH ELECTRICAL CONTRACTOR &amp; REFRIGERATION</b>		
EFT6160		SUPPLY & FIT RCD TRIP SWITCH - DEPOT		345.00
INV 3580			345.00	
		<b>ROUS, ERIC DAVID</b>		
EFT6161		REPAIR FLOAT VALVE RETIC TANK - CANDICE BATEMAN P,		92.40
INV 5349			92.40	
		<b>AVON WASTE</b>		
EFT6162		RECYCLING SERVICES		18,021.29
INV 4863			11,950.54	

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INV 4862		<b>AVON WASTE</b> RUBBISH COLLECTION	6,070.75	
EFT6163 INV 6313135		<b>BOC GASES</b> OXYGEN X 1 CYLINDER - REMOVE FENCING FORREST OVAL	151.28	151.28
EFT6164 INV Q13337		<b>BGC QUARRIES</b> GRANITE X 51 TONNES	1,952.28	1,952.28
EFT6165 INV SPONSOR		<b>YORK SWIMMING CLUB (INC)</b> SPONSORSHIP/DONATION 09/10 - SWIMMING CLUB	1,750.00	1,750.00
EFT6166 INV 1696		<b>AVON EXPRESS</b> FREIGHT	220.00	220.00
EFT6167 INV 175		<b>MORRIS PEST &amp; WEED CONTROL</b> ANNUAL TERMITE INSPECTION 2009	3,459.50	3,459.50
EFT6168 INV 107291		<b>LGIS LIABILITY</b> PUBLIC LIABILITY INSURANCE 09/10 - SECOND INSTALMENT	19,695.50	19,695.50
EFT6169 INV 95696 INV 95335		<b>FUEL DISTRIBUTORS</b> DISTILLATE X 8153 LTRS DISTILLATE X 5871 LTRS DISTILLATE X 8153 LTRS	6,924.25 9,488.46	16,412.71
EFT6170 INV 910201		<b>LEISURE INSTITUTE OF WESTERN AUSTRALIA</b> WHEATBELT POOL SEMINAR - 21/10/09 - W LIVINGSTONE	50.00	50.00
EFT6171 INV 126764		<b>CELLARBRATIONS DUKE OF YORK</b> REFRESHMENTS - FORREST OVAL REDEVELOPMENT	218.75	218.75
EFT6172 INV 599		<b>DUSTY PTY LTD</b> BACKHOE HIRE - NOV 09	1,100.00	1,100.00
EFT6173 INV 7515		<b>SHIRE OF CUNDERDIN</b> SEAVROC DINNER REIMBURSEMENT 7/8/09	850.60	850.60
EFT6174 INV 106087		<b>LGIS PROPERTY SCHEME</b> INSURANCE 09/10 - ELECTRONIC EQUIP/ MACHINERY/ MULT	13,123.23	13,123.23
EFT6175 INV WK1326		<b>CORPORATE EXPRESS</b> STATIONERY	386.90	386.90
EFT6176 INV REIMB1		<b>KEEBLE, CINDY REA</b> REIMBURSE BOOK PURCHASES LIBRARY	1,086.78	1,086.78
EFT6177 INV 018844 INV 018884 INV 018964 INV 019071 INV 019095 INV 019356 INV 019423 INV 019454		<b>YORK BUILDING SUPPLIES</b> SAFETY GLOVES PAINT SCRAPER - AVON PARK ROOFING SCREWS - SPRING GARDEN FESTIVAL FLOWERS PAINT STRIPPER/ SPRAY PAINT - AVON PARK WATERING CAN - AVON PARK PLUG/ REDUCING BUSH - FORREST OVAL SAFETY GLOVES WASHERS - STREET SIGNS DRILL BITS - TOWN HALL	15.88 19.58 23.10 14.30 3.91 151.76 33.96 17.88	280.37



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EFT6178 INV 3926		<b>YORK NEWSAGENCY</b> PAPERS - OCT 09	87.40	87.40
EFT6179 INV 4568 INV 4589		<b>YORK AUTO ELECTRICS</b> SUPPLY & FIT FLASHING LIGHT/ SOLENOID REPAIRS - Y 132; SUPPLY & FIT STARTER SOLENOID - Y830 SUPPLY & FIT FLASHING LIGHT/ SOLENOID REPAIRS - Y 132;	167.09 409.92	577.01
EFT6180 INV 1533		<b>YORK LANDSCAPE SUPPLIES</b> FORKLIFT HIRE - SWIMMING POOL CHEMICALS	35.00	35.00
EFT6181 INV S08456 INV S09036		<b>GEMINI MEDICAL SERVICES PL</b> PAYMENT IN LEIU OF DOCTOR'S VEHICLE -	497.60 497.60	995.20
EFT6182 INV 78		<b>L J'S CAFE</b> REFRESHMENT COUNCIL BRIEFING 16/11/09	173.25	173.25
EFT6183 INV 381		<b>JOHN'S LOCAL CLEANING SERVICE</b> CLEANING RES MUSEUM - OCTOBER 09	125.00	125.00
EFT6184 INV 311009		<b>MOTORCHARGE LTD</b> GULL CARD	868.01	868.01
EFT6185 INV 12815		<b>SHIRE OF DOWERIN</b> AROC TOILET HIRE 22-26/10/09 - JAZZ FESTIVAL	800.00	800.00
EFT6186 INV 117		<b>SPECIALISED TREE SERVICE</b> STREET TREE PRUNING	17,399.25	17,399.25
EFT6187 INV 1440176		<b>WESTNET PTY LTD</b> EMAIL ANTISPAM 1/12/09 - 1/3/2010 - SWIMMING POOL	10.00	10.00
EFT6188 INV 2356		<b>YORK &amp; DISTRICTS COMMUNITY MATTERS</b> ADVERTISING	616.00	616.00
EFT6189 INV 2518		<b>HENDERSON, PJ &amp; KD</b> EXCAVATION HIRE - HOCKEY CLUB EXTENSION	220.00	220.00
EFT6190 INV I02094 INV I01931 INV I01197		<b>YORK IT &amp; COMMUNICATION</b> COMPUTER SETUP - RES MUS BLANK DVDS/ USB FLASH DRIVE COMPUTER SETUP - RES MUS COMPUTER SUPPORT - RES MUS 14/10/09	55.95 247.50 99.00	402.45
EFT6191 INV I268435		<b>WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION</b> ADVERT - WEST AUST 21/10/09 - MANAGER HEALTH/ EHO/ B	617.82	617.82
EFT6192 INV CH8370		<b>FUJI XEROX AUSTRALIA PTY LTD</b> PHOTOCOPIER METRE CHARGES - OCTOBER 09	213.39	213.39
EFT6193 INV 388		<b>DARRY'S PLUMBING AND GAS</b> CLEAR BLOCK URINAL - TOWN HALL	247.50	247.50
EFT6194		<b>MAYDAY ENGINEERING</b> ROLLER HIRE - TALBOT WEST RD		9,529.96

