

SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 16th FEBRUARY, 2009
COMMENCING AT 3.00PM IN THE
COUNCIL CHAMBERS, YORK**

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"To build on our history to create our future"

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, FEBRUARY 16, 2009,
COMMENCING AT 3.00PM IN THE Council Chamber, Upstairs in the Town Hall, YORK.

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

1. OPENING

- 1.1 Declaration of Opening at 3.00pm
- 1.2 Chief Executive Officer read the disclaimer
- 1.3 Announcement of Visitors - Nil
- 1.4 Announcement of any Declared Financial Interests
R Hooper, CEO – 9.2.7 - Financial

2. ATTENDANCE

- 2.1 Members: Crs Hooper, Boyle, Randell, Fisher, Lawrance, Walters
- 2.2 Staff: R Hooper, G Stanley, T Cochrane, P Ruettjes, D Lawn, P Stevens, J Treloar, P Mogridge
- 2.3 Apologies - Nil
- 2.4 Leave of Absence Previously Approved - Nil
- 2.5 Number of People in Gallery at Commencement of Meeting - 24

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

R Paton

Question: *I would ask Councillors to reconsider applying the levy to this application, before the December 2008 Minutes are confirmed in fairness to all Ratepayers.*

Response: Taken on Notice

Gillian Finestone

Question: *Could the shire please explain their policy on the purchase of goods and services from local business?*

Response: The Shire of York has 2 policies in place –

1. Local purchasing policy
2. Regional purchasing policy

The Shire of York is still required to work within the National Competition Policy and sound commercial practices to ensure appropriate financial management. Further information can be obtained by attending the Council front counter.

4. PUBLIC QUESTION TIME

Darlene Barratt

Question: Concerning Item 9.4.7 – What is the urgency in dealing with this matter as the WALGA information on dealing with this matter is that it needs to be within 6 months of the expiry of the contract?

Response: Council has made the decision to deal with this matter at this time as it is within 6 months of the expiry of the contract.

Yvonne Dols

Question: 1. Drainage – Has the shire finally acknowledged that York is at risk from unseasonal downpours, due to changed climate conditions and consequently when will our drainage problems become a priority instead of a cosmetic revamp again of our main street?

Response: We are aware that the drainage is a problem in abnormal rain events and Council have begun a review of the drainage system. As you would be aware the issue also involves Main Roads WA and therefore this issue is being discussed with them.

Simon Saint

Question: Why was I not advised in writing of the development proposal for the Imperial Hotel as I am an adjoining landowner?

Response: A copy of the advertisement should have been forwarded to you by mail. Mail records will be checked to find out if yours was sent.

David Paton

Questions:

1. *Why time was wasted planning a multipurpose building which is trying to be too many things to too many people on land that is too small for future expansion?*
2. *Why was a Doctors Surgery planned on land behind the Castle Hotel when in fact the land was not the Shire of York's to build on?*
3. *Why was work done (marking angle parking) at Ratepayers expense on the one way road at McCartney Street when in fact the Shire Administration needed approval from the Planning Minister?*
4. *Why was the Grant money for the bridge at South Street used for other purposes and the Ratepayers in danger of finding approximately \$400,000 to pay back?*
5. *Why was a building permit provided for the extensions to Settlers Tavern, when there was, I believe, a problem with the land title?*
6. *Why was the amount budgeted for the multi purpose building underestimated by the Shire Administration?*
7. *Why was land sold in Redmile Road by the Shire of York without the owners being aware that the land had a caveat on it?*
8. *Where is the timber and Pylons purchased by a local group to build a viewing platform over the river in Avon Park? Is it envisioned for this project to be completed?*
9. *When will the drainage in York be upgraded?*
10. *What has happened to the proposed Equestrian Centre, why has there not been any consultation to all of the stakeholders on this for the past four years?*

Response by CEO: South Street Bridge issue arose well before the current CEO's term. The rest of the questions are taken on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE - Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Mrs Dee Adams presented a petition regarding the Proposed Motocross Track on Quellington Road. The petition was signed by 36 people and read as follows:

*Planning Application Objection – We, the undersigned, object to the planning application at 1238 Quellington Road York for a Public Motor Bike Track on the grounds that if the development went ahead it would result in an unacceptable level of noise lowering our quality of life, cause distress to our live stock, significantly reduce property values, pollute our environment, damage the Mortlock River, cause traffic problems along Quellington Rd and be an unacceptable fire risk during the summer months.
We would like this petition to be presented to all councillors and Tabled at the next council meeting.*

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Meeting of Council held December 15, 2008

Corrections - Nil

Confirmation

**RESOLUTION
010209**

MOVED: Cr Boyle SECONDED: Cr Fisher

“That the minutes of the Ordinary Council Meeting held December 15, 2008 be confirmed as a correct record of proceedings.”

CARRIED (5/0)

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

This Council as with all other Councils have felt the recent tragedies of the past few weeks in Queensland and Victoria. The Apex Club will be depositing a sea container in the Howick Street Carpark for the purpose of collecting goods from the York Community for transport to the affected regions. The Church of Christ pastor Brett Butler conducted a service for the victims of the fires and raised over \$4000 dollars for the cause. Terry Davies is travelling to the Victorian bush fire area to provide his expertise to assist in the tragedy and we all send our best wishes and thanks to him for this.

14th March – Men’s Health Day – Conducted through the York Hospital Group – Bookings being taken now – Details in page 6 of the February issue of the Community Matters. We encourage all men to take advantage of this potentially life saving event.

Presentation to Patricia Mogridge for recognition of her extraordinary contribution of 25 years of service to the shire.

9. OFFICER’S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 North West Residential Precinct - Amendment No 22

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

FILE NO:	PS. TPS. 17
COUNCIL DATE:	16 February 2009
REPORT DATE:	3 February 2009
LOCATION/ADDRESS:	Shire of York
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper
REPORTING OFFICER:	David Lawn/Patrick Ruettjes
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Schedule of Submissions
DOCUMENTS TABLED:	Scheme Amendment 22

Summary:

This Scheme Amendment proposes a change of residential densities in the Residential Zone areas and a change of zoning of part of the precinct from Rural Residential to Residential Zone.

Background:

The proposal as projected by the Local Planning Strategy was for the preparation of an Outline Development Plan (ODP) illustrating the manner by which further subdivisions and developments should be promoted.

The second phase of the procedure was to initiate a Scheme Amendment to allow the ODP principles to be included in the Scheme and open the way for further subdivisions to be considered by the Western Australian Planning Commission.

Consultation:

Both the ODP and the Scheme Amending Documents have been widely advertised and submissions invited.

Relevant government agencies and affected landowners were requested to provide submissions with the closing date of the 30th January 2009.

Those agencies contacted were:

Telstra
Western Power
Water Corporation
Tourist Commission WA
Public Transport Authority
Heritage Council WA
Main Roads WA
FESA
Department of Water
Department of Industry and Resources
Department of Health
Department of Environment and Conservation
Department of Agriculture

As at the close of submissions eleven (11) responses were received (see Appendix A).

Statutory Environment:

The ODP and the Scheme Amendment followed the recommendations of the Local Planning Strategy.

Modifications to the current town planning scheme propose no radical changes.

Policy Implications:

Nil.

Financial Implications:

Developer Contributions will apply for developers including contributions towards the preparation and management of the amendment.

Strategic Implications:

Compliant with the Local Planning Strategy and ODP.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:**Site Inspection Undertaken:**

Several site inspections were made during the preparation of the ODP and the Amendment.

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

Further subdivisions will promote the construction of new dwellings in the precinct.

Social Implications:

Additional occupancy of the town with flow on effect of households requiring services from local businesses. Further use of community facilities will follow.

Environmental Implications:

Improved drainage and road conditions will follow as development proceeds.

Comment:

This amendment has been in the process for an inordinate amount of time.

Council should endorse the amendment to bring into effect the changes proposed and allow applications for subdivision and development to happen.

Only the Water Corp and Telstra have concerns over services. It is the responsibility of these agencies to provided services at time of subdivision approval.

An inconsistency between the recommendations of this amendment and the Outline Development Plan for the North West Residential Precinct is the density code of an area to the southern end that is currently zoned 'Residential R10/30'. The original amendment document proposed to remove the R30 portion of the density coding, while the ODP proposed an R5 density code. It is proposed to address this inconsistency by excluding this area from the amendment area and retain the R10/30 coding. Landowners are advised that not the density code, but the availability of deep sewer sets the limits for subdivision in this area.

It is therefore recommended to adopt Amendment No. 22 for final approval with modification, the modification being the replacement of clauses 1 to 4 of the original rezoning recommendation by clauses 1 to 3 of the officer recommendation of this report.

OFFICER RECOMMENDATION

**RESOLUTION
020209**

MOVED: Cr Boyle SECONDED: Cr Randell

“That Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 22 to the Shire of York Town Planning Scheme No. 2:

- 1. *Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by-***
 - a) *Rezoning -***
 - *Lots 4, 53 and 54 Carter Road, York, Lots 2, 3, 46, 55, 56, 57, 64, 65, 73, 79, 80, 87, 88, 94, 95 and 301 Bland Road, York, Lot 47 Ulster Road, York and Lot 510 Tenth Road, York, from ‘Rural Residential’ to ‘Residential R2.5’,***
 - *Lots 45 and 341 Ulster Road, York, Lots 34, 38, 39 and 43, Bland Road, York, Lots 36, 37 and 40 Eleventh Road, York, Lots 32 and 33 Tenth Road, York, and Lots 31, 35, 41, 42 and 340 Osnaburg Road, York, from ‘Rural Residential’ to ‘Residential R5’,***
 - *Lots 212, 214, 216, 218, 220, 222 and 224 Tenth Road, York, Lots 226 and 274 Osnaburg Road, York, Lots 215, 217, 219, 221, 223, 225, 227, 262, 264, 266, 268, 270 and 272, Roe Street, York, Lots 265, 267, 269, 271, 273, 275, 448, 449, and 515 to 519 Ninth Road, York, Lots 213, 340 to 344, 514, 524 to 528 and 800 Bland Road, York, and Lots 520 to 523 Lee Crescent, York, from ‘Residential R2.5’ to ‘Residential R5’;***
 - b) *Deleting Lots 45, 47 and 341 Ulster Road, York, Lots 4, 53, 54, 58, 63, 71, 74, 78, 86, 89, 93 and 96 Carter Road, York, Lots 2, 3, 34, 38, 39, 43, 46, 55, 56, 57, 64, 65, 73, 79, 80, 87, 88, 94, 95 and 301 Bland Road, York, Lots 36, 37 and 40 Eleventh Road, York, Lots 31, 35, 41, 42 and 340 Osnaburg Road, York, Lots 32, 33, 66 and 510 Tenth Road, York, and Lot 81 Ninth Road, York, from SCHEDULE 6 – RURAL RESIDENTIAL ZONES – ULSTER;***
 - c) *Modifying SCHEDULE 6 – RURAL RESIDENTIAL ZONES by adding the area ‘NORTH WEST PRECINCT’ as follows:***

NORTH WEST PRECINCT

Lots 58, 63, 71, 74, 78, 86, 89, 93, and 96 Carter Road, York; Lot 66 Tenth Road, York; Lot 81 Eleventh Road, York.

1

The minimum lot size shall be no less than 1.0 hectare.

- 2. *Forward Scheme Amendment No. 22 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”***

CARRIED (6/0)

**ITEM 9.1.1
APPENDIX A**

SCHEDULE OF SUBMISSIONS

No	Agency /Landowner	Comments	Council Response
1	Western Power	No objections to the amendment	Acknowledged
2	Tourism Western Australia	No comments to make at this time.	Acknowledged
3	David Gregory 21 Durack Cres GOSNELLS 6110	Agreement with the concept	Acknowledged
4	Heritage Council WA	No comment to make	Acknowledged
5	Water Corporation	<p>Limited water supply to elevation of 220 M AHD</p> <p>Capacity for water supply is limited and will require upgrading.</p> <p>Developer responsible for all costs associated with the provision of water.</p> <p>Developers responsible for minor works and contributions towards headworks.</p> <p>Developers should liaise with the Water Corp at preliminary stages of development.</p>	<p>The only portion of the precinct at 220 m is the Pony Club NO residential development is proposed on this site.</p> <p>Acknowledged</p> <p>Acknowledged</p> <p>Acknowledged</p> <p>Acknowledged</p>
6	Telstra	<p>Underground services not able to take an increase in density.</p> <p>Telstra not in a position to request trenches from developers as the area is of fragmenting ownership and development will be incremental as against 'greenfields' subdivision.</p> <p>Telstra would be at a financial impost if this amendment proceeded.</p> <p>Suggests that all landholders to agree to contribute or the Shire to take this responsibility.</p> <p>Difficult to upgrade the existing network to service the new lots.</p>	<p>Acknowledged</p> <p>This is largely an infill program and will take many years for full potential of development to be realised.</p> <p>Responsibility of Telstra to provide this service.</p> <p>Beyond probability to get all landholders together to agree. Not all landholders want to subdivide. The Shire is not in a position to be responsible for this.</p> <p>Acknowledged.</p>

7	Department of Water	Request the submission of a Local Water Management Strategy (LWMS) that contains the level of information that reflects the level of risk to water resources with particular emphasis on the Avon River. The LWMS should be approved by Council.	Acknowledged.
8	Public Transport Authority	No objections to the proposal.	Acknowledged.
9	Main Roads WA	No comments to make on this amendment.	Acknowledged.
10	Mr P Sharkey 75 Kimberley Street West Leederville	Acknowledge Scheme Amendment.	Acknowledged.
11	Mr K Schekkerman PO Box 147 York	Support the rezoning of the blocks in question.	Acknowledged.

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.2 Lot 1932 Sees Road, Malebelling

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

FILE NO: Se3. 2460
COUNCIL DATE: 16 February 2009
REPORT DATE: 6 February 2009
LOCATION/ADDRESS: Lot 1932 Sees Road, Malebelling
APPLICANT: J & C Zenner
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Cochrane/Patrick Ruettjes
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Report with previous recommendations
DOCUMENTS TABLED: Nil

Summary:

The applicant is requesting approval to for uses not listed (Public Amusement, Caravan Park and Lodging House) at the property located at Lot 1932 Sees Road, Malebelling.

Background:

Council advised previous landowners that it approved, at its ordinary meeting of 24 April 2005, the operation of a tourist development, conference facilities, farmstay, Bed & Breakfast and aviation activities at Lot 1932 Sees Road, Malebelling subject to the following:

1. Classification as a Lodging House, housing a maximum of twelve (12) people at any one time and for short-term accommodation only;
2. Noise levels created are not to exceed the requirements of the Environmental Protection (Noise) Regulations 1997 or any other regulations that cover airstrips;
3. The issuance of a building licence for any building works prior to work being carried out;
4. Any signage, visible from the road, requires the approval of the Council prior to erection;
5. A fire management plan being endorsed by Council;
6. An approved effluent disposal system is to be installed to cater for all cottages and must be in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and must be approved by the Health Department of Western Australia;
7. That all development comply with Australian Standards AS1428 Parts 1–4 Design for Access and Mobility;
8. Providing sufficient potable water onsite;
9. Compliance with the Australian Drinking Water Quality Standards;
10. The seminar and conference room facilities are restricted to the number of persons being able to be accommodated at any one time being twelve (12);

11. All relevant annual licence fees being paid;
12. Car parking to be provided on site; and
13. Compliance with the Health (Public Buildings) Regulations 1992.

Advice Note:

- a The activities such as ultra light flying or other aeronautical pursuits are considered to be incidental to the farmstay and seminar/conference facilities.
- b In regards to Condition 5 this will need to be submitted to the Chief Fire Control Officer for comment.
- c Any necessary approvals in place from the Civil Aviation Authority.
- d When submitting building plans a copy will need to be submitted to FESA”.

Council’s Environmental Health Officer (EHO) Peter Stevens attended the property to do a site inspection on the 2 May 2006 and provided the following correspondence dated 12 May 2006:

“This is to confirm the inspection of the above premises carried out on the 2 May 2006 by Council’s Environmental Health Officer, Peter Stevens.

As discussed on the day a Certificate of Approval for the conference room cannot be issued until the following items have been completed: -

- *hard wired smoke alarm to be installed in suitable position within the conference room;*
- *two 4.5Kg dry powder fire extinguishers to be positioned within the conference room;*
- *sliding door is to be converted to twin outward opening emergency exit doors with single action panic bar and ramp egress;*
- *fit electrically operated exit sign above emergency exit in accordance with AS 2293;*
- *exit should have the words ‘Emergency Exit Do Not Obstruct’ in 100 mm high letters on the outside of the doors;*
- *the toilet is to be altered to comply with AS1428.1 to provide access to persons with disabilities.*

In addition to the requirements for the conference facility please ensure that :-

- *hard wired smoke alarms are fitted in the accommodation area*
- *at least one 4.5 kg dry powder fire extinguisher and fire blanket are located in the kitchen area”.*

Council’s Environmental Health Officer advised that none of the above items have been addressed to date.

Consultation:

Council wrote to the applicants requesting additional information, as follows:

“This proposal will be presented to Council at its meeting to be held on the 16th February 2009. To enable a thorough assessment please provide additional information as follows:

1. *Plans for the buggy circuit and all other associated activities including how many ablution facilities are available on site etc.*
2. *Easement – How will this be maintained, what traffic numbers are likely, will the easement be upgraded?*

3. *What measures are being taken for noise abatement?*
4. *What are the likely numbers of people attending at any one time?"*

As required by the Scheme the application was advertised, a sign placed on the property and adjoining owners notified and no submissions were received.

Submission 1 – Correspondence received on the 22 January 2009.

"We are concerned about the number of vehicles and size of vehicles e.g. buses that would be using the easement on our property. The easement is for the access of the residents, owners of 187 Sees Road, not large numbers of visitors, guests – bus loads. We would like to know what is proposed for the upgrade, maintenance of the easement and what assurance for security against trespass and safety of future stock placement on our property, as in the near future we will be residing on our property, also what noise levels will be produced, we are very concerned about the camping with fires, what would be put in place for this".

Submission 2 – Correspondence received on the 2 February 2009.

"Representing Mobedine I would like to object to the change in use of Lot 1932, 187 Sees Road. This block is in the middle of a farming area and so would put at risk to nearby farms. The block is already a fire risk due to the lack of stock to keep the grass down. Camping and other activities would make the fire risk very area. This block is on a tributary of the Mackie River and has considerable timber to west and the east which would make fire fighting very difficult.

In time normal farming operations would be curtailed such as crop spraying and the laying of poison baits for vermin control".

Submission 3 – Correspondence received on the 4 February 2009.

"The following issues are required to be considered:

1. *The location of this proposal is in a dominant farming area.*
2. *The increase in fire hazard not only to the farming community in the area but also to the participants of this proposal.*
3. *Chemical use – yet another hazard to those involved.*
4. *Health Issues – Accidents, sudden illness yet another increase in the workload of the St John's Ambulance, and York Hospital given the limited staff and facilities available".*

Submission 4:

"I myself are not in favour of this as this is farming and any extra noise becomes a problem as already light aircraft from that property disturbs my cattle.

Also when spraying your crop pasture there will most likely be complaints from tourists that may camp there over chemical sprays."

Statutory Environment:

Caravan and Camping Grounds Regulations 1997, Regulations 11(2)(a) & 12 (2)(a)

Health Act 1911 s.99(1)& (2), s.107 (2)(b);

Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974, r.4A (2);

Planning and Development Act 2005; and

Shire of York Town Planning Scheme No.2:

“3.2.3 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

3.2.4 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:

(a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or

(b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.3 in considering an application for planning consent; or

(c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.”

The following definitions are relevant under the Shire of York Town Planning Scheme No. 2:

public amusement: means land and buildings used for the amusement or entertainment of the public, with or without charge.

camping area: means land used for the lodging of persons in tents or other temporary shelter.

caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.

Policy Implications:

Nil relevant to this report.

Financial Implications:

The Council collected fees associated with the planning application and the advertising.

Strategic Implications:

Key Result Area 2 – Economic Development and Tourism – Objective 2:

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes – EHO

Triple bottom Line Assessment:

Economic Implications:

Encouraging more people to visit York has economic benefits to the York community as a whole.

Approval of alternative caravan accommodation may detract from business to York’s caravan park.

Social Implications:

This proposal provides the opportunity for the applicant to attract to the York area additional visitors that would bring associated benefits to the York community as a whole.

Environmental Implications:

Increased risk of fire from camping activities such as barbeques.

Additional human impact on environment due to increased effluent load and rubbish.

Comment:

The following concerns were expressed through the submissions received during the advertising period:

- number of vehicles and size of vehicles e.g. buses that would be using the easement - upgrade, maintenance of the easement;
- what assurance for security against trespass and safety of future stock placement;
- noise levels;
- camping with fires;
- located in the middle of a farming area and so would put at risk to nearby farms;
- block is on a tributary of the Mackie River and has considerable timber to west and the east which would make fire fighting very difficult;
- In time normal farming operations would be curtailed such as crop spraying and the laying of poison baits for vermin control;
- The location of this proposal is in a dominant farming area;
- The increase in fire hazard not only to the farming community in the area but also to the participants of this proposal;
- Chemical use – yet another hazard to those involved;
- Health Issues – Accidents, sudden illness yet another increase in the workload of the St John's Ambulance, and York Hospital given the limited staff and facilities available.

The proposed use will need to address issues relating to the above concerns.

The objectives of the 'General Agriculture' zone is to ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities. However Council can consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment and to allow for facilities for tourists and travellers, and for recreation uses.

Officers are of the opinion that the proposed development can be accommodated on the subject property, subject to the conditions being appropriately met.

While the proposal is recommended for conditional approval, basic requirements have to be addressed prior to commencement of any development. This is reflected in the following conditions.

OFFICER RECOMMENDATION

RESOLUTION

030209

MOVED: Cr Boyle SECONDED: Cr Lawrance

“That Council advise the Applicant that it approves a use not listed (public amusement, caravan park and lodging house) at Lot 1932 Sees Road York in accordance with clause 3.2.4 (b) of the Shire of York Town Planning Scheme No. 2, subject to the following conditions:

- 1. Development must substantially commence within two years from the date of this decision;***
- 2. Prior to commencement of the development a site plan being provided containing the following details:***
 - (a) street name and lot number;***
 - (b) north point and scale bar;***
 - (c) all boundary and area dimensions;***
 - (d) spot levels and contours;***
 - (e) positions and dimensions, horizontal and vertical, of existing and proposed buildings and other structures;***
 - (f) positions and dimensions of existing and proposed vehicle and pedestrian accessways, parking and circulation areas; and***
 - (g) positions and dimensions of any activity areas proposed;***
- 3. Development taking place in accordance with the approved plans;***
- 4. Prior to occupation of the development, provision of on site car parking in accordance with the Shire of York Town Planning Scheme No. 2 to accommodate a minimum of 20 vehicles at any given time;***
- 5. All car parking, vehicle access and circulation areas are to be maintained and available for car parking, vehicle access and circulation on an ongoing basis to the satisfaction of the local government;***
- 6. All stormwater being contained and disposed of on-site;***
- 7. A fire safety plan be developed for the property and approved by the Fire & Emergency Services Authority and the local government; and***
- 8. An emergency evacuation plan to be prepared to the satisfaction of the local government.***

Advice Notes:

- a In relation to conditions 2 and 3 the applicant is advised that upon receipt of an adequate site plan and elevation plans these plans will be stamped and signed as the approved plans.***
- b In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to the commencement of the development hereby permitted.***

- c** *In accordance with the provisions of the Caravan Park and Camping Ground Act 1997, an application for a caravan park licence must be submitted to, and approval granted by, the local government prior to the commencement of the development hereby permitted.*
- d** *In accordance with the provisions of the Health Act 1911, an application to register the lodging house hereby permitted must be submitted to, and approval granted by, the local government prior to the occupation of the development hereby permitted.*
- e** *An approved effluent disposal system is to be installed, this must be approved by the State Department of Health in accordance with r.4A(2) of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and be of sufficient size to cater for additional uses.*
- f** *Noise levels created are not to exceed the requirements of the Environmental Protection (Noise) Regulations 1997.”*

CARRIED (6/0)

**APPENDIX
"A"
9.1.2**

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.7 PROPOSED TOURIST DEVELOPMENT, CONFERENCE FACILITIES,
FARMSTAY, BED AND BREAKFAST AND AVIATION ACTIVITIES

FILE NO: Se3.2460
COUNCIL DATE: 24 April 2006
REPORT DATE: 18 April 2006
LOCATION/ADDRESS: Lot 1932 Sees Road, York
APPLICANT: G & K Little
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Woolcock, SAO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes
DOCUMENTS TABLED: No

When acting as a planning authority in accordance with the powers conferred by the Town Planning and Development Act 1928 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

Summary:

The applicant is requesting approval to operate the property at Lot 1932 Sees Road, York as a tourist development including farmstay accommodation, bed and breakfast and limited aviation activities to those utilising the facilities. The applicants submitted the following information with their application:

"We are seeking approval for the building that has a garage backing on to it. See plan marked. This building to be used as a day seminar room/conference room.

Also require permission for land marketed to be used as runway. This is to be used by myself for my own private ultralight. Visiting pilots will also be using it. I will not be charging pilots to land. Pilots landing may wish to stay overnight at the farmstay/B & B.

There is a possibility that I may need to build a small shed to house my ultralight. Dimensions 10 metre wide by 6 metres deep. If I need to do this I will inform you A.S.A.P."

Background:

The land is zoned 'General Agriculture' under the Shire of York Town Planning Scheme No. 2 and the total area is approximately 40.46ha.

Council considered a previous application in regards to a farmstay and bed and breakfast facility at its Ordinary Council meeting held on 20 October 1997 where it was resolved as follows:

"That the Council approves the application from H M Hall for a Farm Stay at Lot 1932 Sees Road, York subject to:

1. *The issuing of a building licence to the satisfaction of the Manager of Environmental and Development Services;*
2. *No more than 12 people to be accommodated in the facility at any one time;*
3. *The farm stay facility is not be used for permanent accommodation;*
4. *Approval valid for a period of two (2) years; and*

5. *No other Class 1 buildings being permitted. As a result the Council would approve the incorporation of a residential quarters within the proposed building.*"

Consultation:

As required by the Scheme the application was advertised, a sign placed on the property and adjoining owners notified and one submission was received at the close of advertising.

Submission 1:

"Firstly, we would like to comment on the fact that a letter dated 24th March 2006 took eleven days to be delivered from York to Perth and that the deadline for comments falls on a public holiday thus reducing the time for us to obtain advice on this matter by more than fifty percent.

We would also like to thank the staff at York Shire for the assistance they have given us regarding information due to place of work commitments at an eastern goldfields mine.

Regarding the proposal for Lot 1932 Sees Road Malebelling, we are sorry to inform the proposers Gary and Kathy Little that we strongly object to their proposals for following reasons:

1. *The Air Strip area.*

This application is confusing for us as information we received from the ultra light authority is that an airstrip/runway is unnecessary unless it is being used for commercial reasons. We are concerned also that even one ultra light is to be used in this area as there are factors which would have to be addressed in the event of an accident eg. Medical Services and most concerning of all is Fire Services, a crash in a cropped field could result in a catastrophic wild fire, placing lives at risk. Ultra light flying should be kept at clubs which already exist locally at Northam and Beverley. York is within driving distance of Perth and an aircraft is not a necessary method of transport. There is also the question of why an airstrip is required. If the Proposers are planning an Ultra Light Flight School, we would have experienced learners which would elevate the risk. My wife and I purchased our land for our future residence and we do not wish for noise pollution and our privacy plus air space invaded.

2. *The Seminar and Conference Room*

We have viewed the house at the invitation of the previous owner and there was already quite a large common room, a larger room would mean more people, which brings us to the property access, Sees Road is an unsealed road and any increase in traffic would shorten its life span. The easement on our property is also designed for the access of property owners, not a large volume of traffic.

In conclusion we reject the proposals completely, we feel that the proposal was incomplete and misleading. Because of the situation regarding us receiving the proposal when we did, we have not had time to seek legal advice, however, we will be in the very near future."

Statutory Environment:

Shire of York Town Planning Scheme No.2.
The objectives of the 'General Agriculture' zone include:

4.15.1 Objectives:

- (a) *To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.*
- (b) *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- (c) *To allow for facilities for tourists and travellers, and for recreation uses.*
- (d) *To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities."*

Policy Implications:

Nil.

Financial Implications:

Nil to Council.

Strategic Implications:

The objectives of KRA 2 – Economic Development and Tourism – includes:

"To ensure economic development does not conflict with York's heritage, lifestyle and environment."

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes – EHO – (Previous Settlement)

Triple bottom Line Assessment:

Economic Implications:

Encouraging more people to visit York has economic benefits to the York community as a whole.

Social Implications:

This proposal provides the opportunity for the applicant to attract to York commercial enterprise that would bring associated benefits to the York community as a whole.

There may be an impact associated with neighbouring properties.

Environmental Implications:

Issues relating to noise pollution has been considered.

Comment:

This type of enterprise would be a welcomed attraction to York. The issue of traffic can not be seen as a concern as the development is limited to a maximum of 12 people, which previous approval was in place for. It is therefore recommended for approval with conditions in place to appease concerns from a neighboring property.

OFFICER RECOMMENDATION

Resolution

080406

The Commissioner Resolved:

“That Council advise the applicant that it approves the operation of a farmstay with seminar and conference facilities at Lot 1932 Sees Road, York subject to the following:

- 1. Classification as a Lodging House, housing a maximum of twelve (12) people at any one time and for short-term accommodation only;***
- 2. Noise levels created are not to exceed the requirements of the Environmental Protection (Noise) Regulations 1997 or any other regulations that cover airstrips;***
- 3. The issuance of a building licence for any building works prior to work being carried out;***
- 4. Any signage, visible from the road, requires the approval of the Council prior to erection;***
- 5. A fire management plan being endorsed by Council;***
- 6. An approved effluent disposal system is to be installed to cater for all cottages and must be in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and must be approved by the Health Department of Western Australia;***
- 7. That all development comply with Australian Standards AS1428 Parts 1- 4 Design for Access and Mobility;***
- 8. Providing sufficient potable water onsite;***
- 9. Compliance with the Australian Drinking Water Quality Standards;***
- 10. The seminar and conference room facilities are restricted to the number of persons being able to be accommodated at any one time being twelve (12);***
- 11. All relevant annual licence fees being paid;***

12. Car parking to be provided on site; and

13. Compliance with the Health (Public Buildings) Regulations 1992.

Advice Note:

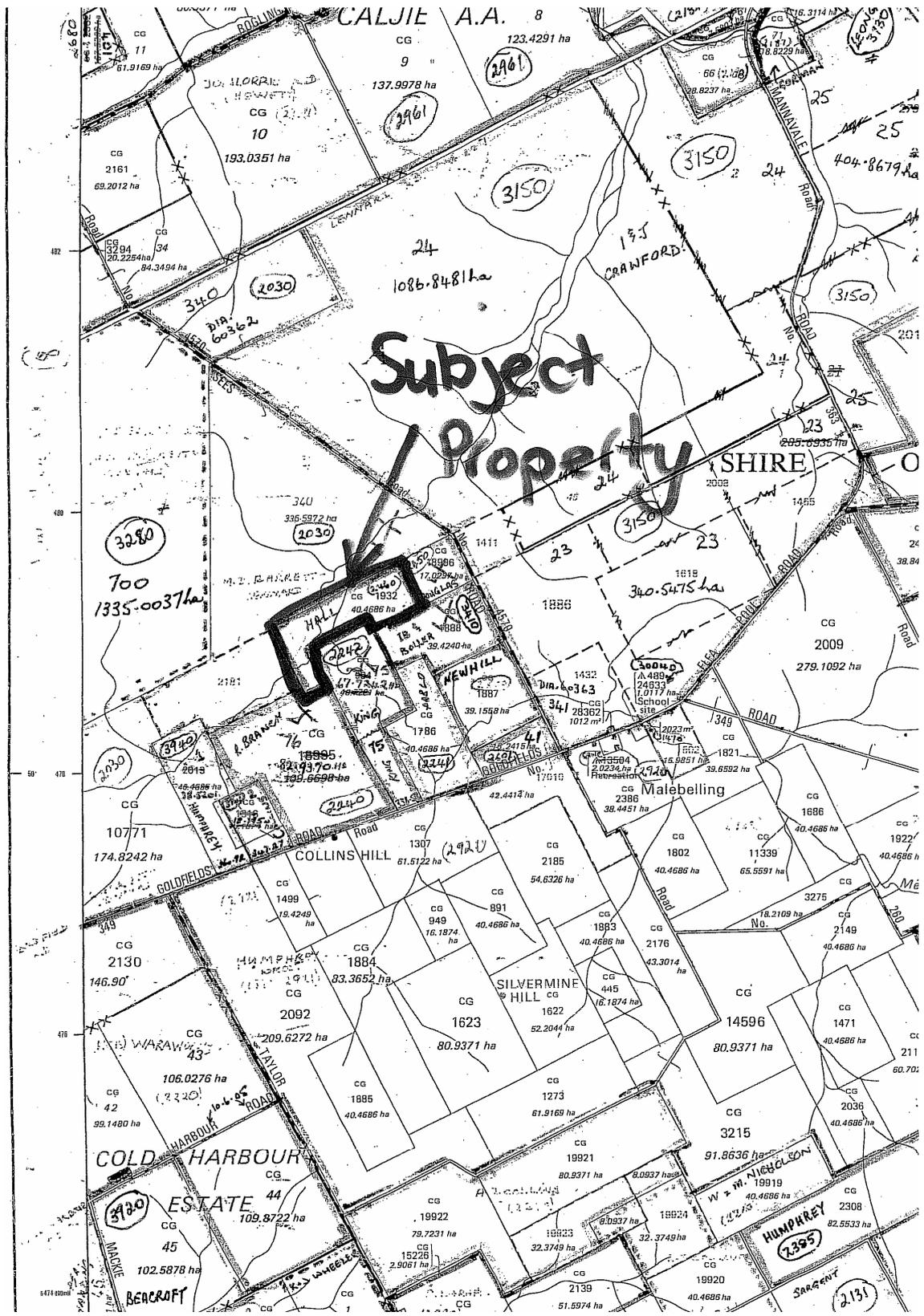
a. The activities such as ultra light flying or other aeronautical pursuits are considered to be incidental to the farmstay and seminar/conference facilities.

b. In regards to Condition 5 this will need to be submitted to the Chief Fire Control Officer for comment.

c. Any necessary approvals in place from the Civil Aviation Authority.

d. When submitting building plans a copy will need to be submitted to FESA.