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		<b>MAYDAY ENGINEERING</b>		
INV 50787		ROLLER HIRE - TALBOT WEST RD	4,414.96	
INV 50848			5,115.00	
		<b>ALLPACK SIGNS</b>		
EFT6195		SIGNAGE - SLIPPERY SURFACE/ TRAFFIC HAZARD		1,513.60
INV 1295			1,513.60	
		<b>HORIZON SURVEYS PTY LTD</b>		
EFT6196		SURVEY SERVICES - FORREST OVAL REVELOPMENT		880.00
INV 1044-09			880.00	
		<b>NICOLE FLEAY</b>		
EFT6197		UNIFORM ALLOWANCE 09/10 - N FLEAY		125.00
INV UNIFO			125.00	
		<b>TRANSWEST ASSET PTY LTD</b>		
EFT6198		SUPPLY & DELIVER ROAD BASE		1,923.57
INV 7269			1,923.57	
		<b>TASMAN CIVIL</b>		
EFT6199		SCRAPER HIRE - FORREST OVAL REDEVELOPMENT		45,474.00
INV 529		SCRAPER HIRE - FORREST OVAL REDVELOPMENT	16,516.50	
INV 532			8,365.50	
INV 530		SCRAPER HIRE - FORREST OVAL REDEVELOPMENT	20,592.00	
		<b>ING CORPORATE SUPER</b>		
EFT6200		Superannuation contributions		169.70
INV SUPER			169.70	
		<b>HEARTLANDS VET HOPITAL</b>		
EFT6202		EUTHANASIA X 4 KITTENS		80.00
INV 32786			80.00	
		<b>HODGE &amp; COLLARD ARCHITECTS</b>		
EFT6203		FORREST OVAL REDEVELOPMENT - PROGRESS PAYMENT 2		106,920.00
INV 82093		FORREST OVAL REDEVELOPMENT - PROGRESS PAYMENT 4	37,510.00	
INV 82096		FORREST OVAL REDEVELOPMENT - PROGRESS PAYMENT 5	6,517.50	
INV 82094		FORREST OVAL REDEVELOPMENT - PROGRESS PAYMENT 2	59,207.50	
INV 82095		FORREST OVAL REDEVELOPMENT - PROGRESS PAYMENT 3	3,685.00	
		<b>MAC CHENO EARTHMOVING</b>		
EFT6204		GRADER HIRE 17-30/10/09 - FORREST OVAL REDEVELOPMEN		21,450.00
INV 52			14,872.00	
INV 53		GRADER HIRE 2-6/11/09 - FORREST OVAL REDEVELOPMENT	6,578.00	
		<b>LGIS RISK MANAGEMENT</b>		
EFT6205		REGIONAL RISK CO ORDINATOR 1/7-31/12/09		3,952.30
INV 2851			3,952.30	
		<b>YORK TOOL HIRE</b>		
EFT6206		STAGE HIRE - DAYS OF CHANGE EVENT 29/8/09		490.00
INV 1910			490.00	
		<b>THE GOLDEN ROAST PTY LTD</b>		
EFT6207		CATERING DEPOSIT - END OF YEAR FUNCTION 2009		100.00
INV 161109			100.00	
		<b>RAMSAY SUPERANNUATION FUND</b>		
EFT6208		Superannuation contributions		172.80
INV SUPER			172.80	
		<b>SYDNEY'S CHRISTMAS BARN</b>		
EFT6209		CHRISTMAS DECORATIONS - TOWN ENTRY / TOWN HALL /		3,939.70
INV 907			3,939.70	
		<b>AUSTRALIA POST</b>		
EFT6210		POSTAGE/ PAPER - OCTOBER 09		1,530.40
INV 618964-			1,530.40	
		<b>ARROW BRONZE</b>		

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		<b>ARROW BRONZE</b>		
EFT6211		NICHE WALL PLAQUES,VASES		432.08
INV 521201			432.08	
		<b>COURIER AUSTRALIA</b>		
EFT6212		FREIGHT		109.34
INV TRANSI			48.66	
INV TRANSI			60.68	
		<b>CJD EQUIPMENT PTY LTD</b>		
EFT6213		SERVICE GRADER - Y130		3,007.72
INV W01304			3,007.72	
		<b>JR &amp; A HERSEY</b>		
EFT6214		GLOVES/ EARPLUGS/ RAKE/ CABLE TIE/ FLAG TAPE		429.15
INV S15759		CABLE TIE/ BROOME HANDLE/ SILICON/ DUCT TAPE	37.64	
INV S15758		GLOVES/ EARPLUGS/ RAKE/ CABLE TIE/ FLAG TAPE	741.31	
INV K2172		CREDIT INV S15758 - OVERPAYMENT - ADJUSTEMENT REQI	-349.80	
		<b>KLEENHEAT GAS</b>		
EFT6215		BULK GAS X 33 LTRS - GWAMBYGINE PARK		35.86
INV 4022175			35.86	
		<b>MCLEODS BARRISTERS AND SOLICITORS</b>		
EFT6216		LEGAL FEES - SIGNAGE PROSECUTION - S SAINT		3,021.98
INV 51285		LEGAL FEES - PLANNING PROSECUTION - GT HOMES	1,133.63	
INV 50764		LEGAL FEES - SIGNAGE PROSECUTION - S SAINT	1,888.35	
		<b>KEITH WILLIAM MOORFIELD</b>		
EFT6217		SERVICE TRUCK - Y397		123.75
INV 2655			123.75	
		<b>LGIS INSURANCE BROKING</b>		
EFT6218		MOTOR VEHICLE INSURANCE - PREMIUM ADJUSTMENT 09/1		1,177.57
INV 144162			1,177.57	
		<b>QUAIRADING EARTHMOVING CO</b>		
EFT6219		DOZER/ LOW LOADER HIRE - FORREST OVAL/ GREENHILLS I		12,941.50
INV 16592			12,941.50	
		<b>ROUS, ERIC DAVID</b>		
EFT6220		DISCONNECT POWER - AG SHED - FORREST OVAL REDEVEL		801.35
INV 5355			801.35	
		<b>AVON WASTE</b>		
EFT6221		RUBBISH COLLECTION		8,561.08
INV 4931			5,779.02	
INV 4932		RECYCLING SERVICES	2,782.06	
		<b>AVON VALLEY TYRE SERVICE</b>		
EFT6222		SUPPLY & FIT TYRES		3,195.00
INV 3155			2,430.00	
INV 3138		SUPPLY & FIT TYRES - Y4118	390.00	
INV 3167		SUPPLY & FIT TYRES - Y000	375.00	
		<b>YORK IGA</b>		
EFT6223		SOFT DRINKS/ BISCUITS		1,112.12
INV 02/3779		MILK	2.79	
INV 03/1823		BLEACH/ MOP/ DUSTER/ DUSTER/ TISSUES/ PARACETAMOL/	75.03	
INV 01/1766		PLATES	6.29	
INV 02/0017		MILK/ BISCUITS/ DRANO	33.58	
INV 01/3461		MILK/ BISCUITS - DEPOT	9.09	
INV 01/3539		DUCK TOILET CLEANER	2.89	
INV 01/3739		MILK/ BISCUITS	9.67	
INV 02/2783		COFFEE	67.24	
INV 01/4546		MILK/ BISCUITS	15.90	
INV 01/4845		EUCALYPTUS OIL/ BLEACH	34.59	
INV 01/5800		BATTERIES	11.09	
INV 01/7012		MILK/ BISCUITS	14.47	

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<b>YORK IGA</b>				
INV 02/5475		WIPES/ BISCUITS	24.55	
INV 01/6332		MILK	3.49	
INV 01/6589			9.73	
INV 02/7300		MILK - DEPOT	3.38	
INV JE2: CH		MILK/ BISCUITS - DEPOT	14.92	
INV 02/5184		MILK/ COFFEE/ BISCUITS - DEPOT	44.82	
INV 02/6997		MILK/ BISCUITS - DEPOT	9.93	
INV 02/6999		MOP/ HANDLE - TOWN HALL	14.76	
INV 02/7756		BATTERIES - DEPOT	23.91	
INV REPRIN		INTEREST/ ACCOUNT REPRINT FEE	6.11	
INV 03/9211		DOMESTOS/ HARPIC CLEANER	13.41	
INV 02/5991		BISCUITS	11.80	
INV 02/6045		MILK/ MILO	22.03	
INV 03/0011		MILK/ PLATES/ SERVIETTE - FCO MTG 7/10/09	11.41	
INV 02/8508		MILK - DEPOT	4.29	
INV 01/1011		MILK/ BISCUITS	27.79	
INV 03/1775		DELLOPHANE/ PAPER PLATES - STORYTIME	15.09	
INV 01/6854		MILK/ COFFEE/ SUGAR - DEPOT	35.84	
INV 02/6244		MILK/ BISCUITS	20.50	
INV 01/2309		TISSUES	9.16	
INV 03/4498		COFFEE	18.36	
INV 02/9091		MILK/ BISCUITS	16.79	
INV 02/0707		MILK/ BISCUITS/ TISSUES	21.63	
INV 02/1235		COFFEE	29.64	
INV 04/1244		REFRESHMENTS - WALGA AMCZ MTG 25/9/09	37.35	
INV 02/1279		MILK/ BATTERIES	15.85	
INV 03/7281		FLOOR CLEANER	8.46	
INV 01/6885		SOFT DRINKS/ BISCUITS	168.19	
INV 02/0775		TISSUES	2.72	
INV 01/6469		MILK - DEPOT	3.38	
INV 01/3686		MILK/ BISCUITS - DEPOT	11.91	
INV 01/6813		MILK - DEPOT	4.58	
INV REPRIN		INTEREST/ ACCOUNT REPRINT FEE	0.43	
INV 02/1295		MILK/ PARACETAMOL	8.17	
INV 02/3247		MILK/ BISCUITS	25.75	
INV 02/3510		TEA TOWELS/ AIR FRESHNER/ BISCUITS/ TEA	45.51	
INV 02/4006		AIR FRESHNER/ EUCALYPTUS OIL/ SPRAY & WIPE/ WIPES	53.39	
INV 01/9852		MILK	10.70	
INV 03/3328		MILK/ SUGAR/ BISCUITS/ TISSUES - DEPOT	15.78	
INV 02/5804		TISSUES	3.98	
<b>YORK EARTHMOVING</b>				
EFT6224		TRUCK HIRE - GRAVEL CARTING - FORREST OVAL REDEVL		9,636.00
INV 305			9,636.00	
<b>TOTAL EDEN</b>				
EFT6225		RETIC CONTROLLER/ POP UP SPRINKLER/ SEALS		690.17
INV 9898273			690.17	
<b>MAL AUTOMOTIVES</b>				
EFT6226		VEHICLE SERVICE - Y482		2,370.80
INV 9385		VEHICLE SERVICE - 25,000KM - Y000	388.00	
INV 9369		VEHICLE SERVICE - Y482	1,982.80	
<b>GRANT, COLIN D</b>				
EFT6227		CARPET CLEANING - ADMIN ENTRY 20/10/09		50.00
INV Q1401			50.00	
<b>RURAL PRESS REGIONAL MEDIA (WA) PTY LTD</b>				
EFT6228		ADVERTISING - OCT 09		377.52
INV 1171507			377.52	
<b>FUEL DISTRIBUTORS</b>				

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<b>FUEL DISTRIBUTORS</b>				
EFT6229		DISTILLATE X 5000 LTRS		6,010.50
INV 004841			6,010.50	
<b>HOME HARDWARE</b>				
EFT6230		TREATED PINE / SCREWS - RES MUSEUM		183.00
INV 377460			180.05	
INV 380713		INTEREST CHARGES - SEPT 09	1.14	
INV 386227		INTEREST CHARGES - OCT 09	1.81	
<b>YORK IGA</b>				
EFT6231		REFRESHMENTS - RES MUS - GARDEN WALK EVENT		148.90
INV 03/3869		BISCUITS - RES MUS	10.44	
INV 03/7820		MILK / BISCUITS - RES MUS	6.71	
INV 02/3334		REFRESHMENTS - RES MUS	32.38	
INV 02/2731		BISCUITS - RES MUS	5.62	
INV 01/4658		REFRESHMENTS - RES MUS - GARDEN WALK EVENT	11.50	
INV 04/4769			67.83	
INV 02/6229		COFFEE / FOAM CUPS - RES MUS	14.31	
INV INT CH		INTEREST CHARGES - OCT 09	0.11	
<b>HOME HARDWARE</b>				
EFT6232		PLANT PURCHASES - SUNDRY PARKS		651.97
INV 376777		GAS REFILL - SWEEPER	72.80	
INV 377657		PLANT PURCHASES - SUNDRY PARKS	348.71	
INV 378455		KEY TAGS BULK - ADMIN	11.70	
INV 381761		BATTERIES - RETIC - VARIOUS	86.82	
INV 383022		EXTENSION LEAD - RANGER'S COMPUTERS	19.95	
INV 385367		BROOM - TOWN HALL	36.50	
INV 385405		GAS REFILL - SWEEPER	72.80	
INV 386223		INTEREST CHARGES - OCT 09	2.69	
<b>HOME HARDWARE</b>				
EFT6233		HEAVY CLOSER DOORS x2 / HANDLE - HOWICK ST TOILETS		2,012.97
INV 380863		DOOR STOP / DUSTPAN BRUSH SET - CENT UNITS	6.56	
INV 383326		DRILL BITS / WALL PLUGS - SWIMMING POOL	10.35	
INV 383389		DRILL BITS / SCREWS - DEPOT	17.73	
INV 383476		THREAD TAPE / POLY CONNECTION - DEPOT	3.54	
INV 384048		SHELVING / BRACKETS / SCREWS - DEPOT	23.30	
INV 384267		KEY CUTTING - PEACE PARK	8.91	
INV 384370		HOSE CONNECTIONS - CENT UNITS	4.82	
INV 384648		SANDING DISCS / BUILDER'S PUTTY - TOWN HALL	40.49	
INV 384762		TOILET ROLL HOLDER - SWIMMING POOL	14.62	
INV 385306		PLANT PURCHASES - VARIOUS	248.81	
INV 385418		HD BATTERY / SEALANT - 2 DINSDALE ST	19.15	
INV 380916		LIGHT GLOBES - CENT UNITS	12.50	
INV 385916		HOSE FITTINGS - AVON PARK	11.92	
INV 385965		OIL / HOSE FITTINGS - SKATE PARK	5.89	
INV 386211		INTEREST CHARGES - OCT 09	5.16	
INV 376422		HOSE FITTINGS - FORREST OVAL	23.76	
INV 376532		FLUORO LIGHT TUBES - COMM CENTRE	14.94	
INV 376548		KILLRUST / SCREWS / STARPLUGS - CENT UNITS	21.15	
INV 376713		BATTERIES / SCREWS / DRILL BITS - CENT UNITS	22.03	
INV 376891		PAINT STRIPPER / ACETONE - GWAMBY PK	33.75	
INV 377295		HEAVY CLOSER DOORS x2 / HANDLE - HOWICK ST TOILETS	355.37	
INV 377646		HEAVY CLOSER DOOR - HOWICK ST TOILETS	169.20	
INV 381067		SPRAY PAINT / PAINT STRIP - MOTO X TRACK	50.71	
INV 377653		BLADE TRIM KNIFE / GAS REFILL - TOWN HALL	10.12	
INV 377702		NUTS / BOLTS / WASHERS / SCREWS - GWAMBY PK	50.04	
INV 378237		GATE LATCH - TOWN HALL	4.68	
INV 378268		WALL HOOKS - TOWN HALL	18.27	
INV 378556		FLUORO STARTERS - TOWN HALL	11.92	
INV 379341		TAP FITTINGS - GWAMBY PK	12.38	