CARRIED



Twin Creeks Adventure Camps

York WA

Plans for buggy circuit, and all other activities.

Please see attached document (Site plan).

What ablution facilities are available on site?

Please see attached document (Ablution facilities).

How will the easement be maintained?

Grading of easement will be carried out when required.

What are the estimated traffic numbers?

Participants will be transported onto the property via bus service (organized by us).

There will be a couple of cars per week. We believe this will change in peak seasons to a couple of cars per day.

Will the easement be upgraded?

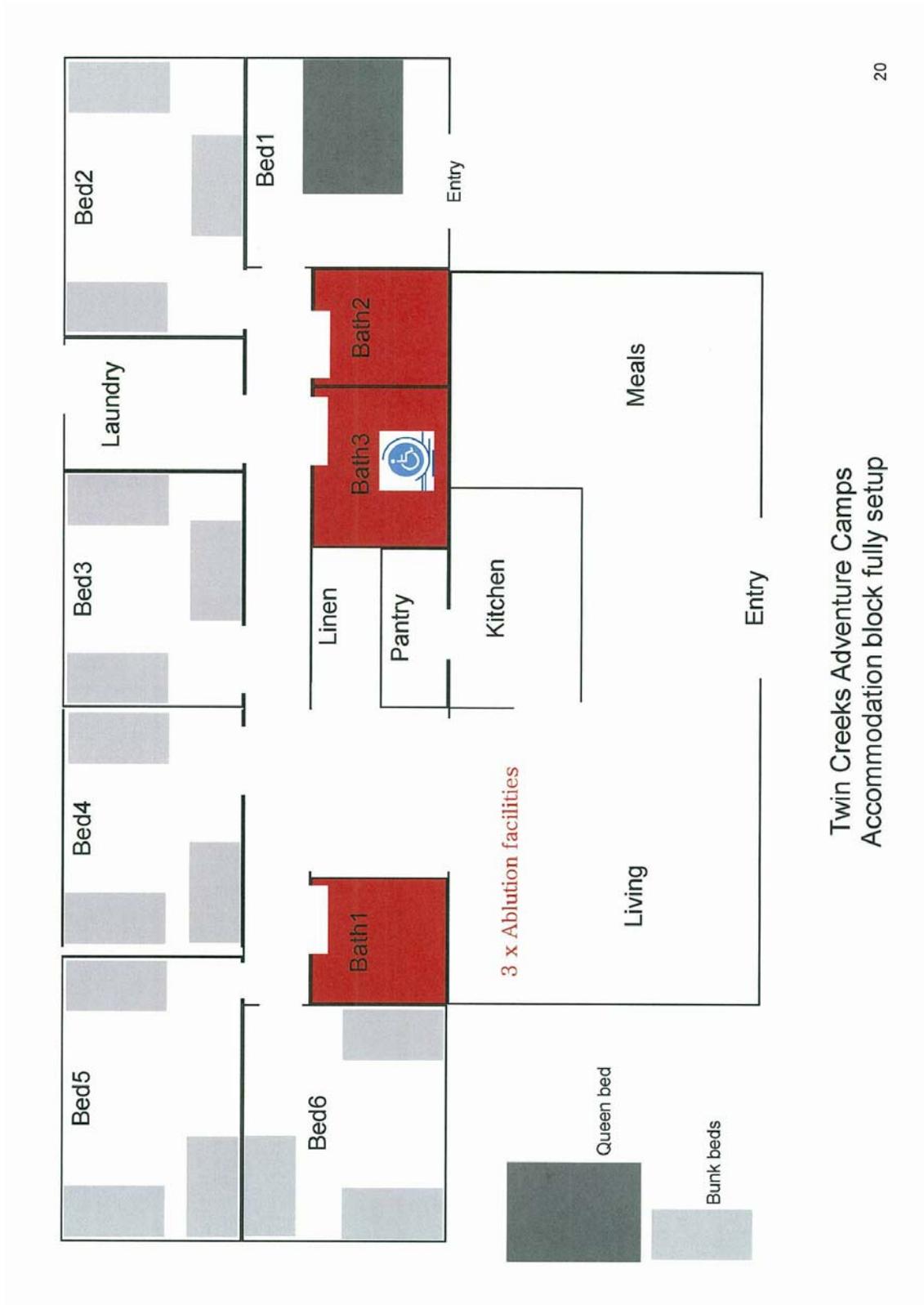
If the situation arises, we will upgrade the easement, but until then they will remain as they are now.

What measures are being taken for the noise abatement?

We have placed activities that make noise away from house's to lower the noise impact on neighboring properties. Please note all noise levels will be kept lower than the Western Australia EPA.

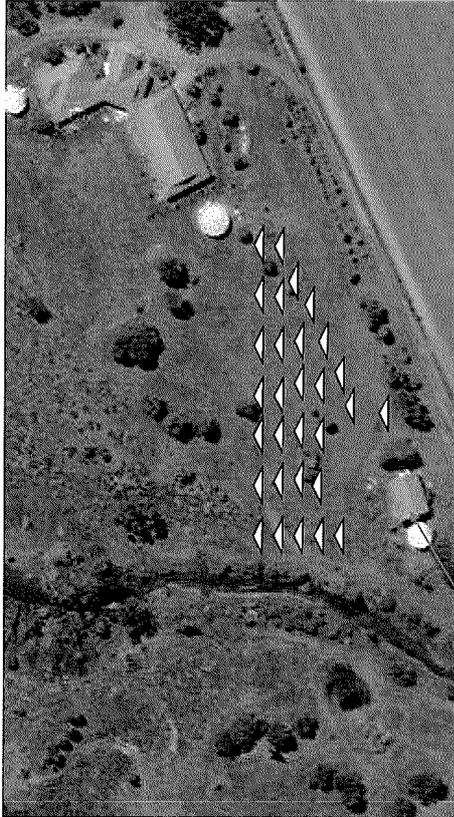
What are the likely numbers of people attending at any one time?

We estimate there will be a total of 35 participants attending camp at any one time.

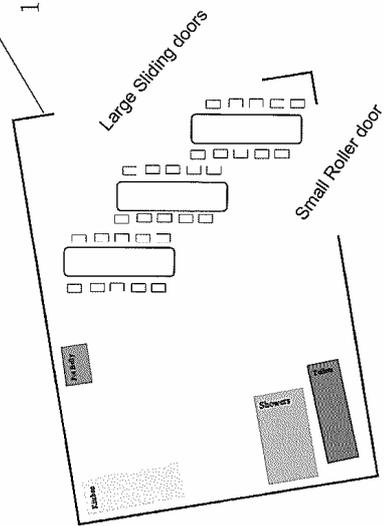


Twin Creeks Adventure Camps
Accommodation block fully setup

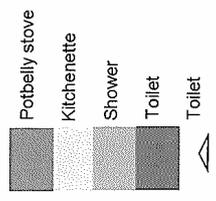
Twin Creeks Adventure Camps Camping grounds



1x Ablution facilities



This shed is currently setup with, toilet, shower, kitchen and a Potbelly stove.
We will be adding tables, chairs and doing a general cleanup.
This will be for camps use only.



9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.3 Amendment No 39 – Rezoning – Sewerage Infill Area

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

FILE NO:	PS. TPS.34
COUNCIL DATE:	16 February 2009
REPORT DATE:	9 February 2009
LOCATION/ADDRESS:	Western Side – Sewerage Infill Area.
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hopper
REPORTING OFFICER:	David Lawn/Patrick Ruettjes
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Schedule of Submissions
DOCUMENTS TABLED:	Nil

Summary:

This Scheme Amendment proposes to change the residential coding of residential zoned land from R10/30 to R10/40 for lots within the sewerage infill area.

Background:

The Water Corporation undertook design work for the installation of deep sewerage reticulation and works commenced in January 2009.

Consultation:

Advertising of the amendment followed procedures after the Environmental Protection Authority deemed the proposals “Not Assessed”.

Advertising of the proposed amendment appeared in the local newspaper and the relevant government agencies – as listed below – have been notified in writing.

Heritage Council of WA
Department of Environment and Conservation
FESA
Department of Industry and Resources
Water Corporation
Public Transport Authority
Western Power
Department of Health
Telstra
Main Roads WA
Department of Agriculture
Department for Planning and Infrastructure
Tourist Commission WA
Department of Water

The list of respondents is included in Appendix A.

Statutory Environment:

Standard procedures for Scheme Amendments under Town Planning Scheme No. 2.

Policy Implications: Nil

Financial Implications:

Council is bearing the costs of this amendment.

Strategic Implications:

The extension of the main sewer to serve the school and hospital will benefit the proposed re-development in the Daliak Residential Precinct.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken:

Several site inspections carried out in association with the land drainage system.

Triple bottom Line Assessment:

Economic Implications:

Nil.

Social Implications:

Improved environmental health for residences in low lying areas with conventional septic disposal systems.

Environmental Implications:

Reduced seepage of nutrients into the ground and surface drainage systems.

Comment:

The deep sewer infill program is welcomed by the Shire of York as it will improve living and housing conditions in the area that is subject to the program. It will also allow for subdivision of land within the program area and complement residential land use in the western part of the York townsite.

The WaterCorp have advised that the extent of the infill program has actually changed in comparison to previous plans. The sewer infill program will also connect Lots 1 to 5 Macartney Street and Lot 342 Grey Street to deep sewer in addition to the lots being subject to this amendment. A separate scheme amendment will deal with these lots at a later stage. These 6 lots in question will be able to be subdivided up to an R30 density without requiring any amendment to the Scheme anyway when they have been connected to deep sewer and met the criteria set out in clause 4.4 of the *Shire of York Town Planning Scheme No. 2*.

The amendment document has to be modified to include a minor textual modification of clause 4.4 to accommodate the provision of the R10/40 coding. It is proposed to address this minor oversight by amending the wording from

'(a) the local government may permit an increase from R10 up to a maximum of R30 for land in the Residential zone with dual R10/30 coding where:'

to

'(a) the local government may, with respect to land in the Residential zone with a dual coding, such as R10/30 and R10/40 or other as marked on the Scheme Maps, permit development to the maximum of the higher coding where:'

It is therefore recommended to finally adopt Scheme Amendment No. 39 *with modification*, the modification being the textual modification of clause 4.4 of the Scheme, and rezone the lots identified from 'Residential R10/30' to 'Residential R10/40'.

OFFICER RECOMMENDATION

**RESOLUTION
040209**

MOVED: CR Lawrance SECONDED: CR Fisher

“That Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 39 to the Shire of York Town Planning Scheme No. 2:

- 1. *Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by***
 - a) *Rezoning Lots 1 to 8 and 501 Ulster Road, York, Lots 9, 10, 11 (North), 11 (South), 12 (North), 12 (South), 13 to 16, 21 and 500 George Street, York, Lots 1 to 6, 8, 20, 427, 438, 439 and 440 Bird Street, York, Lots 3, 4, 22 and 23 South Street, York, Lots 1, 2, 3, 6, 7, 51, 52, 179, 207 (North), 207 (South), 208 (North), 208 (South), 209, 340, 480, 481, 600 and 601 Georgiana Street, York, Lots 25, 29, 206 and 207 Macartney Street, York, Lots 1 and 340 Emmet Place, York, and Lots 4, 50, 183, 341 and 496 Grey Street, York, from ‘Residential R10/30’ to ‘Residential R10/40’; and***
 - b) *Modifying clause 4.4 of the Shire of York Town Planning Scheme No. 2 by deleting the words ‘(a) the local government may permit an increase from R10 up to a maximum of R30 for land in the Residential zone with dual R10/30 coding where:’ and inserting the words ‘(a) the local government may, with respect to land in the Residential zone with a dual coding, such as R10/30 and R10/40 or other as marked on the Scheme Maps, permit development to the maximum of the higher coding where:’; and***
- 2. *Forward Scheme Amendment No. 39 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”***

CARRIED (6/0)

**APPENDIX
"A"
9.1.3**

SCHEDULE OF SUBMISSIONS

No	Submission	Comments	Council Response
1	Water Corporation	No comments to make	Acknowledged
2	Public Transport Authority	<p>Proposed conditions</p> <p>a)all water drainage to be contained within the site and directed away from the rail corridor.</p> <p>No water to run off of the proposed developments is to run of onto land abutting the corridor.</p> <p>b)fencing to a minimum of 1.8 metres must be installed to all railway corridors boundaries;</p> <p>c)Notification to be registered on titles as to the impact of noise and vibration.</p>	<p>Acknowledged but impossible as the development is already there.</p> <p>As above</p> <p>Can be applied to all new subdivisions only.</p> <p>As above</p>
3	Main Roads WA	No comment to make	Acknowledged
4	Western Power	No objections to the amendment	Acknowledged
5	Tourism WA	No objections to the amendment	Acknowledged
6	Department of Water	Request the submission of a Local Water Management Strategy (LWMS) that contains the level of information that reflects the level of risk to water resources with particular emphasis on the Avon River. The LWMS should be approved by Council.	Acknowledged.
7	Water Corporation (further information from Submission 1)	The Wastewater Scheme Plan included with Scheme Amendment is not current.	Noted, there are 6 additional lots being connected to sewer that were not identified by Water Corp on the original plan. These lots will be dealt with in a separate amendment at a later stage. They can be subdivided to an R30 density anyway.
8	Department of Mines and Petroleum	No objections.	Acknowledged.
9	Heritage Council of WA	No objections.	Acknowledged.

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.4 Lot 12 (83) Avon Terrace

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

FILE NO: Av 1.12790
COUNCIL DATE: 16 February 2009
REPORT DATE: 5 February 2009
LOCATION/ADDRESS: Lot 12 (No. 83) Avon Terrace, York
APPLICANT: J Saville-Wright & L D Vincenti
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane/P Ruettjes
DISCLOSURE OF INTEREST: Nil.
APPENDICES: Appendix A - Plans
DOCUMENTS TABLED: Nil.

Summary:

The applicants are requesting approval to operate a farmers' market (use not listed in accordance with clause 3.2.4 (b) of the *Shire of York Town Planning Scheme No. 2*) at Lot 12 (83) Avon Terrace, York (Imperial Hotel).

Background:

Lot 12 (83) Avon Terrace, York, - the Imperial Hotel – is zoned 'Town Centre' in the *Shire of York Town Planning Scheme No. 2* (the 'Scheme') and comprises an area of 1,530m² (2,542 m² including Lot 13). The proposed use is not listed in the Scheme's zoning table, but meets the definition of 'market' in accordance with Schedule 1 of the Scheme. The definition is listed in the statutory environment section of this report.