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<b>HOME HARDWARE</b>				
INV 379465		PAINT / GAP FILLER - CENT UNITS	28.47	
INV 379659		GALV HOOKS - REC CENTRE	6.12	
INV 379740		W/PROOF CLOTH TAPE - ADMIN	12.15	
INV 379780		PAINT - SERVER ROOM ADMIN	71.91	
INV 381794		DOOR HANDLE / HINGES - HOWICK ST TOILETS	26.37	
INV 380377		SPRAY PAINT - FORREST OVAL	37.98	
INV 380550		PAINT / DRAIN POWER - CENT UNITS	47.95	
INV 380698		INTEREST CHARGES - SEPT 09	13.76	
INV 382028		GAS REFILL - SWEEPER	72.80	
INV 382059		DOOR HANDLE / BOLT INDICATOR - AVON PARK TOILETS	29.70	
INV 382060		PAINTING MATERIALS - HOWICK ST TOILETS	79.66	
INV 382241		SCREWS - SWIMMING POOL MTCE	4.36	
INV 383100		PLANTS / RETIC PARTS - VARIOUS	349.67	
<b>VISIMAX SAFETY PRODUCTS</b>				
EFT6234		INFRINGEMENT BOOKS - RANGER		328.10
INV 2526			328.10	
<b>AUSTRAL MERCANTILE</b>				
EFT6235		DEBT COLLECTION FEES - RATES		16.50
INV 310809			16.50	
<b>HENDERSON, PJ &amp; KD</b>				
EFT6236		SEAL OFF WATER SERVICE TO AG SHED - FORREST OVAL		88.00
INV 2535			88.00	
<b>TREVS TRANSPORT</b>				
EFT6237		FREIGHT - SIGMA CHEMICALS - SWIMMING POOL		87.45
INV 53			51.97	
INV 61		FREIGHT - BREATHING APPARATUS	35.48	
<b>MCLEODS BARRISTERS AND SOLICITORS</b>				
EFT6238		LEGAL FEES - SETTLERS SUBDIVISION ISSUES		6,743.99
INV 51319		LEGAL FEES - UNLAWFUL BUILDING WORKS - M DUNN	1,384.60	
INV 51427		LEGAL FEES - SETTLERS SUBDIVISION ISSUES	5,359.39	
<b>AVON WASTE</b>				
EFT6239		RECYCLING SERVICES / TRANSFER STN MTC / GREENWASTI		18,174.20
INV 4940		RUBBISH SERVICES TO 20/11/09	6,222.20	
INV 4941		RECYCLING SERVICES / TRANSFER STN MTC / GREENWASTI	11,952.00	
<b>IT VISION</b>				
EFT6240		BANK REC SET UP - SYNERGY		176.00
INV 18287			176.00	
<b>YORK MOTEL</b>				
EFT6241		BUILDING RELIEF - ACCOMMODATION - 16-18/11/09		360.00
INV RAMSA			180.00	
INV 241109		ACCOMMODATION - BUILDING RELIEF - A RAMSAY	180.00	

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	477,860.99
<b>TOTAL</b>		<b>477,860.99</b>

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		<b>WA COUNTRY BUILDERS</b>		
3632		OVERPAYMENT OF SEPTICS APP 2001786- REC 144405		8.00
INV T7			8.00	
		<b>GLEN NEWMAN PLAISTED</b>		
3633		REFUND OF CAT TRAP BOND-REC142729		50.00
INV T1			50.00	
		<b>SETTLERS HOUSE PTY LTD</b>		
3634		REFUND OF CAT TRAP BOND- REC 143411		50.00
INV T1			50.00	
		<b>GRAEME LAWRENCE HOPKINS</b>		
3635		CROSSOVER REIMBURSEMENT FOR 35 LANGFORD CRES- HC		750.00
INV T78			750.00	
		<b>TIMOTHY DONALD HILL</b>		
3636		REFUND OF REC CENTRE KEY BOND-REC140693		20.00
INV T8			20.00	
		<b>DOLS, FRANK J</b>		
3637		REFUND OF CAT TRAP BOND-REC142426		50.00
INV T1			50.00	
		<b>YORK FOOTBALL CLUB</b>		
3638		REFUND OF HALL BOND - REC 141827		220.00
INV T8		REFUND OF KEY BOND - REC 141827	20.00	
INV T83		REFUND OF HALL BOND - REC 141827	200.00	
		<b>BUILDERS REGISTRATION BOARD</b>		
3640		BRB LEVY OCT 09		931.50
INV BRB LE		BRB LEVY SEP09	345.00	
INV BRB LE		BRB LEVY OCT 09	586.50	
		<b>BUILDING CONSTRUCTION INDUSTRY TRAINING FUND</b>		
3641		BCITF LEVY OCT 09		32,976.06
INV BCITF C			31,555.53	
INV BCITF S		BCITF LEVY SEP 09	1,420.53	
		<b>SHIRE OF YORK</b>		
3642		BRB LEVY OCT 09		214.50
INV BCITF S		BCITF LEVY SEP 09	26.40	
INV BRB SE		BRB LEVY SEP 09	55.00	
INV BCITF C		BCITF LEVY OCT 09	39.60	
INV BRB OC		BRB LEVY OCT 09	93.50	
		<b>DEBORAH PHOENIX</b>		
3643		HALL BOND REFUND - DANCEFLIGHT - D PHOENIX - RECEIP		220.00
INV T83			200.00	
INV T8		KEY BOND REFUND - DANCEFLIGHT - D PHOENIX - RECEIPT	20.00	
		<b>WA COUNTRY BUILDERS</b>		
3644		REFUND FOOTPATH BOND APP 2001502 L112 ATTFIELD RD		1,800.00
INV REFUND			500.00	
INV FOOTP,		REFUND FOOTPATH BOND APP2001537 (140 ANDREWS AVE)	300.00	
INV FOOTP,		FOOTPATH REFUND APP2000987 (74 GEORGIANA ST)	500.00	
INV FOOTP,		FOOTPATH REFUND APP2001158 (225 AVON TCE)	500.00	
		<b>COLIN COLE</b>		
3645		REFUND C. COLE - KERB BOND REC 113105 - 4 FORBES ST		500.00
INV T4			500.00	
		<b>BRIAN LAWRENCE</b>		
3646		NOMINATION DEPOSIT REFUND - B LAWRENCE		80.00
INV T13			80.00	
		<b>ANTHONY STEPHEN BOYLE</b>		
3647		NOMINATION DEPOSIT REFUND - T BOYLE		80.00

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INV T13		<b>ANTHONY STEPHEN BOYLE</b> NOMINATION DEPOSIT REFUND - T BOYLE	80.00	
3648 INV T13		<b>DAVID LAWN</b> NOMINATION DEPOSIT REFUND FOR 17/10/09 - D LAWN	80.00	80.00
3649 INV T13		<b>SIMON MARK SAINT</b> NOMINATION DEPOSIT REFUND FOR 17/10/09 - S SAINT	80.00	80.00
3650 INV T13		<b>ROMA FLORENCE PATON</b> NOMINATION DEPOSIT REFUND FOR 17/10/09 - R PATON	80.00	80.00
3651 INV T13		<b>ROBERT GEORGE LEAR</b> NOMINATION DEPOSIT REFUND FOR 17/10/09 - B LEAR	80.00	80.00
3652 INV T13		<b>BRIAN PHILLIP WHEELER</b> NOMINATION DEPOSIT REFUND - 17/10/09 - B WHEELER	80.00	80.00
3653 INV T13		<b>ROY MICHAEL SCOTT</b> NOMINATION DEPOSIT REFUND 16/10/09 - R SCOTT	80.00	80.00
3654 INV T13		<b>GENONI, ALAN JOHN</b> NOMINATION DEPOSIT REFUND - 17/10/09 - A GENONI	80.00	80.00
3655 INV T13		<b>SHIRE OF YORK</b> NOMINATION DEPOSIT NOT RETURNED TO S DAVIDSON AS	80.00	80.00

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
2	TRUST FUND BANK	38,590.06
<b>TOTAL</b>		<b>38,590.06</b>



<b>TOTAL RESERVES</b>	
<b>30-Nov-09</b>	
<b>Reserve Name</b>	<b>Current Balance</b>
4. Plant Reserve	345,747.39
6. Staff Leave Reserve	112,830.20
7. Town Planning Reserve	11,950.73
8. Recreation Complex Reserve	322,586.05
9. Avon River Maintenance Reserve	19,532.99
14. Industrial Land Reserve	89,366.99
15. Refuse Site Development Reserve	189,624.57
22. Centennial Gardens Reserve	106,545.87
23. Public Open Space Cont Reserve	303.44
24. Community Bus Reserve	36,898.79
25. Pioneer Memorial Lodge Reserve	130,342.94
26. Residency Museum Reserve	19,265.42
27. Carparking Reserve	57,055.76
30. Building Reserve	58,244.60
35. Disaster Reserve	23,117.51
37. Archives Reserve	21,390.43
38. Water Supply Reserve	6,778.29
40. Tied Grant Funds Reserve	765,174.11
42. Main Street (Town Precinct) Update Reserve	113,820.80
43. Strategic Planning Reserve	18,779.61
44. Cemetery Reserve	26,185.48
45. York Town Hall Reserve	39,286.64
46. RSL Memorial Reserve	19,070.73
47. Greenhills Townsite Development Reserve	21,008.88
48. Youth Capital Works	22,359.98
49. Roads	57,777.02
50. Land & Infrastructure	192,614.55
<b>TOTAL RESERVE FUNDS</b>	<b>2,827,659.77</b>
<b>Funded by</b>	
BENDIGO RESERVE 119521748	1,484.50
BENDIGO RESERVE AT-CALL ACCT	114,000.00
BENDIGO RESERVE NCD DUE 31/12/09	577,584.15
BENDIGO RESERVE NCD DUE 31/03/10	334,591.12
BENDIGO RESERVE NCD DUE 29/01/10	400,000.00
WESTPAC RESERVE	0.00
WESTPAC RESERVE NCD DUE 1/12/09	300,000.00
WESTPAC RESERVE NCD DUE 26/12/09	300,000.00
WESTPAC RESERVE NCD DUE 24/2/10	300,000.00
WESTPAC RESERVE NCD DUE 5/4/10	500,000.00
<b>Total Cash Funding</b>	<b>2,827,659.77</b>
<b>Comment</b>	
The Local Government Act 1995 Part 6 Division 4 Section 6.11 requires the reserves to be fully funded. The reserves are fully funded.	

STATEMENT OF PAYROLL DIRECT DEBITS FOR THE MONTH ENDING NOVEMBER 2009	
5 November 2009	55,924.65
19 November 2009	56,149.41
PAYROLL TOTALS	<u>\$ 112,074.06</u>
(LESS PAYMENTS BY CHEQUE)	<u></u>
TOTAL PAYROLL DIRECT DEBITS AS PER BANK REC	<u>\$ 112,074.06</u>

SUMMARY OF CREDIT CARD PAYMENTS FOR THE MONTH ENDING NOVEMBER 2009	
REFRESHMENTS	156.20
TRAINING & CONFERENCES	
SEAVROC	
FUEL	
HOUSING MAINTENANCE	137.62
OTHER	
<b>TOTAL PURCHASES</b>	<b>\$ 293.82</b>
PAYMENTS TO C/C IN ADVANCE	0.00
(LESS PREVIOUSLY PAID IN ADVANCE)	0.00
<b>TOTAL PAYMENTS TO C/C AS PER BANK REC</b>	<b>\$ 293.82</b>

TRANSACTION LISTING OF CREDIT CARD PAYMENTS FOR THE MONTH ENDING NOVEMBER 2009		
<b>CARD 1</b>		
<b>DATE</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
1/10/2009	137.62	BUNNINGS, MIDLAND WA
16/10/2009	45.50	Cafe Bugatti, YORK 0209
<b>TOTAL CARD 1</b>		<b>183.12</b>
<b>CARD 2</b>		
<b>DATE</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
10/10/2009	110.70	JANETTE CALLAGHAN, YORK 0309
<b>TOTAL CARD 2</b>		<b>110.70</b>
<b>TOTAL CREDIT CARDS</b>		<b>\$ 293.82</b>

STATEMENT OF SHELL CARD PURCHASES FOR THE MONTH ENDING NOVEMBER 2009		
0 Y - CEO		0.00
Y 00 - DCEO		0.00
Y 000 - EHO		0.00
CARD FEES		7.50
<b>TOTAL PURCHASES</b>	<b>\$</b>	<b>7.50</b>
<b>TOTAL PAYMENTS TO SHELL AS PER BANK REC</b>	<b>\$</b>	<b>7.50</b>

**SHIRE OF YORK  
VARIANCE REPORT  
AS AT 30 NOVEMBER 2009**

---

**OPERATING REVENUE**

**General Purpose Funding**

No material variance to report

**Governance**

Timing of SEAVROC Member Contributions & SEAVROC PLUM Grant

**Law, Order Public Safety**

Timing of ESL Commission & ESL Grant/ Lower Dog Registration Collections & Less Other Council Reimbursements - These will rectify over coming months

**Health**

No material variance to report

**Education and Welfare**

No material variance to report

**Housing**

No material variance to report

**Community Amenities**

No material variance to report

**Recreation and Culture**

No material variance to report

**Transport**

Timing of Main Roads Grants/ Licensing Commission down 20%.