Consultation:

Council wrote to the applicants requesting further advice, detailed as follows:

"To enable assessment could you please provide written responses to the following:

Whilst the markets are operating how will you ensure that there is sufficient carparking available, what arrangements will you put in place?

How often and how long will the markets operate eg. once a month/four hours?

Whilst the markets are operating will there be shelters erected?

The Heritage Advisor will be in York on the 20th January 2009, any information you can provide prior to this date would be appreciated."

The following advice was received from the applicants:

"...The proposed Farmers Market would at the very most happen once a week and in it's initial stages once per month. We would envisage it's hours of operation to be 9 – 4pm on a Saturday or a Sunday.

Initially we would run the market on the Avon Terrace and the Joaquina verandah of the Imperial, if it became a success and it grows we would see that it would extend to the lawn adjacent to "Saints" then the garden at the Imperial and finally down one side of the car park,

still allowing ample parking as well. This area will be roped off and segregated with ample signage to advise motorists where to park. If it gets to this size in the future, I have already held discussions with the owners of Jah-Roc and would probably look to resite the market to the old factory at the Mill, subject of course to Council approval.

In the event that the market operates during the winter months, we would erect covers in the type of market tents (Mundaring Truffle Festival type tents) for the duration of the market, these would then be removed until the next Farmers Market.

Given the difficult economic times this town is facing, it is imperative that we act with some urgency and bring to the town as many visitors as possible. Creating and keeping jobs in the town, as well as giving professional outlet for local producers to regularly sell their products.”

As required by the Scheme the application was advertised, a sign placed on the property and adjoining owners notified and no submissions were received.

The Heritage Council of WA was notified of the applicant's proposal and at the time of writing this report no response was received.

Statutory Environment:

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

“3.2.3 *Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.*

3.2.4 *If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:*

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.3 in considering an application for planning consent; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.”*

Definition of a market under the Shire of York Town Planning Scheme No. 2:

market: *means land and buildings used for a fair, a farmer's or producers' market, or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.*

The Council has made a stance on Trading in Public Places and the Local Law Relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places needs to be considered.

Health Act in relation to public buildings.

Policy Implications:

Nil relevant to this report.

Financial Implications:

The Council collected fees associated with the planning application and the advertising.

Strategic Implications:

Key Result Area 2 – Economic Development and Tourism – Objective 2:

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Encouraging more people to visit York has economic benefits to the York community as a whole.

Social Implications:

This proposal provides the opportunity for the applicant to attract to the York area additional visitors that would bring associated benefits to the York community as a whole.

There is a concern with how the public will interact with traffic and this needs to be managed appropriately.

Environmental Implications:

Consideration needs to be given to the built environment e.g. heritage.

Comment:

The use is not listed within the zoning table however the proposed use is to be located within the Town Centre zone and supports this type of activity. It is consideration that proposal compliments existing uses on the land.

The current uses involve public movement, as will this proposal.

Appropriate conditions relating to the operation of the Farmers' Markets are required.

OFFICER RECOMMENDATION

“That Council advise the Applicants that it approves a use not listed (market) at Lot 12 (83) Avon Terrace, York, in accordance with clause 3.2.4 (b) of the Shire of York Town Planning Scheme No. 2, subject to the following conditions:

- 1. Development must substantially commence within two years from the date of this decision;*
- 2. Development taking place in accordance with the approved plans;*
- 3. All car parking, pedestrian access, vehicle access and circulation areas are to be maintained and available for car parking, pedestrian access, vehicle access and circulation on an ongoing basis to the satisfaction of the local government; a minimum 2 metre wide access way for pedestrians shall be maintained at all times;*
- 4. Operating hours are restricted to Saturday or Sunday from 9am – 4pm;*
- 5. An emergency evacuation plan being provided to the satisfaction of the local government; and*
- 6. Sufficient waste receptacles being provided for the public and stall holders to the satisfaction of the local government.*

Advice Notes:

- a. Compliance with recommendations from the Heritage Council;*
- b. Council acknowledges the latest plans dated August 2008 with the previous uses being Hotel, Restaurant and Accommodation;*
- c. Annual fees are to be paid in accordance with Council’s Fees and Charges as amended from time to time;*
- d. Liaison with the Racing and Gaming regarding requirements regarding liquor licensing eg. layout of areas;*
- e. Compliance with the Local Law relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places and associated fees, public liability etc;*
- f. Compliance with the Health Act and Food Safe Standards and any subsidiary legislation; and*
- g. Existing toilet facilities to be assessed once markets have commenced, these may require upgrading/expansion dependant on numbers.*

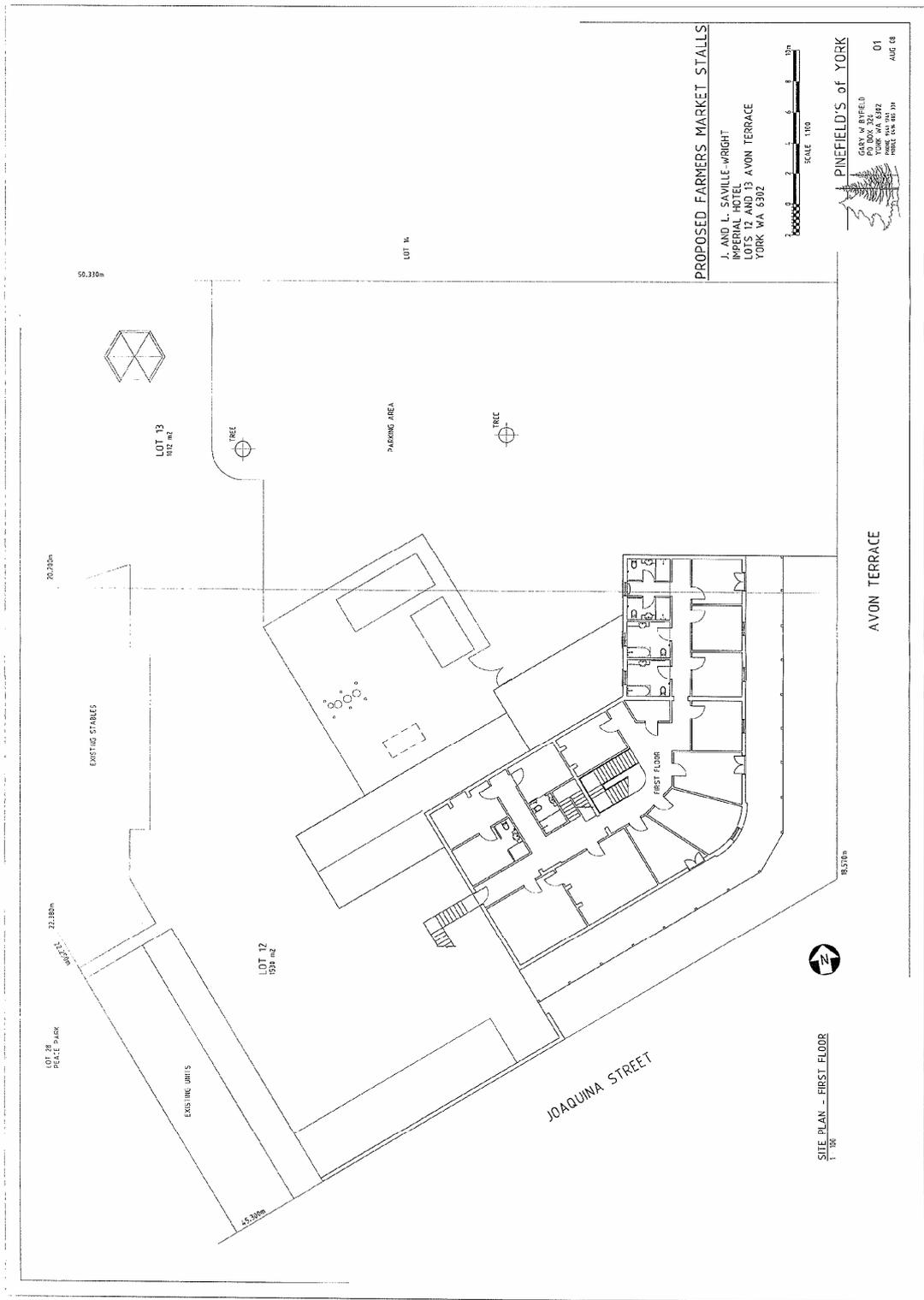
**RESOLUTION
050209**

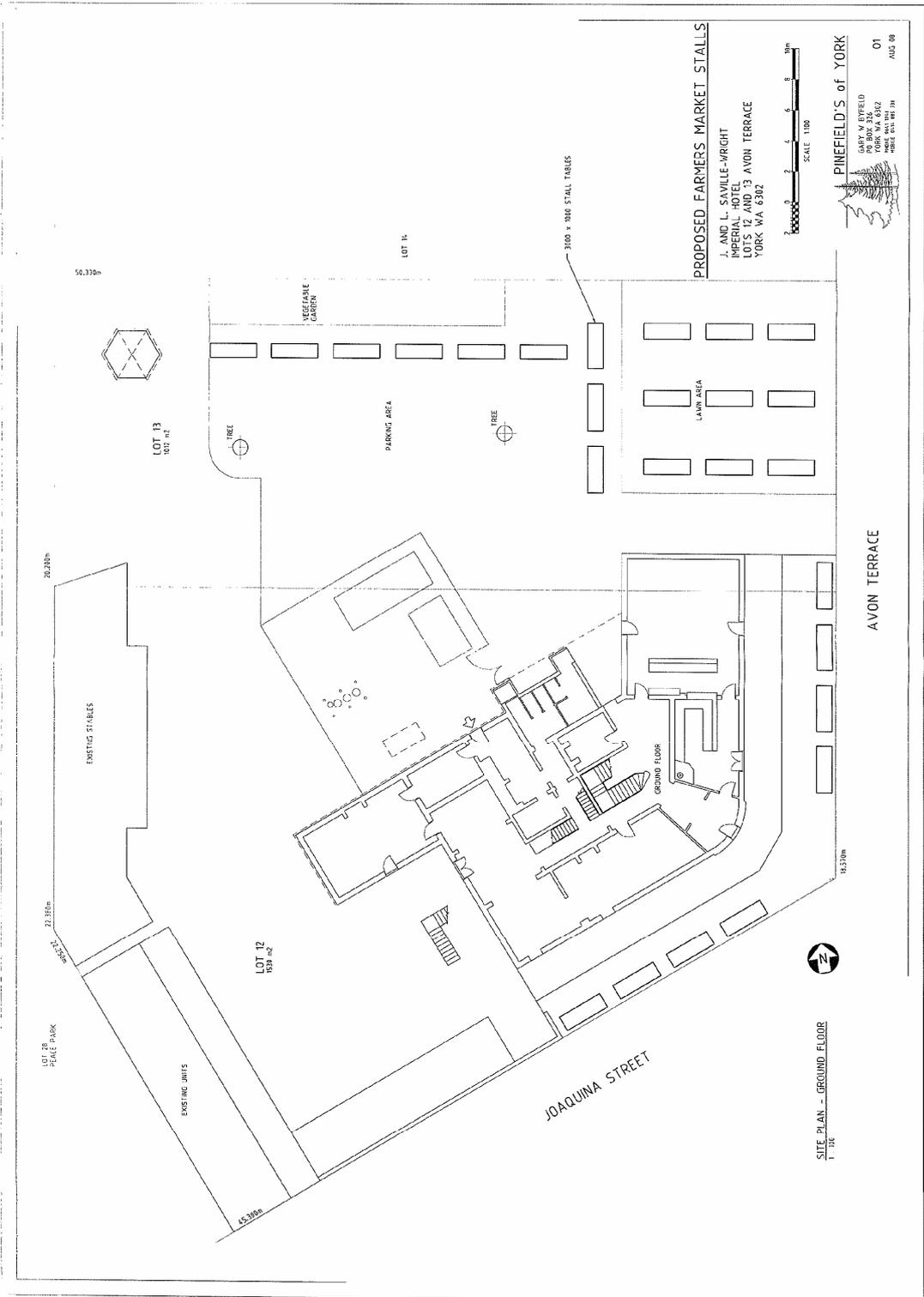
Moved Cr Lawrance Seconded: Cr Randell

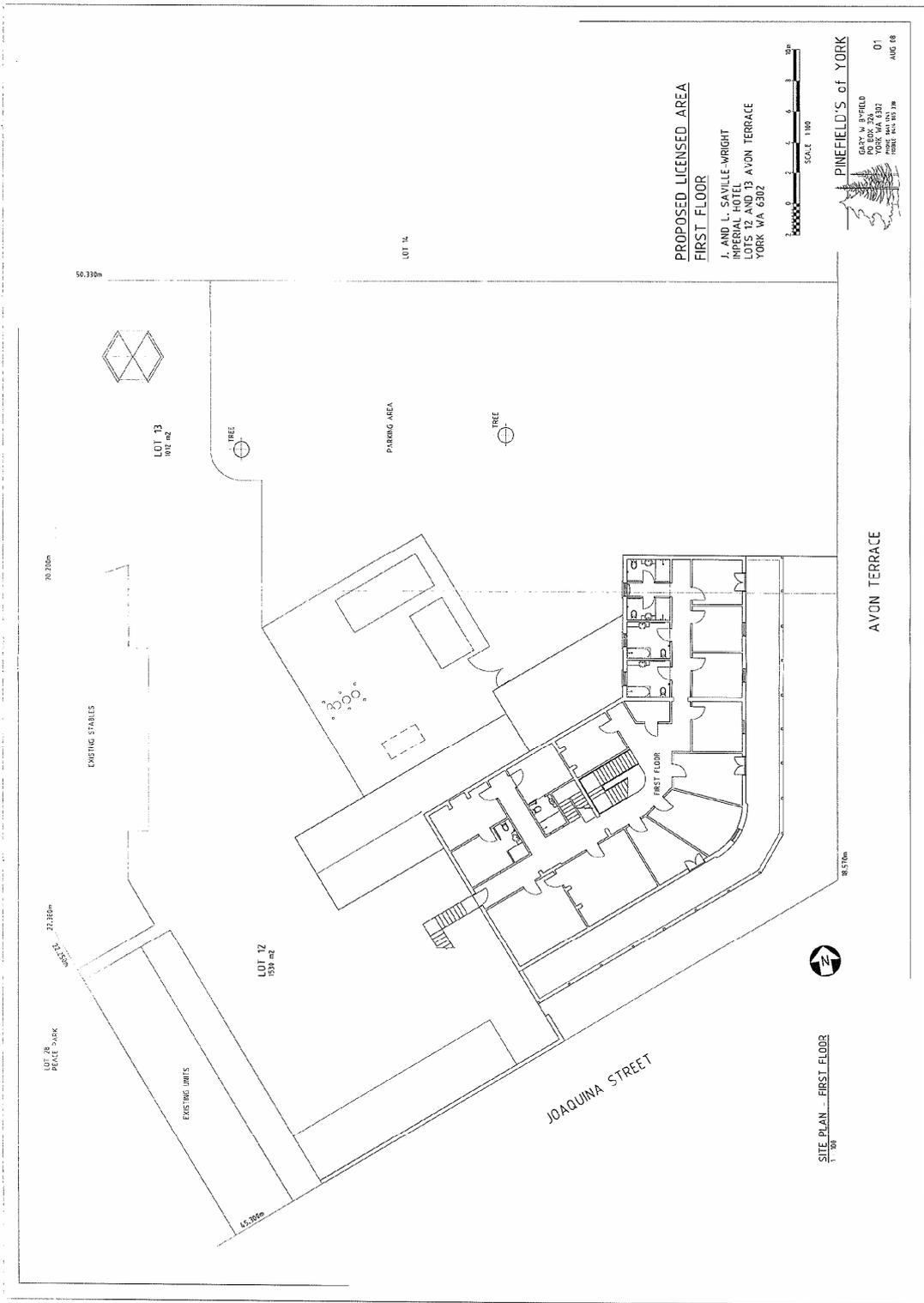
“That Council:

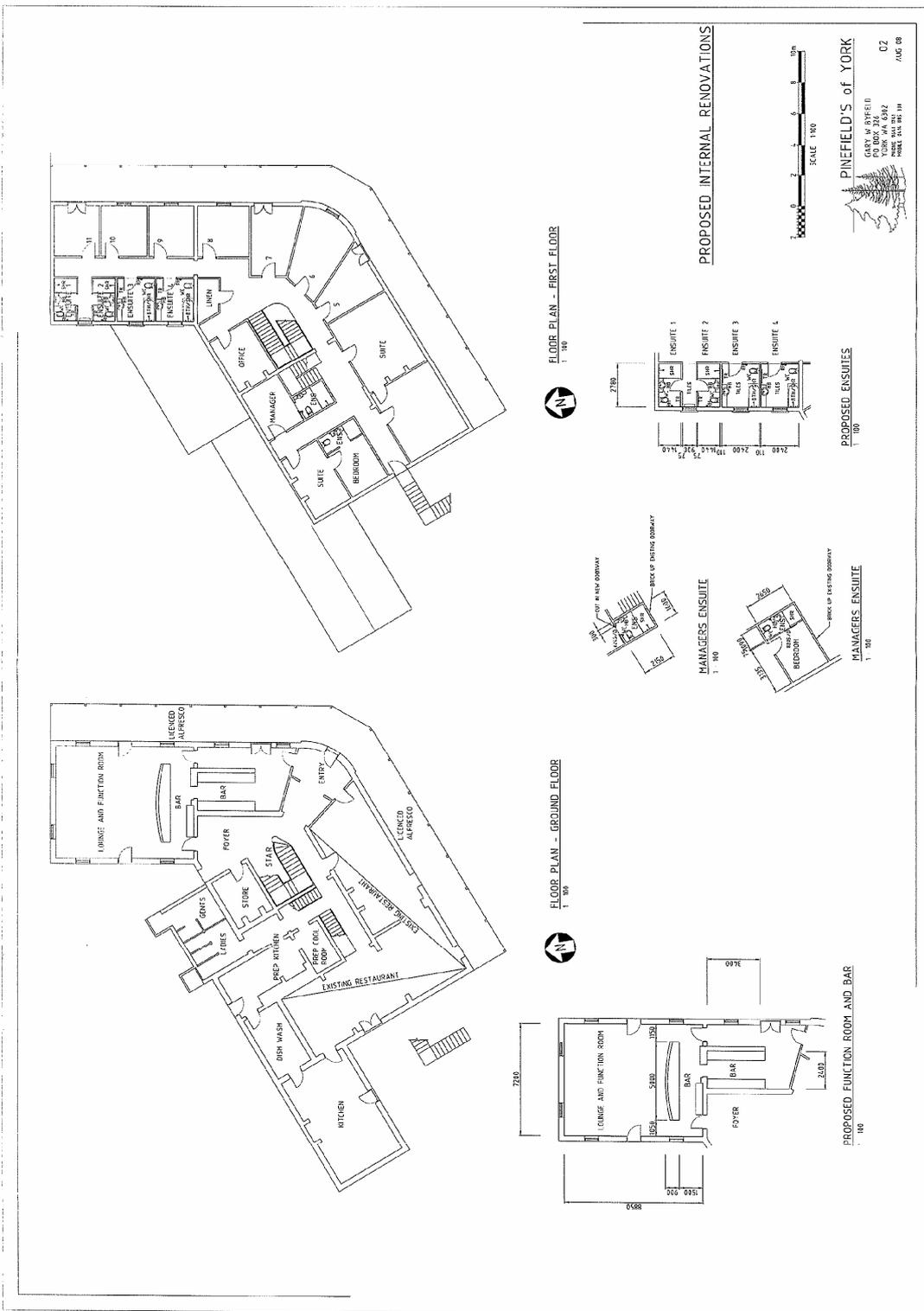
Defer this item until the March Council Meeting.”

CARRIED (6/0)









9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.5 Tree Farming Policy

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

FILE NO:	OR.RDT.4.1
COUNCIL DATE:	16 February 2009
REPORT DATE:	6 February 2009
LOCATION/ADDRESS:	N/A
APPLICANT:	Whole of Shire
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane/P Wright (Planner Brookton/Bev)
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Amended Policy
DOCUMENTS TABLED:	Nil

Summary:

Council's draft Tree Cropping Policy is being presented for final adoption. The adoption of the policy is to be coordinated throughout the SEAVROC region. It is recommended that the policy be adopted.

Background:

The draft Tree Cropping Policy prepared by SEAVROC is being presented to Council for final adoption.

The Sustainable Land Use Management (SLUM) group, under direction from SEAVROC engaged URS consultants to prepare a draft policy in relation to tree cropping. For the policy to be effective, it is required to be adopted by the individual member Councils. It is anticipated the policy will provide a consistent Planning framework for tree cropping throughout the SEAVROC region.

Council at its 18 December 2008 meeting resolved to adopt the policy for the purpose of advertising. In compliance with Clause 8.7 of the Shire of Brookton's Town Planning Scheme No. 3 (TPS 3), the policy was advertised for a total of 48 days. Notification of the advertising appeared in the West Australian on 17 December 2008.

Consultation:

In accordance with the Shire of York Town Planning Scheme No. 2 the policy was advertised between 17 December 2008 and 3 February 2009. One submission, which raised no objection, was received from the Department of Agriculture, Fisheries and Forestry.

Statutory Environment:

Council may grant final adoption of the policy under the Shire of York's Town Planning Scheme No. 2.

Policy Implications:

Final adoption will allow the policy to take effect.

Financial Implications:

A small cost will be incurred for the advertising of the final adoption of the policy.

Strategic Implications:

There are no Strategic Plan Implications relative to this issue.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Apart from the value of the raw materials from tree harvesting there is the potential for a processing plant somewhere in the SEAVROC region. The employment opportunities are obvious but the transportation of raw material from farm to plant will have an impact on location including the availability of water, power and roads.

Traditional farming will continue with the tree plantations being located on the less productive soils giving some farmers and alternative source of income.

Social Implications:

The arguments against tree cropping include the absentee landlords and loss of permanent inhabitants from the locality (population decline). Absentee landholders pose threats of low maintenance, fire management weeks and feral animals.

Proper management plans, as included in the Policy documentation, are an essential component of this industry.

Environmental Implications:

The impact of trees plantings means that it can be a part solution to rising groundwater regimes and salinity arrest.

Poorer soils should be the target for tree plantings and alley farming provides wind breaks and animal shelters. Carbon trading may also give the landowner additional financial benefits.

Comment:

The requirement for the policy stems from an increasing interest in tree cropping within the SEAVROC region. Planning for tree crops not only involves managing potential impacts from the growing of the tree crops, but also allowing for possible future downstream processing. As such it is believed Councils should be proactive in their approach to policy development.

Final adoption of the Tree Cropping Policy is supported due to:

1. The policy providing guidance for the assessment of tree cropping proposals;
2. No objections were received during the advertising period; and
3. The policy will allow coordinated tree crop development throughout the SEAVROC region.

Therefore it will be recommended Council grants final adoption to the policy.

OFFICER RECOMMENDATION

RESOLUTION

060209

MOVED: Cr Boyle SECONDED: Cr Randell

“That Council:

resolve to formally adopt the draft Tree Cropping Policy and advertise the Final Adoption in accordance with Clause 8.8 of the Shire of York’s Town Planning Scheme No. 2.”

CARRIED (6/0)

SEAVROC Local Planning Policy Tree Crops

1. Background

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree crops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC) member local governments, which are the Shires of Brookton, Beverley, York, Quairading and Cunderdin, wish to maximise the benefits and opportunities associated with tree crops, such as new industry development and regional investment, while minimising any potential negative impacts. They also recognise that having consistent policy across the region can facilitate planning approvals and provide landowner and investor confidence.

Background information relating to tree crops is provided in the report, Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region.

2. Objectives/Purpose

The objectives of this Local Planning Policy are to:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications, in particular ensuring consistency across the five Shires;
- Allow local governments to keep track of tree crop developments, which will assist in promoting the region to potential processors;
- Demonstrate that SEAVROC local governments support and promote tree crops as a land use in the General Agriculture Zone;
- Encourage tree crop developers to adhere to industry guidelines and standards as specified in relevant codes of practice and other documents; and
- Identify specific issues that local governments wish to see addressed in the planning and development of tree crops.

Any tree crop development shall not be justification for an application for subdivision nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

3. Definitions

Applicant

An Applicant is defined as the person or entity (e.g. company or organisation) responsible for management of the tree crop. The Applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third party management agency). The Applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

Tree crop For the purpose of application of this policy a tree crop is defined as:

- Trees planted with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as environmental services; and
- Trees under the management of one Applicant with an aggregate area greater than 40 hectares in any one Shire in the Shires of Brookton, Beverley and York and an aggregate area greater than 10 hectares in the Shires of Cunderdin and Quairading.

Landowner

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

Management Plan

Provides details of the way in which a tree crop will be developed and managed, and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved.

A Management Plan includes the following components:

- Establishment plan;
- Plantation Management plan; and
- Fire Management plan.

Code of Practice

Code of Practice for Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.

Guidelines for Plantation Fire Protection

Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised.

4. Areas of application

This policy applies to land zoned 'General Agricultural' or "Farming" in the Local Planning Schemes of the Shires of Brookton, Beverley, York, Quairading and Cunderdin.

5. Application and approval requirements

5.1. When is an application required?

A Tree Crop Development Application must be submitted and approved prior to the commencement of a tree crop development.

In the Shires of Brookton, Beverley and York an application is required for all tree crop developments greater than 40 hectares in size. If an Applicant has tree crops with an aggregate area of less than 40 hectares within any one Shire an application is not required. However, the Applicant is required to submit a Tree Crop Development Application when new tree crop developments will result in the total aggregate area exceeding 40 hectares.

In the Shires of Cunderdin and Quairading a Development Application is required when an applicant has an aggregate area of tree crops which is 10 hectares or greater.

A Tree Crop Development Application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant.

5.2. Tree Crop Development Application requirements

In addition to Shire requirements for Development Applications, a Tree Crop Development Application is to contain the following three parts:

1) Registration; which must contain the following information:

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree crop manager);

- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

A Registration form is provided in Attachment 1.

2) Management Plan.

- A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
- The Management Plan must address the policy measures described in Section 6 of this Policy.

3) Map; which should show the following:

- Location of tree crops;
- Access roads;
- Structures and buildings;
- Natural features including native vegetation and water courses; and
- Other relevant information such as hazards or significant features.

5.2.1. Modification to Tree Crop Development Application

An Applicant with an existing Tree Crop Development Application approval may modify the existing application, including the addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed, and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

5.3. Assessment of applications

Tree Crop Development Applications should be submitted to the Shire in which the development will occur.

Assessment of Tree Crop Development Applications is to have regard to the application requirements and policy measures described in Sections 5.2 and 6 of this Policy.

6. Additional policy measures

The following policy measures must be addressed in the Management Plan.

6.1. General tree crop management

The Shires encourage all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to “ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable”.

6.2. Access and roading

When planning tree crop developments, Applicant’s should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on the Map.

The harvest and haulage of tree crop products results in ‘wear and tear’ of roads and other transport infrastructure and the Shires are seeking to minimise adverse affects on local roads within their control.

The future locations of processing facilities in or near the SEAVROC region are currently unknown, and it is therefore difficult to prepare a transport strategy prior to commencement of tree crop development.

6.3. Fire management

A fire management plan must be included as part of the overall Management Plan (see Attachment 2).

The Guidelines for Plantation Fire Protection contain guidelines for appropriate tree crop location, design and fire protection measures.

COMPLETE IF NEW APPLICATION

Section 5 – Tree crop information (new applications only)

Total area to be planted (hectares):

Species to be planted (and area of each):

Proposed planting dates:

Management Plan attached (circle one): Yes / No

Map attached (circle one): Yes / No

Note: a Management Plan and a Map are prerequisites for approval of a new Tree Crop Development Application

COMPLETE IF APPLICATION MODIFICATION

Section 6 – Tree crop information (modifications only). Complete relevant sections

Reason for modification (e.g. new or changed tree crop area)

Additional area to be planted (hectares):

Species to be planted:

Proposed planting dates:

Management Plan attached (circle one): Yes / No

Map attached (circle one): Yes / No

Note: previously approved Management Plans and Maps may be used for modification if relevant

If no, provide reference to relevant Management Plan and/or Map

Signature of Applicant

Print Name - Date

Signature of Landowner (if land owner is not Applicant)

Print Name- Date

SHIRE USE ONLY

Application received on:

Application reviewed by:

Approved / Not approved:

Reasons for non approval:

Advice provided to Applicant on:

Tree crop register updated on:

Additional Landowners

Landowner 2

Name of landowner: -----

Address: -----

Land title: -----

Telephone: -----

Fax: -----

Landowner 3

Name of landowner: -----

Address: -----

Land title: -----

Telephone: -----

Fax: -----

Landowner 4

Name of landowner: -----

Address: -----

Land title: -----

Telephone: -----

Fax: -----

Signature of Landowner 2

Print Name -----

Date-----

Signature of Landowner 3

Print Name -----

Date-----

Signature of Landowner 4

Print Name -----

Date-----

Attachment 2

Tree Crop Development Application Management Plan Checklist

Tree Crop Development Application Management Plan Checklist

The following is provided as a checklist of information recommended to be included in a tree crop Management Plan. It is based on the guidelines in the *Code of Practice for Timber Plantations in Western Australia* and provides a reference to the relevant sections of the Code of Practice where relevant.

Section in Code of Practice

Establishment Plan

This should outline the following topics and how they will be managed:

- Areas of native vegetation 4.3
- Management and protection, including setback distances,
• of watercourses, wetlands, reservoirs and significant features 4.3
- Setback distances to structures, dwellings and gazetted infrastructure
- Note: *the Guidelines for Plantation Fire Protection recommend a setback distance of 50 metres.*
- Areas to be planted and size of compartments
- *The Guidelines for Plantation Fire Protection contain guidelines on compartment size.*
- Access and firebreaks 4.5, 4.7.6

Also refer to the *Guidelines for Plantation Fire Protection*.

- Species to be planted 4.6.2
- Direction of planting lines in relation to contours and natural drainage 4.6.3
- Soil preparation methods 4.6.3
- Pest and weed control methods/prescription,
including control of declared animals and plants 4.6.5 – 4.6.7
- Planting methods/prescription
- Fertilising methods/prescription 4.6.4

Maintenance Plan

This should outline the activities to be conducted during the tree crop rotation and how they will be managed:

- Pest and weed control methods/prescription,
including control of declared animals and plants 4.6.5 – 4.6.7
- Grazing strategy 4.7.6
- Fertilising methods/prescription 4.6.4
- Pruning and thinning regimes 4.6.9
- Access and firebreak maintenance 4.5, 4.7.6

Fire Management Plan

This should contain the following details:

- . Contact names and telephone numbers
- . Names and addresses of local fire control bodies
- . Map or details of access roads, firebreaks, water points etc.
Note: this information may be included on the main Map that forms part of the Tree Crop Development Application
- . Location of fire fighting equipment, including details of cooperative arrangements
- . Specific measures to protect services e.g. power lines and gas supplies, or surrounding values (if relevant)

Refer to Guidelines for Plantation Fire Protection

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.6 Lot 47 (1238) Quellington Road

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

FILE NO: Qu 3.2704
COUNCIL DATE: 16 February 2009
REPORT DATE: 9 February 2009
LOCATION/ADDRESS: Lot 47 (1238) Quellington Road, Caljie
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Patrick Ruettjes, Shire Planner
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Previous Correspondence

Summary:

This report is intended to inform Council about the progress dealing with planning compliance issues at Lot 47 (1238) Quellington Road, Caljie, where complaints about an illegal off road motorcycle track have been followed up. It also discusses issues with non-rural uses in areas zoned 'General Agriculture' and planning compliance issues in general.

Background:

The subject site is located at Lot 47 (1238) Quellington Road, Caljie, and is zoned 'General Agriculture' under the *Shire of York Town Planning Scheme No. 2 (the 'Scheme')* comprising an area of 67.4 ha. The land is owned by Preplea Pty Ltd which is represented by Graham Markham, who owns and operates Xtreme Motorbikes in Forrestfield.

On the 21st August 2008, Mr Markham notified the Shire of his intention to establish an off road motorcycle complex at the above property which he was in the process of purchasing. His correspondence includes a business plan designed to cater for up to 250 visitors. On the 2nd September 2008, Council advised Mr Markham that he had to apply for planning consent before commencement of any development. Council wrote:

"Thank you for your correspondence received on the 22nd August 2008 regarding the above and providing the Four Year Plan for the Off-Road Riding Complex.