**Economic Services**

Building Fees well ahead of budget due to Swan Cottage Homes fees

**Other Property and Services**

Private Works Invoices to be raised. No reimbursements for Engineer as not employed yet.

**SHIRE OF YORK  
VARIANCE REPORT  
AS AT 30 NOVEMBER 2009**

---

**OPERATING EXPENDITURE**

**General Purpose Funding**

No material variance to report

**Governance**

Timing of SEAVROC Project Expenditure and various Councillor Expenses

**Law, Order, Public Safety**

Timing of Various Fire and Animal Control Expenses

**Health**

New Health Officer yet to be employed./ Timing of maintenance on PML, Doctor's Housing

**Education and Welfare**

No material variance to report

**Housing**

No material variance to report

**Community Amenities**

Lower Waste Management Expenses, Town Planning down as part-time planner yet to start/ Cemetery Expenses lower due to timing of Cemetery Maintenance

**Recreation and Culture**

Timing Issues with the maintenance of various recreation facilities.

**Transport**

Excessive depreciation of road infrastructure assets/ Timing of Road Maintenance/ High Depot building maintenance

**Economic Services**

Timing Issues with festival assistance, town promotions, Visitor Centre Contribution & building control salaries.

**Other Property & Services**

Timing issues with allocation of plant operating costs and overheads. Additional Private Works Expenditure.

**SHIRE OF YORK  
VARIANCE REPORT  
AS AT 30 NOVEMBER 2009**

---

**CAPITAL PROGRAMME**

**Purchase Land & Buildings**

Timing of Budget Allocation for Forrest Oval Building Plans

**Purchase Plant & Equipment**

Timing of Plant Tenders

**Purchase Furniture & Equipment**

Timing of F&E purchases

**Infrastructure Assets Roads**

Timing of budget allocations for road construction program.

**Infrastructure Assets Recreation Facilities**

Timing of budget allocations for Forrest Oval Redevelopment.

**Infrastructure Assets Other**

Entry statement works not completed

**|Repayment of Debt - Loan Principal**

No material variance to report

**Transfers to Reserves**

Timing of Reserve Term Deposits maturing.

**LESS FUNDING FROM**

**Transfers from Reserves**

No material variance to report

**Loans Raised**

No material variance to report

**Opening Funds**

End of year adjustments to occur in finalisation of accounts.

## **9.4 Confidential Reports**

Dealt with after 9.5 Late Reports.



## **9.5 Late Reports**

Items dealt with prior to Confidential Reports 9.4.

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

### **9.5 LATE REPORTS**

#### **9.5.1 Reserve 19834 Qualen West Road**

<b>FILE NO:</b>	<b>QU2.30730</b>
<b>COUNCIL DATE:</b>	<b>21<sup>st</sup> December 2009</b>
<b>REPORT DATE:</b>	<b>20<sup>th</sup> December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Reserve 19834 Qualen West Road</b>
<b>APPLICANT:</b>	<b>Not Applicable</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, Chief Executive Officer</b>
<b>REPORTING OFFICER:</b>	<b>Graham Stanley, Deputy CEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

This report recommends that Council supports the transferring of control of Reserve 19834 from the Shire of York to the Talbot Land Management Group and that funds be made available to remove rubbish from and rehabilitate the spent gravel pit on the reserve.

#### **Background:**

Reserve 19834 Qualen West Road was previously a gravel reserve vested in the Shire of York and the Shire has exhausted the gravel supplies on this reserve. Recently an application was submitted to the Department of Regional Development and Lands to have the purpose of the reserve changed to "*Gravel, Recreation and Protection of Natural Landscape*" and that application is progressing. Following a suggestion put forward that Council considers making the reserve available for the use of off-road motor cyclists considerable community comment was received, overwhelmingly opposed to that idea. In the process of receiving community input the Talbot Brook Land Management Association expressed a strong interest in taking over the management of the reserve and assisting with the rehabilitation of the reserve in particular the old gravel pit.

#### **Consultation:**

Talbot Brook Land Management Association.  
Residents and Ratepayers in the vicinity of Reserve 19834.  
Department of Regional Development and Lands

#### **Statutory Environment:**

The placing, care and control of reserves is covered under section 46 of the Land Administration Act 1997. It is a lengthy section of the legislation but in part states:

#### **46. *Placing of care, control and management of reserves***

- (1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*

#### **Policy Implications:**

Nil

**Financial Implications:**

The Shire is obliged to rehabilitate the gravel pit and remove rubbish from the site. The Talbot Brook Land Management Association wish to be involved in this and have indicated that they would like the Shire to make plant and operators available to load and cart away rubbish that has been dumped in the reserve and to help level and rip this gravel pit to make it suitable in which to plant trees. It may require the hiring of a bulldozer for this purpose. It is suggested that up to \$15,000 could be made available out of the Shire's road maintenance budget to rehabilitate the reserve.

**Strategic Implications:**

Consistent with KRA 6 *"Environment"* and in particular Objective 3 *"To encourage community involvement in environmental protection"*, Objective 4 *"To assist landowners, conservation and catchment groups to undertake sustainable land management practices and projects"* and Objective 5 *"To work with the community and other stakeholders to protect the Shire's natural resources and redress degradation and other environmental issues."*

**Voting Requirements:**

**Absolute Majority Required:**                      **No**

**Site Inspection:****Site Inspection Undertaken:**

The site has been inspected by both the Works Director and Council's recently resigned ranger. The Works Director advised that there are no useful supplies of gravel left at the reserve and the former ranger inspected the rubbish that had been illegally dumped in the reserve and was unable to determine who had dumped the rubbish. The rubbish needs to be removed.

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

Council is currently responsible for the management of the reserve and has a responsibility to remove the rubbish and rehabilitate the gravel pit. This recommendation suggests that up to \$15,000 be made available from this year's budget for this purpose.

**Social Implications:**

The Talbot Land Management Association is a very active group having won awards for their activities in caring for the environment. Supporting them by seeking to have the management of the reserve placed in their control would be a positive move to demonstrate that the Shire supports them in their endeavours and will give them a worthwhile project in which to place their energies.

**Environmental Implications:**

The rehabilitation of the reserve is required. By placing the control of the reserve in the hands of the Talbot Land Management Association, Council will be giving control of the reserve to a passionate, energetic group who will be able to give the reserve much more attention than the Shire is likely to, resulting in better care and management of the reserve and a better environmental outcome. The group will have access to grant funding from various land care grants that are available on a regular basis.

**Comment:**

The Shire has an obligation to rehabilitate the gravel pit and remove the illegally dumped rubbish as previously stated. By transferring control of the reserve to the Talbot Land Management Association Council will be placing the control of the reserve in the hands of a group who is vitally interested in its rehabilitation and the environmental benefits this can give. The Talbot group have indicated that they are interested in applying for grant funding from land care sources to improve the reserve and Council should support any funding applications that the Association may submit in respect to the reserve. A request will need to be submitted to the Department of Regional Development and Lands for the transfer of control to be considered.

**RESOLUTION****131209****Moved: Cr Boyle****Seconded: Cr Randell*****“That Council:***

- 1. Supports the management control of Reserve 19834 being transferred to the Talbot Land Management Association;***
- 2. Makes up to \$15,000 available from the 2009/10 budget for road maintenance to be used to clean up rubbish in the reserve and rehabilitate the gravel pit under the Shire’s direction; and***
- 3. Supports any grant funding applications that the Talbot Land Management Association may submit in respect of works at Reserve 19834.***

***CARRIED (5/0)***



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

### **9.5 LATE REPORTS**

#### **9.5.2 Engineering Professional Services – Forrest Oval**

<b>FILE NO:</b>	<b>CCP.7</b>
<b>COUNCIL DATE:</b>	<b>21<sup>ST</sup> December 2009</b>
<b>REPORT DATE:</b>	<b>21<sup>ST</sup> December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Forrest Oval</b>
<b>APPLICANT:</b>	<b>Not Applicable</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, Chief Executive Officer</b>
<b>REPORTING OFFICER:</b>	<b>Graham Stanley, Deputy CEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Quotations from Engineering Consultancies</b>

#### **Summary:**

This report recommends the appointment of L'n'C Hydraulics to provide engineering design, documentation and other services associated with the development of Forrest Oval.

#### **Background:**

Currently the Shire is in the process of redeveloping the recreation facilities at Forrest Oval. Earlier this year Council appointed Hodge & Collard Architects to design and document the proposed new sports building at Forrest Oval. During consultation it became apparent that engineering design services are required to design the layout of Forrest Oval to ensure that the levels, drainage, ovals, courts, car parks, roads and buildings all tie in with each other and that the works done in one stage of the project does not compromise other stages. As a result of this the sum of \$80,000 was included in the 2009/10 budget for this purpose. Council then asked Hodge & Collard to prepare a brief and seek written quotations to do the work. Hodge & Collard received three quotations ranging from \$75,907 to \$98,000 plus GST.

#### **Consultation:**

Hodge & Collard Architects

#### **Statutory Environment:**

Local Government Act 1995

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Within budget.

#### **Strategic Implications:**

Consistent with KRA 3 Community Development Objective 1 *"To have in place infrastructure to enable the community to develop."*

#### **Voting Requirements:**

**Absolute Majority Required:** No

#### **Site Inspection:**

**Site Inspection Undertaken:** Not applicable

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

Part of the overall redevelopment of Forrest Oval. Cost \$75,907 plus GST. Additional site inspections after 1<sup>st</sup> 6 if required at \$1,200 + GST

**Social Implications:**

Part of the redevelopment of Forrest Oval bringing improved recreational facilities and opportunities to York.

**Environmental Implications:**

Required to ensure that drainage issues are managed properly.

**Comment:**

All three quoting firms are reputable firms in this line of work. Hodge & Collard have worked with L'n'C on many projects including the design of the proposed building at Forrest Oval. L'n'C provided the lowest quote and come recommended by Hodge & Collard. This work is required to ensure that the building is placed in the best position and at a level that is tied in with the rest of the proposed development.

**RESOLUTION****141209****Moved: Cr Boyle****Seconded: Cr Randell*****“That Council:******Accepts the quotation provided by L'n'C Hydraulics to provide engineering services associated with the redevelopment of Forrest Oval at the quoted price of \$75,907 + GST.”******CARRIED (5/0)***

**9. OFFICER'S REPORTS**  
**9.5 LATE REPORTS**  
**9.5.3 Gazettal Notices - Various**

<b>FILE NO:</b>	<b>LE.ACT</b>
<b>COUNCIL DATE:</b>	<b>21 December 2009</b>
<b>REPORT DATE:</b>	<b>21 December 2009</b>
<b>LOCATION/ADDRESS:</b>	<b>Not Applicable</b>
<b>APPLICANT:</b>	<b>Shire of York</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Tyhscha Cochrane, MATS</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Gazettal Notices (replacement) Appendix A</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

Council is in the process of obtaining a replacement Ranger while Angela Plichota is on maternity leave.

Gazettals under the following Acts require updating to allow the authorised persons to carry out the procedures delegated under each Act:

Caravan Parks & Camping Grounds Act 1995  
Control of Vehicles (Off-Road Areas) Act 1978  
Litter Act 1979  
Local Government (Miscellaneous Provisions) Act 1960  
Dog Act 1976  
Bush Fires Act 1954

**Background:**

Stuart Hopwood was gazetted at the August 2009 Ordinary Council meeting.

**Consultation:**

Consultation was undertaken with the Chief Executive Officer.

**Statutory Environment:**

Nil.

**Policy Implications:**

Nil.

**Financial Implications:**

There will be a cost associated with advertising the gazettal notices in the Government Gazette.

**Strategic Implications:**

Nil.

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable



**Triple bottom Line Assessment:**

**Economic Implications:**

Not Applicable.

**Social Implications:**

Potential improved customer service through the extended delegations of Authorised Officers.

**Environmental Implications:**

Not Applicable.

**Comment:**

It is recommended that the Officers recommendation be accepted.

**RESOLUTION**

**151209**

**Moved: Cr Randell**

**Seconded: Cr Lawrance**

***“That Council:***

- (1) *Replace the names with the updated list of Authorised Persons for the following Acts (as referred to in Attachment A):***

***Caravan Parks & Camping Grounds Act 1995***

***Control of Vehicles (Off-Road Areas) Act 1978***

***Litter Act 1979***

***Local Government (Miscellaneous Provisions) Act 1960***

***Dog Act 1976***

***Bush Fires Act 1954***

- (2) *Undertake all statutory procedures for the amendment of the Authorised Persons.”***

***CARRIED (5/0)***

**APPENDIX A  
9.5.3  
(REPLACEMENT)**

**CARAVAN PARKS AND CAMPING GROUNDS ACT 1995**

*Shire of York*

**APPOINTMENT OF AUTHORISED PERSONS**

It is hereby notified for public information that the following persons have been appointed as authorised persons for the Shire of York -

**Authorised Officers**

Angela Plichota  
Ray Hooper  
Tyhscha Cochrane  
Shane Fewster

Patrick Ruettjes  
Gordon Tester  
Jan Rogers

All previous appointments are hereby revoked.

Signed .....  
RAY HOOPER  
Chief Executive Officer

Dated .....