Please note prior to Council assessing such a development a planning application is required and a form is attached for your convenience. Please note that if a use is not listed on the zoning table, Council can consider the proposal if it follows the objectives of the General Agriculture zone.

Enclosed for your consideration are extracts from the Shire of York Town Planning Scheme No. 2, which include the objectives of the General Agriculture zone.

I suggest that you provide as much detail as possible and address issues such as noise, dust suppression, traffic, fire, sanitary facilities, food preparation areas, compliance with the Caravan and Camping Act, waste disposal, fuel storage on site. This may not be a comprehensive list, as other issues may arise during the planning and environmental assessment.

The application will require advertising and it is anticipated that landowners within a five kilometre radius will be notified.”

The property settled on 4th September 2008. A number of written concerns have been received from neighbours at the time the property changed hands in 2008 outlining possible noise, traffic, dust and fire issues.

In January 2009, neighbouring landowners advised the Shire that earthworks have been undertaken and motorcycles were being ridden on the property. Following these complaints site inspections have been undertaken by the Shire Planner, Patrick Ruettjes, and the Shire's Environmental Health Officer, Peter Stevens, on the 23rd January 2009 and 2nd February 2009. Council wrote to Mr Markham:

“It has come to the attention of Council that development on the above lot has commenced. The nature of the development is the construction of an off road motorcycle track located next to the dwelling on the above property. In a letter dated 2nd September 2008, you were advised to lodge an application for planning consent in order to commence development in accordance with the proposal outlined in your letter dated 21st August 2008. Any development on a lot zoned ‘General Agriculture’, such as your proposal, requires planning consent in accordance with the Shire of York Town Planning Scheme No. 2 (clauses 4.1 and 4.2) and the Planning and Development Act 2005 (section 162). As outlined in the Shire’s previous correspondence, building and health approvals may also be required.

To date, no further information or correspondence has been received from you or your company and therefore no approval from the Shire of York has been issued. Following written and telephone complaints about activity on the property in question, a site inspection has been undertaken by the Shire Planner, Mr Patrick Ruettjes, and the Shire’s Environmental Health Officer, Mr Peter Stevens on 23rd January 2009. The site inspection revealed that earthworks have been undertaken and off road motorcycles have been ridden within the area affected by the earthworks. Fuel storage drums and earthwork equipment were also present on the property. Photos of the site were taken during the inspection and the Shire has also received aerial photographs of the earthworks.

You are advised that while it is possible to grant planning consent after the commencement of development in accordance with section 164 of the Planning and Development Act 2005, you must immediately cease the current illegal development and apply for planning consent or to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the Shire of York by 9 March 2009. Any continuation of the development must not occur without the necessary Shire approvals.

Please note that while this is not a formal notice issued in accordance with section 214 (3) of the Planning and Development Act 2005, a formal notice may be given if the land is not restored to the condition before commencement of the development or an application for planning consent is not received by 9 March 2009. Extracts from the Planning and Development Act 2005 and the Shire of York Town Planning Scheme No. 2 have been enclosed for your convenience.

The penalty for an offence under the Planning and Development Act 2005 is \$50,000 and in the case of a continuing offence, a further fine of \$5,000 for each day during which the offence continues, is applicable.”

Mr Markham phoned the Shire upon receipt of the letter stating that he was not pursuing his original intention of a commercial off road motorcycle complex. He was advised that the

establishment of a private off road motorcycle complex was still development. He was advised to cease the development and apply for planning consent.

On the 9th February 2009, another written complaint has been received, reporting extensive earthworks over the weekend being undertaken on the subject property.

Consultation:

As no application for planning consent has been received, no formal community consultation has been undertaken. The Shire has been communicating with adjoining landowners and the owner of the subject site over a period of several months now.

Statutory Environment:

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

The Town Planning Scheme states:

"4.15 General Agriculture Zone

4.15.1 Objectives:

(a) To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.

(b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.

(c) To allow for facilities for tourists and travellers, and for recreation uses.

(d) To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities.

4.15.2 Development:

Having regard to the scenic values of the district and the views from roads the local government may refuse an application for planning consent if, in the opinion of the local government, the development if approved will have a detrimental effect on the rural character and amenities.

4.15.3 Site Requirements:

The following minimum building setbacks shall apply:

<i>Front</i>	<i>:</i>	<i>15.0m</i>
<i>Rear</i>	<i>:</i>	<i>15.0m</i>
<i>Side</i>	<i>:</i>	<i>15.0m</i>

4.15.4 Retention of Vegetation:

Except for:

(a) establishment of a firebreak required to comply with a regulation or local law, or

(b) provision of access to a building site, or

(c) the area of building, or

(d) cash crops;

not more than 2000m² on any lot shall be cleared of indigenous trees or substantial vegetation. If the local government is satisfied upon receipt of a submission the clearing of an area greater than 2000m² will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the local government.

3.2.4 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:

(a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or

(b) determine that the use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.3 in considering an application for planning consent; or

(c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.”

Policy Implications:

Nil

Financial Implications:

Cost for site inspections and generating correspondence. Possible enforcement action might require additional expenses.

Strategic Implications:

Give direction for the management of land use conflicts and planning compliance issues for future cases.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: YES, several

Triple bottom Line Assessment:

Economic Implications:

The establishment of facilities for tourists and visitors or recreation in general may lead to an increase of activity for local businesses. Additional costs might be the required upgrade of roads or other facilities.

Social Implications:

Additional recreation facilities might enhance the range of recreation available for locals and tourists. However, potential land use conflicts have to be addressed at application stage to avoid detrimental effects on adjoining landowners.

Environmental Implications:

Motorcycle tracks have to be established in a very sensitive way. Noise, dust, fire risk, erosion and pollution have to be addressed responsibly. Further details are discussed in the comment section of this report.

Comment:

The example of the unauthorized development at Lot 47 (1238) Quellington Road, Caljie, highlights the issues that the Shire faces with regard to the transformation of agricultural areas, 'recreation' uses without approval and planning compliance in general. These aspects will be discussed under appropriate subheadings.

Off Road Motorcycle Complexes/Motocross and similar uses

Motorcycle or Motocross tracks are not defined in the *Shire of York Town Planning Scheme No. 2* per se. An application for planning consent would likely be assessed against the provisions of clause 3.4 of the Scheme ('Uses not listed', see above in the statutory environment section).

In the notes derived from a legal forum McLeods Barristers and Solicitors provided information on planning approval (=planning consent) for a motorcycle track, it reads:

"If the local government gives planning approval for a motor cycle track, provided that the application is supported by appropriate expert evidence confirming the appropriateness of the design and the safety of the track, then the local government should not face any liability."

Because of environmental, liability, safety and amenity issues an application for planning consent for such a development has to be indeed accompanied by a range of expert documentation, such as track safety studies, noise attenuation management plans, dust oppression management plans and fire management and evacuation plans, just to name some issues.

If it is intended to operate a larger commercial motorcycle track, access, parking, vehicle movement, waste and wastewater disposal and even more elaborate fire and emergency procedures have to be established and demonstrated to warrant a conditional planning consent. It is understood that obtaining such expert advice and documentation may require significant expenses, but these issues have to be addressed well before the commencement of any proposed development and are in the strong interest of the community.

What happens in the case when a motorcycle or quad bike catches fire and starts a larger bushfire? What happens if there is a collision of riders, can the local ambulances cope with such an accident when there might also be an accident on the highway at the same time? Is the community prepared to bear potential costs for the recreation purposes of a few people?

The affect on adjoining properties is another important aspect that has to be considered with an application for planning consent for a motorcycle track. Noise and dust can be transported over a significant distance and affect numerous adjoining landowners. Strict noise and dust management plans have to be in effect, likely limiting the area of the track or the hours of

operation. Certain weather patterns may also stop the operation of the track, i.e. extreme temperatures, wind directions and speeds.

Applicants should be reminded that neighbouring agricultural properties enjoy a substantial protection under clause 4.15 of the Scheme as they represent the intended principal land use of agriculture. A motorcycle track is a type of development that is likely to cause land use conflict with adjoining landowners as it is the case with the subject land.

The subject property itself has to be analysed as well for its suitability for the proposed change in the land use. How productive is the land actually, is it in the community interest to change it to an unproductive land use? Can the land environmentally cope with the proposed land use? What effect is likely to anticipate with regard to erosion, salinity and retention of natural vegetation? The Mortlock River flows through the subject property and feeds into the Avon River in Northam. The Department of Water considers the Mortlock River being a significant drinking water source in the Swan-Avon Catchment, so what happens if an oil spill from a motorcycle accident or a leaking oil drum is polluting the river?

All these aspects have to be addressed to make an informed decision on an application for planning for a use not listed – off road motorcycle complex and impose the correct conditions on any planning consent.

The owner of the subject property has clearly stated in the telephone conversation with the Shire Planner that he had given up on the proposal of a commercial motorcycle complex when he was advised of these requirements. While it might be possible to develop a motorcycle track on the property, the above issues have to be addressed adequately and are likely to require further expenses.

Officers consider that the unauthorised earthworks to form motorcycle tracks on the subject property constitute development in accordance with clause 4 (1) of the *Planning and Development Act 2005*, which states:

“Development means the development or use of any land, including —

(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;

(b) the carrying out on the land of any excavation or other works; [...].”

It was disputed that the earthworks undertaken on the property by the owner fall under this definition of development. While this report does not provide any legal advice on this matter, it should be noted that excavation and fill over 0.5m above natural ground level requires planning consent in residential areas in accordance with clause 6.6.1 of the *Residential Design Codes of Western Australia ('R-Codes')*.

The next steps in resolving the matter of the unauthorised motorcycle track at Lot 47 (1238) are outlined under 'Planning compliance issues' in this comment section.

Non-rural uses – implications of clause 4.15 of the Shire of York Town Planning Scheme No. 2

The *Shire of York Town Planning Scheme No. 2* specifically states that non-rural uses can be considered in areas zoned 'General Agriculture' if they are not detrimental to the natural resources and the environment and if they are of benefit to the district. It also allows for facilities for tourists and travellers, and for recreation uses. It has to be emphasized though that the focus is – as a matter of course – on broad-hectare agriculture as the principal land use. The clause also states important environmental and amenity factors in relation to agricultural

and non-agricultural land uses, such as the retention of natural vegetation, views and possible detrimental effects on the amenity and rural character.

Non-rural and recreation uses of almost any scale require the planning consent of the local government. Assessing an application for planning consent in the 'General Agriculture' zone requires a strong focus on environmental and natural resource management issues that have to be addressed, which has been discussed in detail with regard to the subject site earlier in this comment section.

Applicants for non-rural/recreational uses in the 'General Agriculture' zone are advised to prepare sufficient expert advice with their application. Conditions relating to noise and dust management, fire and emergency procedures, protection of natural vegetation and watercourses, access, parking and vehicle movement issues are likely to be imposed on any planning consent of such a nature.

Planning compliance issues

This report and especially the correspondence sent to the owner of the Quellington Road property outlines the Shire's approach to planning compliance issues.

When a complaint is received in writing and it has been identified by being a matter affecting town planning legislation, a site inspection is undertaken and a file note written, including photographs of the site in question. A letter is sent to the landowner(s) whose land is subject to the complaint outlining the relevant legislation and possible penalties. The *Planning and Development Act 2005* specifically provides for the option to legalise development that has been commenced illegally if adequate procedures are followed (section 164). A timeline of 30 days is given to rectify the issue, i.e. apply for planning consent or restore the land as nearly as practicable to its condition immediately before the development started. The landowner has to immediately cease the development in question. Communication with the landowner(s) and the complainant(s) is sought to discuss issues. Hopefully, the outstanding planning compliance issue(s) can be resolved at this early stage.

If this approach does not lead to a solution, the next step is the issue of a formal notice in accordance with section 214 (3) of the *Planning and Development Act 2005*. This notice gives the landowner(s) a formal timeframe of 60 days to address the outstanding planning compliance issues. Again, endeavours are being made to resolve the issues before the prosecution stage.

If no attempt has been made by the landowner(s) to address the issues appropriately, formal legal prosecution is the next likely step to follow. Legal advice will need to be sought and presented to Council. Any legal action has to be approved by a Council resolution. Officers are prepared to give evidence or expert advice in court, if required.

All landowners are reminded again that the maximum penalty for an offence under the *Planning and Development Act 2005* is \$50,000 and in the case of a continuing offence, a further fine of \$5,000 for each day during which the offence continues, is applicable.

Conclusion

Applicants for a planning consent are reminded to provide the necessary information for any application and are made aware of planning conditions likely to be imposed on the approval. Officers are prepared to provide planning advice before the formal lodgement of applications and advise applicants on the possible requirements for expert documentation for the planning application, such as noise management plans or transport impact assessments.

The above outlined planning compliance approach is considered to be appropriate and fair against the landowner(s) and complainant(s). It gives landowners ample time to either lodge an application for planning consent or retract the development. Complainants are urged to be aware of the timeframe and that it is almost impossible to rectify planning compliance matters in a very short timeframe. While it is understood that an ongoing nuisance may be of great concern to the complainant(s), both sides need to be considered by the local planning authority (the local government) when assessing planning compliance issues.

It is the intention to apply this approach to all planning related compliance matters. This will ensure a transparent procedure as both landowners and complainants will be aware of the procedures and timeframes. It is therefore recommended that Council receive the information and support the above procedure with regard to planning compliance matters.

OFFICER RECOMMENDATION

**RESOLUTION
070209**

MOVED: CR Lawrance SECONDED: CR Randell

“That Council:

- 1. receive the information relating to planning compliance issues for an unauthorised motorcycle track (use not listed) at Lot 47 (1238) Quellington Road, Caljie, and support the approach regarding planning application and compliance issues in general; and***
- 2. approve legal action for a prosecution of the landowner for development without planning consents being in place.”***

CARRIED (6/0)

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.7 Lot 5200 Great Southern Highway, York

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

FILE NO: Gr 2.850
COUNCIL DATE: 16 February 2009
REPORT DATE: 9 February 2009
LOCATION/ADDRESS: Lot 5200 Great Southern Highway, York
APPLICANT: Mr Hack & Ms Mossop
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane/P Ruettjes
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Location (hatched)
DOCUMENTS TABLED: Nil.

Summary:

The applicants have requested that approval be granted for 'Industry – Rural' at Lot 5200 Great Southern Highway, York.

Background:

The property is zoned 'General Agriculture' under the *Shire of Town Planning Scheme No. 2* and is approximately 64.7497 hectares in area. While 'Industry – Rural' is a permitted use in that zone, there are issues with the access to the property. Health issues with the proposal will be discussed in this report as well.

Council wrote to the applicants on the 31 July 2008, as follows:

"Further to the initial inspection of your food premises located at the above address please find enclosed information on Part 3.2 of the Australia New Zealand Food Standard Code (the Code) and a guide to the construction of Food Premises based on the Australian Standard.

As discussed on the day of the inspection your premise does require a lot of work to ensure compliance with the Health (Food Hygiene) Regulations 1993 and the Code. The following is a brief of what is required to upgrade your premises before approval as a Class 2 food premises would be granted:

- *Premises and equipment to be fully protected from the weather, pest entry and vermin.*
- *All equipment and premises is to be designed and constructed of material so as to be easily cleaned.*
- *Premises are to be constructed so as to exclude dirt, dust, smoke and other contaminants.*
- *Walls should be finished to full wall height with a material as approved by AS. 4674.*
- *Ledges, cracks and crevices should be avoided and coving should be installed at all wall to floor and ceiling junctions.*
- *Floors should be sealed, smooth, durable and free from defects.*
- *Ceilings should be smooth, impervious and water resistant.*

Water Supply

- *Must be of potable quality (this can be confirmed where tank or bore water is used by having water tests performed at an accredited laboratory).*

Waste

- *Waste water is to be disposed of into an approved effluent disposal system*
- *Solid waste is to be disposed of so as not to contaminate food or ground water*

Cleaning Equipment

- *A minimum of 2 sinks for food preparation, 1 sink for washing of implements and 1 hand wash basin with an adequate supply of hot and cold water is to be supplied to the premises.*

It is understood that the requirements are extensive and that you will need to undertake significant modifications to your premises. As discussed on the day of inspection it would be acceptable if you submitted a schedule of works with a 6 to 9 month timeline to undertake the necessary works.

As discussed on the day of inspection all water used for consumption on the premises should meet the Australian Drinking Water Guidelines, available at <http://www.nhmrc.gov.au/publications/synopses/eh19syn.htm> .