**DOG ACT 1976**

*Shire of York*

**APPOINTMENT OF AUTHORISED PERSONS AND REGISTRATION OFFICERS**

It is hereby notified for public information that the following persons have been appointed as authorised persons for the Shire of York -

**Authorised Officers**

Ray Hooper  
Angela Plichota  
Tyhscha Cochrane  
Don Randell  
Robert Windsor  
Robert MacKenzie  
Jan Rogers  
Clint Strickland  
Richard Smith  
Shane Fewster  
Geoff Crossing

**Registration Officers**

Hayley McNamara  
Kate Emin  
Nicole McNamara  
Matthew Davies  
Natasha Brennan  
Jody Lilleyman  
Lindy Dewar

All previous appointments are hereby revoked.

Signed .....  
RAY HOOPER  
Chief Executive Officer

Dated .....

**LITTER ACT 1979**

*Shire of York*

**APPOINTMENT OF AUTHORISED PERSONS**

It is hereby notified for public information that the following persons have been appointed as authorised persons for the Shire of York -

**Authorised Officers**

Angela Plichota	Jan Rogers
Ray Hooper	Tyhscha Cochrane
Patrick Ruetjjes	Geoff Crossing
Shane Fewster	Gordon Tester

All previous appointments are hereby revoked.

Signed .....  
RAY HOOPER  
Chief Executive Officer

Dated .....

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960**

*Shire of York*

**APPOINTMENT OF AUTHORISED PERSONS AND POUND KEEPERS**

It is hereby notified for public information that the following persons have been appointed as authorised persons for the Shire of York -

**Authorised Officers**

Angela Plichota  
Ray Hooper  
Jan Rogers  
Tyhscha Cochrane  
Don Randell  
Robert Windsor

Robert MacKenzie  
Richard Smith  
Shane Fewster  
Peter Atkins  
Clint Strickland

All previous appointments are hereby revoked.

Signed .....  
RAY HOOPER  
Chief Executive Officer

Dated .....

**CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978**

*Shire of York*

**APPOINTMENT OF AUTHORISED PERSONS**

It is hereby notified for public information that the following persons have been appointed as authorised persons for the Shire of York -

**Authorised Officers**

Angela Plichota	Jan Rogers
Ray Hooper	Gordon Tester
Tyhscha Cochrane	Shane Fewster

All previous appointments are hereby revoked.

Signed .....  
RAY HOOPER  
Chief Executive Officer

Dated .....

**BUSH FIRES ACT 1954  
FIRE CONTROL OFFICERS**

*Shire of York*

**APPOINTMENT OF AUTHORISED PERSONS**

In accordance with the Bush Fires Act 1976 as amended, the following persons are hereby appointed as authorised Fire Control Officers and Fire Weather Officers as described for the Shire of York –

**Chief Bush Fire Control Officer**  
**Deputy Chief Bush Fire Control Officer**

Mr Peter Boyle  
Mr Terry Davies  
**Dual FCO – Shire of Beverley**

**Burges Siding Bush Fire Brigade**

Stephen Chipper  
Glen Davies  
Andrew Boulton  
Tony Robinson  
Peter Monger  
Warrick McGregor

**Greenhills Bush Fire Brigade**

Charles Boyle  
Graham Penny  
Paul Jenkinson **Dual FCO Beverley**  
David Jenkinson  
Simon Penny  
Jeremy Marwick  
Norm Whitburn **Dual FCO Beverley**

**Malebell Bush Fire Brigade**

Peter Humphrey  
John Hewett  
Murray Hewett  
Chris Joyce  
Eddie Humphrey  
Tim Springbett  
Bruce Gentle

**Talbot Brook Bush Fire Brigade**

John Dawson  
Robert Chester  
Dave Emin  
Denis Luelf  
Vin Green

**York FESA Unit**

John Weeks  
Richard Boulton  
Angela Plichota  
Warrick McGregor  
Stuart Hopwood  
Shane Fewster  
Jan Rogers

**Fire Weather Officers**

Robert Chester  
Paul Jenkinson  
David Jenkinson  
John Hewett  
Vin Green  
Tim Springbett

**Dual FCO Inkpen Brigade Northam**

Clive Owen

All previous appointments are hereby revoked.

Signed .....  
RAY HOOPER  
Chief Executive Officer

Dated .....

Late reports 9.4 dealt with:

4:12 pm – Mrs Cochrane removed herself from the room.

#### 9.4.1 Acting Deputy Chief Executive Officer

##### **RESOLUTION 161209**

**Moved: Cr Randell                      Seconded: Cr Hooper**

***“That Council:***

***Approve the appointment of Tyhscha Cochrane to the position of Acting Deputy Chief Executive Officer for a 12 month period commencing on the 8<sup>th</sup> January 2010.***

***Advice Note:***

- (1) Prior to the end of the 12 month period the position will be advertised and the incumbent will be required to apply for the contract position for an appointment of up to 5 years.***
- (2) The position of Manager and Administration and Technical Services will remain vacant for the above 12 month period to allow the officer to revert to that position if desired.”***

**CARRIED (5/0)**

4:15pm – Mrs Cochrane returned to the room.

#### 9.4.2 Manager Environmental Health and Building Services

##### **RESOLUTION 171209**

**Moved: Cr Scott                      Seconded: Cr Boyle**

***“That Council authorise the Chief Executive Officer to negotiate, sign and affix the seal to a fixed term contract with Mr Gordon Tester in accordance with Section 5.39 of the Local Government Act 1995, using the terms and conditions as shown in Appendix “A”.”***

**CARRIED (5/0)**

#### 9.4.3 Australia Day Awards

##### **RESOLUTION 181209**

**Moved: Cr Boyle                      Seconded: Cr Randell**

***“That Council:***

- (1) receive the Notes from the York Honours Reference for the Meeting held on the 17<sup>th</sup> December 2009;***
- (2) endorse the recommendations from the York Honours Reference Group for the Junior Citizen of the Year and the Citizen of the Year Award, for 2009;***



- (3) *endorse the recommendations from the York Honours Reference Group for the Junior Sports Star of the Year Award and the Senior Sports Star of the Year Award, for the Year 2009;***
- (4) *recognise and acknowledge all nominees with a certificate of appreciation prior to the presentation of the awards;***
- (5) *invite a representative from the York Honours Reference Group and the York & Districts Community Bank to assist in the presentation of the Awards;***
- (6) *present the awards at the Australia Day Breakfast in January 2010.”***

***CARRIED (5/0)***



## 10. NEXT MEETING

### **RESOLUTION**

**191209**

**Moved: Cr Randell**

**Seconded: Cr Lawrance**

***“That Council:***

- A. hold the next Ordinary Meeting of the Council on February 15, 2010, commencing at 3.00pm in the Lesser Hall , York; and***
- B. hold a Special Council Meeting on January 4, 2010 at 5.00pm in the Lesser Hall, York for the purpose of accepting the Annual Report, Audit Report and Annual Financial Statements for 2008/09.”***

***CARRIED (5/0)***

## 11. CLOSURE

The Shire President, Cr Pat Hooper, declared the meeting closed at 4.17pm.