Please note you should also be aware of your responsibilities as defined by the Australia New Zealand Food Standards Code, the Health Act 1911 and the Health (Food Hygiene) Regulations 1993.

As the proprietor, the continual process of upgrading and maintaining the premises is your responsibility. This helps ensure that the food premises and all fixtures and fittings are kept in a good state of repair at all times so that a high standard of hygiene and cleanliness is maintained and that safe food is delivered to your customers.

In addition to the above requirements you are also required to obtain Planning Consent in accordance with the Town Planning Scheme for the processing and packaging of food on your premises. Please find enclosed an application for Planning Consent which should be completed and submitted along with any supporting information you may have.”

The applicants provided the following details:

- “1. *Waste disposal drain – completion 30 September 2008*
2. *Olive processing and olive oil storage room. Walls (completion 31-10-08), Hand washing basin and stainless steel work, bench and solar hot water (completion 30-11-08).*
3. *Olive oil press room – walls, ceiling and floor (Completion 1-4-09).”*

Additional information provided by the applicants is detailed below:

“I refer to letter received (ref TC:tc Gr2.850) referring to deferral of decision for processing and food manufacturing facility – Lot 5200 Great Southern Hwy. The letter required us to provide the following details.

1. *Traffic Flows and Access*

The processing facility is for the processing of olives picked on our property only. We do not have plans for on farm sales. For the above reasons traffic flows will not be increased by the facility.

We have an agreement with Stefan de Haan (area manager, DEC) to access our property through Wambyn Nature Reserve until a solution can be found to the problem

we have with our legal access (the York Shire is privy to this situation). The directional signage is for our private use and was erected by the Shire after the normal application and payment. It is necessary so that our friends and associates can locate our home.

2. Leach Drains

- *Olive processing waste:*
This consists of olive juice and water after olive oil has been decanted off. There is some sediment of fine particles left from olive cake. The processing of oil occurs from late April to early August.

- *Wash water*
Maximum – 50l/day
Yearly total – up to 5000l

3. Fire Management

Smoke alarm to be fitted and fire extinguisher.”

Council at its Ordinary Council meeting held on the 22nd September 2008 resolved as follows:

“That Council advise the applicants that the assessment of the development proposal at Lot 5200 Great Southern Highway, York be deferred until such time as further details relating to the following have been provided and assessed by the Shire of York and in conjunction with the Department for Conservation and Environment:

1. *What will be the likely traffic flows, where is access to and from the property provided from?*
2. *Leach drains, where are these to be located and what is the quantity and quality of the waste?*
3. *How will fire be managed?*

Advice Note:

This is not a prescriptive list and other issues may arise once the above information has been provided.

If there is to be no onsite sales the directional signage is to be removed directing people through the Reserve.

Prior to any work commencing all necessary approvals and fees in regard to food hygiene, liquid waste and building will need to be in place and relevant fees paid.”

Consultation:

In accordance with the *Shire of York Town Planning Scheme No. 2* the proposal was advertised.

Submission received from Main Roads Western Australia on the 3rd September 2008, as follows:

“Main Roads WA assumes the service industry type proposed in the application is approved under the Shire of York Town Planning Scheme No.2.

Access to Lot 5200 is via a private road at 33 SLK at the intersection with Great Southern Highway at the turnoff to Stardale Stud. The private road has an easement over Lot 12550 on Plan 131599 which is registered in the name of the Commissioner of Main Roads.

The easement is situated in the Realignment of Three Bridges Section of the Chidlow York Road (MO10) 32.4 SLK – 38.) SLK and road works are currently being planned and designed for reconstruction when funds become available. The proposed work includes realignment of the existing highway pavement, replacement of three timber bridges and construction of new driveways, one of which will be shifted to match the new alignment at 33 SLK above.

Main Roads WA maintains control of access of Great Southern Highway and advises that no additional or revised access apart from the existing easement being matched into the proposed new alignment will be considered.”

On the 1st September 2008 the following submission was received:

“Details for the development

Having visited the Council office to see details of the proposal which the owners of Lot 5200 have submitted for your approval, I was disappointed to see that there were no written details or statement by the owners regarding their intentions or plans for the future.

We have no way of knowing about the size or type of the facility. Is there waste, what type and how it is to be disposed of. The amount of customers, and service vehicles etc to be entering through the legal access, or through a (supposedly) protected Reserve. I’d like to see more details! Also if approval is granted, does this continue on to future owners of this property who may have even grander plans?

Access to Lot 5200

As the York Shire officers are aware the owners of Lot 5200 are choosing to use a temporary access through the Wambyn Reserve, instead of their legal easement access off the highway at Mulyininjin Spring Bridge. It has come to my attention that the owners have erected a blue and white fingerboard sign directing traffic straight through a gateway into the Wambyn Reserve. I have since informed the Department of Environment and Conservation. They have stated verbally that there has been no authorisation for access through the Wambyn Reserve for any commercial enterprise.

Which way of access are the property owners intending to use for this new venture?

I believe that the Shire Council do not allow a commercial enterprise/business to have free access for its customers if there is no direct access to a public road. I know I would not like to see heavy vehicles or a constant stream of customers entering through either access and I would not like to see our costs for upkeep of our easements increase due to this possible increase of traffic.

I also have another concern. I recently sighted a flyer inviting the public at large to a “Ruined Piano Concert” on the 20th September 2008 which I also note is on the York WA website. This flyer clearly has directions to their property (Wambyn Olive Farm) via this sign and gateway with an entrance fee and phone number. ... this is not the first time that this function has been held there and that vehicles entered through the Reserve.”

The Department of Environment and Conservation provided the following response by email on the 12th September 2008:

“The Department of Environment and Conservation wishes to defer formal comment until further details on a number of issues are resolved:

1. Access:

Access to the property is currently via a fire access track through Wambyn Nature Reserve. Access has been granted on a temporary basis and for private use only until the resolution of a legal access route is negotiated outside of the Nature Reserve. The firebreak currently in use is not designed to accommodate regular traffic of vehicles able to transport commercial produce, liquid waste or other such material.

2. Leach drains:

Without an indication on quantity or quality of material to be flushed into the leach drain, or a plan to show where leach drains will be located, it is difficult to make an assessment on the impact a leach drain may have on DEC Assets.

3. Disposal of liquid waste:

There was mention made of the production of liquid waste; however no mention has been made on the method of disposal of this material, or how regularly this waste will be produced. More information is required to make an informed decision.

4. Processing Shed:

Again no specifics have been received. The proximity of the structure to the Nature Reserve, the level of clearing necessary, vegetation to be cleared and possible impacts upon native flora and fauna are all components of building that the Department considers when making comment on such a development.

Once again I appreciate your making contact with the Department on this issue. I hope these comments are useful and will help you in making a decision as to how to proceed with the development application.”

After receiving the additional information from the applicants this was forwarded to DEC for consideration, the advice received is as follows:

“I have now discussed this matter with my District Manager, with the conclusion that apart from the vehicle access issue being through Wambyn Nature Reserve, the Food Manufacturing Plant does not offer any significant issues that the Department of Environment and Conservation (DEC) requires to be addressed.

Mr. Hack has an informal agreement with DEC to access his property through Wambyn Nature Reserve, with this access being for limited private vehicle movements. Before providing further advice on the impact that this facility may have upon the nature reserve, DEC would like the opportunity to see more detail on predicted traffic movement through the reserve as a result of the facility. DEC would also like some indication by the Shire as to the time frame by which the formal/legal access to Mr. Hack's property may be resolved between the Shire and residents of the area.

DEC believes it is unlikely that there would not be increased vehicle movements through the nature reserve as a result of this development.

Also if this business or property was to be sold it is likely that the buyer would expect designated access to the property and it is unlikely that DEC would grant this access to a new owner.

Were this development application to stimulate discussion between the Shire and Mr Hack regarding designated access to this lot, DEC would like to be kept informed of any of these discussions.”

Statutory Environment:

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

Industry - rural: means an industry handling, treating, processing, or packing primary products grown, reared, or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Policy Implications:

Nil policy implications arise from this report.

Financial Implications:

The applicant paid the fees associated with the planning and advertising.

Strategic Implications:

Key Result Area 6 – The Environment – Objective 5 states:

“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: Yes – Peter Stevens

Triple bottom Line Assessment:

Economic Implications:

The existing shed is being utilised and there is a considerable amount of work to be done prior to operation.

Social Implications:

There is the potential to create conflict between property owners utilising the easement and this needs to be determined prior to assessing the proposal.

Environmental Implications:

The Wambyn Reserve adjoins the property and there is a concern that further degradation and erosion will occur should further traffic be allowed.

Drains are to be installed to assist with waste. Dependant on the amount of production, further approvals may be required from the Department of Environment.

Comment:

The use is supported and with the conditions imposed it should alleviate most of the concerns such as access and use of the easement.

OFFICER RECOMMENDATION

RESOLUTION

080209

MOVED: Cr Boyle SECONDED: Cr Randell

“That Council advise the applicants that it approves the proposed ‘Industry – Rural’ at Lot 5200 Great Southern Highway, York, subject to the following conditions:

- 1. No vehicular access to the property is to be through the Wambyn Reserve. Vehicular access to the proposed development is via the legal access (easement) only.***
- 2. Development must substantially commence within two years from the date of this decision;***
- 3. Prior to commencement of the development a site plan being provided containing the following details:***
 - (a) street name and lot number;***
 - (b) north point and scale bar;***
 - (c) all boundary and area dimensions;***
 - (d) spot levels and contours;***
 - (e) positions and dimensions, horizontal and vertical, of existing and proposed buildings and other structures; and***
 - (f) positions and dimensions of existing and proposed vehicle and pedestrian accessways, parking and circulation areas;***
- 4. Development taking place in accordance with the approved plans;***
- 5. All car parking, vehicle access and circulation areas are to be maintained and available for car parking, vehicle access and circulation on an ongoing basis to the satisfaction of the local government;***
- 6. All stormwater being contained and disposed of on-site;***
- 7. A fire safety plan be developed for the property and approved by the Fire & Emergency Services Authority and the local government; and***
- 8. No on farm sale, site visits or other public activities are permitted without additional written Council approval.***

Advice Note:

- a) All liquid and solid waste disposals relating to the food processing facility are subject to appropriate Shire application forms and fees being submitted and approved.***
- b) A building application to be submitted along with full specifications demonstrating compliance with the Building Code of Australia, as amended.***
- c) Existing buildings are unapproved and therefore all specifications are required to assess the suitability of the buildings for food manufacturing in accordance with the Building Code of Australia and the Health (Food Hygiene) Regulations.***
- d) The property has no frontage to a designated road reserve or public road and the planning consent for the land use does not impose or infer a right of vehicle access through the Wambyn Reserve or through or across private land on adjoining and adjacent properties.***

e) *In relation to conditions 3 and 4 the applicant is advised that upon receipt of an adequate site plan and elevation plans these plans will be stamped and signed as the approved plans.*

CARRIED (6/0)

File Systems Codes Related Information Searches Tools Spooler Menu Bar admin Window Help

Search Add Query Sign Delete Print Erase Next Last Legend Carrel

Assl BR De Loan Cr CL Print RP Trac PO Job Pay Cash WC Map Map Max Rate Prep Bld Pool Rec Sys Rec AP

1:17083 Full Extent Zoom In Zoom Out Pan Identify Measure Select Point Map Legend

Property Financial Summary Ownership Parcel Memos

PickList

Address: 14620 PJ W065QP
 2 Owners
 Property Address: GREAT SOUTHERN HWY SAINT ROMANS 6302

House: Let 5200
 Street: GREAT SOUTHERN HWY
 Type: HWY
 Suburb: SAINT ROMANS 6302
 Ward: YORK
 Area: YORK
 Locality: YORK
 Zoning: S
 Land use: GENERAL FARM
 V. G. No: 1107155
 Pmts No:

Legal flag: Noncurrent

Valuation Details: Gross Rental Value: Unimproved Value: 21000.00

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 AROC Membership

FILE NO: OR.RDT.1
COUNCIL DATE: 16 February 2009
REPORT DATE: 04 February 2009
LOCATION/ADDRESS: Avon Region
APPLICANT: N/A
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: A - Project Brief
DOCUMENTS TABLED: Minutes of AROC meetings

Summary:

The Avon Regional Organisation of Councils (AROC) members from Northam, Toodyay, Goomalling, Dowerin, and Chittering have resolved to form the Avon Regional Council and require the Shire of York to determine if it will be a member.

Background:

The Avon Regional Organisation of Councils, a voluntary grouping has been in place for a number of years and membership has included the Shires of Cunderdin and Beverley in addition to the current members.

There has been general dissatisfaction with the rate of progress with regional projects and structural reform under the voluntary format. Five local governments have moved to establish a formal process for a Regional Council to deal with strategic direction in waste management, asset management, Regional Land Use planning and strategic transport issues.

At this stage the specific purpose, functions, powers, and activities of the Avon Regional Council have not been researched or developed to determine what decision making will need to be given up by the member local governments, if any.

Regional Councils have operated successfully in a number of areas and there is no reason to suggest that the Avon Regional Council will not successfully address the purpose or purposes for which it is created and provide quantifiable benefits for the Local Governments and their communities.

AROC holds a significant level of funds in a reserve account and the Shire of York is entitled to receive a portion if, or when it withdraws from AROC.

Consultation:

Local governments of Northam, Toodyay, Dowerin, Goomalling and Chittering.

Statutory Environment:

Local Government Act 1995 (as amended) sections 3-61 to 3-68 inclusive.

3.61 Establishing a regional local government

- (1) *Two or more local governments (referred to in this Division as the **participants**) may, with the Minister's approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.*

- (2) *An application for the Minister's approval is to be —*
 - (a) *in a form approved for that purpose by the Minister; and*
 - (b) *accompanied by a copy of an agreement between the participants to establish the regional local government (referred to in this Division as the **establishment agreement**).*
- (3) *The participants are to supply the Minister any further information about the application that the Minister asks for.*
- (4) *If the Minister approves the application the Minister is to declare, by notice in the Gazette , that the regional local government is established —*
 - (a) *on the date;*
 - (b) *under the name; and*
 - (c) *for the purpose,*

set out in the notice.

3.62 Constitution and purpose of a regional local government

- (1) *A regional local government —*
 - (a) *is a body corporate with perpetual succession and a common seal; and*
 - (b) *is to have as its governing body a council established under the establishment agreement and consisting of members of the councils of the participants.*
- (2) *The purpose for which a regional local government is established (referred to in this Division as the **regional purpose**) is as set out in the establishment agreement.*

3.63 Dissolution or partial dissolution of a regional local government

- (1) *A regional local government is to be wound up —*
 - (a) *at the direction of the Minister; or*
 - (b) *in accordance with the establishment agreement.*
- (2) *A participant may, in accordance with the establishment agreement, withdraw from the regional local government and cease to be a participant.*

3.64 What the establishment agreement is to contain

The following matters are to be set out or provided for in the establishment agreement for a regional local government —

- (a) *the name of the regional local government;*
- (b) *a description of the region for which the regional local government is established;*
- (c) *the number of offices of member on the council of the regional local government and, in respect of each participant, the number of members to be appointed by that participant;*
- (d) *the appointment and tenure of members of the council of the regional local government;*

- (e) *the election or appointment of a chairman and deputy chairman of the regional local government from amongst members of its council and the term of office of a chairman and deputy chairman, which is not to exceed 2 years;*
- (f) *the purpose for which the regional local government is established;*
- (g) *a means of determining the financial contributions of the participants to the funds of the regional local government;*
- (h) *procedures for the winding up of the regional local government or for the withdrawal of a participant from the regional local government;*
- (i) *procedures for the division of assets and liabilities between the participants in the event of the regional local government being wound up or a participant withdrawing from the regional local government;*
- (j) *a means of resolving disputes between participants as to matters relating to the regional local government; and*
- (k) *any other prescribed matter.*

3.65 Amendment of establishment agreement

- (1) *The participants may amend the establishment agreement for a regional local government by agreement made with the Minister's approval, and a reference in this Division to the establishment agreement includes a reference to the establishment agreement as so amended.*
- (2) *The establishment agreement can be amended under subsection (1) to include another local government as a further participant if that local government is a party to the amending agreement.*
- (3) *[Section 3.61\(2\)](#) and (3) apply, with any necessary modifications, to an agreement amending the establishment agreement.*

3.66 Application of enabling Acts to a regional local government

- (1) *Except as otherwise stated in this section, this Act and any other Act under which anything can be done for the regional purpose apply in relation to a regional local government as if —*
 - (a) *the participants' districts together made up a single district; and*
 - (b) *the regional local government were the local government established for that district.*
- (2) *A regional local government can only do things for the regional purpose, and the application of this Act or any other Act under subsection (1) is limited accordingly.*
- (3) *The following provisions of this Act do not apply in relation to a regional local government —*
 - (a) *Part 2 (other than [sections 2.7](#), [2.26](#), [2.29](#) and [2.32\(e\)](#) and Division 7);*
 - (b) *Part 4;*
 - (c) *Part 5, Division 2, Subdivision 4;*
 - (d) *Part 6, Division 6; and*
 - (e) *any provision prescribed for the purposes of this subsection.*
- (4) *Part 6, Division 5, Subdivision 3 does not apply in relation to a regional local government unless the establishment agreement provides that it does.*

- (5) *The provisions that do apply in relation to a regional local government apply to it subject to any prescribed modifications and any other necessary modifications.*

3.67 Inconsistency between regional and other local laws

To the extent that a local law made by a regional local government is inconsistent with a local law made by a local government, the local law made by the regional local government prevails.

3.68 Other arrangements not affected

Nothing in this Division prevents local governments from making arrangements under which —

- (a) *a local government performs a function for another local government; or*
- (b) *local governments perform a function jointly.*

What this Part is about

This Part deals with elections of mayors and presidents by electors, elections of councillors, and polls and referendums, and with related matters.

In particular —

- (a) *Divisions 2, 3, 4, 5 and 6 describe the different kinds of elections and direct when those elections are to be held;*
- (b) *Division 7 is about the officials who conduct elections;*
- (c) *Division 8 sets out the qualifications for enrolment to vote at elections;*
- (d) *Division 9 deals with the process of preparing for and conducting an election;*
- (e) *Division 10 deals with complaints about the results of elections;*
- (f) *Division 11 sets out a number of offences in relation to elections and provides for investigation and prosecution of offences;*
- (g) *Division 12 deals with polls and referendums.*

Policy Implications:

Insert section

Financial Implications:

The initial requirement will be for a contribution of \$5000 per Council to establish the Regional Council followed by relevant contributions to the employment of a Chief Executive Officer, staff and the purchase of services.

Strategic Implications:

Insert section

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

There may be local and regional economic and financial benefits from regional service delivery.

Social Implications:

A regional rather than a local service delivery system may concern some residents, however lower costs may provide social and community benefit.

Environmental Implications:

Any project undertaken for regional delivery will be required to conform to all environmental standards.

Comment:

The Shire of York is currently a member of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC) and the Avon Regional Organisation of Councils (AROC) with the emphasis and involvement since May 2005 being with SEAVROC.

Under SEAVROC the group (Beverley, Brookton, Cunderdin, Quairading and York) have undertaken a range of regional and local projects and it is currently employing an executive officer as a structural reform manager for a two year period under funding from the Department of Local Government and Regional Development. SEAVROC in conjunction with the Department and the WA Local Government Association is currently finalising a feasibility study of alternative corporate structures to a Regional Council for resource sharing and community service delivery with the retention of local autonomy and identity.

The Regional Council system is the only method currently available in Western Australia as an alternative to the voluntary groupings and individual arrangements; however this in effect creates an additional local government with the same compliance requirements as for existing Councils.

The concept of a Regional Council for a specific single purpose has merit however the scope is not as clear for multiple services in the first instance. They appear to work well in the metropolitan area where they have evolved from the original purpose and capacity and credibility has been proven.

In the era of progressive change in Local Government it would appear to be more beneficial to concentrate energy and resources to a single entity rather than spread these over a number.

There is still an opportunity to purchase services from regional councils if costs and service standards are appropriate and this could be done with the Avon Regional Council if it is formed.

SEAVROC may end up as a Regional Council if there is no alternative under the legislation; however at this stage it is considered that the Shire of York would be best served by developing the more flexible regional system being researched.

OFFICER RECOMMENDATION

**RESOLUTION
090209**

MOVED: Cr Lawrance SECONDED: Cr Fisher

“That Council:

- 1. Advise the Avon Regional Organisation of Councils that the Shire of York will not become a member of the Avon Regional Council at this time while it pursues the alternative corporate structures through SEAVROC;***
- 2. Congratulates the local governments involved in the Regional Council process in their initiative in this area of structural reform;***
- 3. Advise AROC that the Shire of York would be interested in purchasing relevant and appropriate services which become available through the Regional Council;***
- 4. Advise AROC members that the Shire of York will terminate it’s involvement with the Avon Regional Organisation of Councils effective as of the 28th February 2009 and request the refund of the applicable reserve funds held by AROC; and***
- 5. Request AROC to determine access to jointly owned equipment eg toilets, lighting tower, sign trailer by the Shire of York as York was a contributor to the purchase of these items.”***

CARRIED (6/0)

**Item 9.2.1
Appendix A**

**Project Brief:
Development of a Formalised Regional Council**

Introduction

The Avon Regional Organisation of Councils (AROC) comprising the Shires of Chittering, Dowerin, Goomalling, Northam, Toodyay and York, currently operate on a voluntary basis.

AROC are seeking a suitably qualified and experienced consultant and / or entity to provide a lead role in the formalisation of the Avon Regional Council.

This role will require the assessment of development documentation already undertaken, liaising with member Councils, research, and all documentation necessary so as to create a new regional council.

Position Statement

The Structural Reform Consultant role is an outcome based role, responsible for the delivery of a documented formalisation of the Avon Regional Council (ARC).

Reporting Structure

The Structural Reform Consultant is to report directly to the Executive of the Avon Regional Organisation of Councils (AROC) comprising the five (5) Chief Executive Officers of each member Council.

Selection Criteria and Weighting

In the case of an entity being selected for the role, all personnel working within the project must meet the criteria.

Qualifications and Training	Essential	Desirable	Selection Matrix
A tertiary qualification or substantial experience in Local Government.	✓		20%
Knowledge, Experience and Skills	Essential	Desirable	Selection Matrix
Experience in project planning and coordination of key players, with demonstrated experience of project delivery within designated time constraints.	✓		15%
Change Management expertise	✓		10%
Effective communication skills with a focus on professional presentation and impact	✓		10%

Capacity to influence, build and work collaboratively with key stakeholders	✓		10%
Knowledge of local government process and legislative requirements	✓		20%
Understanding of good governance principles	✓		15%
Strong sense of accountability and professional integrity		✓	N/A

The role will be awarded to the applicant who best demonstrates the ability to provide the required knowledge, experience and skills at a competitive price.

Requirements

The successful candidate will be required to:

1. Meet the outcome requirements detailed below within the provided timeframe.
2. To research, investigate and negotiate the exemption requirements (with the Department of Local Government and Regional Development) necessary for an effective governance model for the Avon Regional Council.
3. Liaise and communicate with the Chief Executive Officers of each member Council both individually and collectively with respect to fulfilling the identified task/s.
4. Attend meetings with the Executive of AROC and / or AROC as required within the timeframe and as otherwise necessary.
5. Provide a formal establishment agreement for the Avon Regional Council outlining:
 - Purpose
 - Functions
 - Powers
 - Activities

Note: AROC has already identified the vast majority of the aforementioned tasks, but formal documentation is lacking.

Further, AROC has already identified an establishment agreement that is the preferred option. Such proforma is required to be modified and formulated.

6. Provide a proforma report that member Councils can present to their individual Councils recommending the actions necessary;
 - To enter into the establishment agreement; and
 - Formalise the Avon Regional Council.
7. Develop the documentation necessary to make a successful application to the Department of Local Government and Regional Development for the formalisation of the Avon Regional Council.

8. Submit an application to the Department of Local Government and Regional Development for the formalisation of the Avon Regional Council.
9. Liaise with the Department of Local Government and Regional Development in relation to the aforementioned application. Communicate with the Executive of AROC as necessary.
10. Communicate the outcomes of the aforementioned application to the Executive of AROC.

Timeframe

Details	Date
Expressions of interest close.	Thursday 12 February 2009
Determination of successful applicant.	Thursday 26 February 2009
Appointment of successful applicant.	Friday 27 February 2009
Brief to Structural Reform Consultant by Executive of AROC. <i>Meeting commencing 11.00am at the Shire of Toodyay Administration Centre.</i>	Wednesday 4 March 2009
Interim report to Executive of AROC by Structural Reform Consultant. <i>Meeting commencing 10.00am at the Shire of Toodyay Administration Centre.</i>	Friday 3 April 2009
Draft report to be supplied electronically to the Executive of AROC via email ceo@toodyay.wa.gov.au .	Friday 1 May 2009
Presentation of final report to AROC by Structural Reform Consultant. <i>Meeting commencing 9.00am at a venue to be advised (Belmont).</i>	Thursday 21 May 2009
Application to Minister.	Tuesday 30 June 2009
Communicate outcomes of application to Executive of AROC.	To be determined.

Submissions

Expressions of interest are to be marked "STRUCTURAL REFORM CONSULTANT – CONFIDENTIAL" and addressed to:

Chief Executive Officer
Shire of Toodyay
PO Box 96
TOODYAY WA 6566.

Submissions are to be received by 4.00pm on Thursday 12 February 2009.

Any enquiries should be addressed to Graham Merrick, Secretariat for AROC on 9574 2258.

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.2 Country Local Government Fund – Royalties for Regions

FILE NO:	OR.RDT.4.8
COUNCIL DATE:	February 16, 2009
REPORT DATE:	January 21, 2009
LOCATION/ADDRESS:	N/A
APPLICANT:	Department of Local Government and Regional Development
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Ray Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – DLGRD Correspondence B - Guidelines
DOCUMENTS TABLED:	Nil

Summary:

The Department of Local Government and Regional Development has provided the guidelines for the Royalties for Regions funding. The Shire of York will receive \$816,313 in 2008/09 in two instalments.

Background:

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

Consultation:

Western Australian Local Government Association
Department of Local Government and Regional Development
South East Avon Voluntary Regional Organisation of Councils

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

This is unbudgeted revenue and expenditure and a Council budget variation will be required for each project undertaken.

Strategic Implications:

1. To meet community needs in terms of physical infrastructure and overall community services.
2. To provide and maintain high quality services and infrastructure in an efficient and cost effective way.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

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

Social Implications:

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

Environmental Implications:

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

Comment:

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

The Guidelines are specific as to what can be funded and it is tied to the following asset classes identified in the Local Government Accounting Manual:

- Buildings
- Infrastructure
 - o Roads
 - o Bridges
 - o Drainage
 - o Parks, Gardens & Reserves
 - o Footpaths & Cycleways
 - o Airports
 - o Sewerage
 - o Other

The following clause in the Guidelines should be given special consideration as it could have long term detrimental impacts on Financial Assistance Grants to individual local governments.

“Local governments need to be aware that the Local Government Grants Commission is likely to take into account Country Local Government funds to the extent to which local governments spend them on road asset preservation and renewal (including bridges). Where the funding to local governments is spent on buildings and infrastructure assets other than road asset preservation this will not affect financial assistance allocations.”

The Guidelines are specific in what cannot be funded from Royalties for Regions and these include non-infrastructure items, plant and equipment purchases, employing staff, engaging consultants or reducing dept.

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

The Shire of York like most local governments has a Plan for the Future which has already identified infrastructure and asset preservation needs and this should be the basis for any allocations.

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

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

OFFICER RECOMMENDATION

**RESOLUTION
100209**

MOVED: Cr Boyle SECONDED: Cr Fisher

“That Council:

- 1. *Note the information from the Department of Local Government and Regional Development and utilise the guidelines for project assessment, and***
- 2. *Endorse the signing and submission of the Royalties for Regions – Country Local Government Fund acceptance form.”***

CARRIED (6/0)

**Item 9.2.2
Appendix A**



Department of Local Government and Regional Development
Government of Western Australia

Our Ref: 821-08

Cr Patrick Hooper
President
Shire of York
PO Box 22
YORK WA 6302

Dear Cr Hooper

ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND

The Country Local Government Fund (CLGF) was launched on 16 December 2008 by the Minister for Regional Development, Hon Brendon Grylls MLA. At the launch, country local governments were advised of allocations under the Fund for 2008-09 and that details for claiming allocations would be available early in the new year from the Department of Local Government and Regional Development.

The Department will be responsible for the administration of this fund and will also provide capacity-building support to local governments consistent with the State's overall responsibility for the local government system. A small percentage of the Fund has been allocated to the Department to support capacity building and encourage standardised asset management practices to complement the efforts of local government to address infrastructure needs in regional Western Australia.

Under the CLGF, an allocation of \$816,313 (excluding GST) for the Shire of York is available in 2008-09 subject to requirements detailed in the attached Guidelines and Acceptance Form. Please examine the Guidelines, complete and sign the Acceptance Form and return it to the Department to access the allocation.

It is important to note:

- The allocation will be made in two (2) payments:
- An Interim Report Form will need to be completed to access the second payment: and
- Further reporting, as outlined in the Guidelines, will be required before allocations will be made in subsequent years.

As part of the requirements for the allocation, local governments are to acknowledge the funding is from Royalties for Regions on information and signage associated with the provision of funds, including correspondence and promotional material.

The CLGF is a component of the State Government's Royalties for Regions which provides a long-term focus on regional development with support to maintain strong and vibrant regions through improved infrastructure and headworks; strategic across

SHIRE OF YORK	
FL. PPA	INITIALS
Pat H	copy given
Raj	AB
20 JAN 2009	
1105949	
RETURNED TO COUNCIL	
DATE	INITIALS
Corneal	16/2/09

COPY SENT TO:
1. Councillors
2. Graham
3.

Dumas House 2 Havelock Street West Perth WA 6005 GPO Box R1250, Perth WA 6844
Tel: (08) 9217 1500 Fax: (08) 9217 1555 Freecall: 1800 620 511 (Country only)
E-mail: info@dlgrd.wa.gov.au Website: www.dlgrd.wa.gov.au
wa.gov.au

DLGRD001

government, regional and community services projects; and access to grant funding at a local and regional level.

The CLGF has been specifically established to:

- Improve the financial sustainability of regional local governments in WA through improved asset management; and
- Address infrastructure backlogs and support capacity building.

As a result, all funds in the allocation to Councils must be applied to infrastructure expenses and are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.

The requirements associated with the allocation are aimed at local decision making, allowing Councils a level of freedom to apply the funds in areas of Council priority and at the same time provide the Department with confidence that expenditure will address important infrastructure needs in regional Western Australia.

As previously announced, future allocations will also be made through regional organisations of local governments. It is suggested that councils consider which regional grouping they wish to be associated with for determining regional funding priorities.

Should you have any queries regarding the allocations of and access to Fund guidelines and access to allocations, please contact the Department on telephone (08) 9217 1500 or freecall 1800 620 511 or email clgf@dlgrd.wa.gov.au. Further information is also available through our website www.dlgrd.wa.gov.au/RforR.

Royalties for Regions – Country Local Government Fund provides an opportunity for local governments to upgrade their infrastructure and I trust that the Shire of York will use these funds wisely.



Ross Weaver
A/DIRECTOR GENERAL

15 January 2009



ROYALTIES FOR REGIONS COUNTRY LOCAL GOVERNMENT FUND

Guidelines 2008-09

OBJECTIVES

The primary objective of the Royalties for Regions' Country Local Government Fund (CLGF) is to address infrastructure backlogs across the country local government sector.

The Fund provides the country local government sector with additional money for the purpose of infrastructure provision and renewal. Funding in 2008-09 is provided to individual country local governments to promote efficient infrastructure development and asset preservation and renewal.

The Fund aims to:

- Improve the financial sustainability of regional local governments in WA through improved asset management; and
- Address infrastructure backlogs and support capacity building.

WHAT CAN BE FUNDED

Expenditure of Fund allocations must be on individual local government infrastructure asset renewal and/or infrastructure asset creation. The Funds are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.

Allocation of funds is tied to expenditure against the following local government asset classes according to the *Local Government Accounting Manual*:

- Buildings
- Infrastructure:
 - Roads
 - Bridges
 - Drainage
 - Parks, gardens and reserves
 - Footpaths and cycleways
 - Airports
 - Sewerage
 - Other

Local governments need to be aware that the Local Government Grants Commission is likely to take into account CLGF funds to the extent to which local governments spend them on road asset preservation and renewal (including bridges). Where the funding to local governments is spent on buildings and infrastructure assets other than road asset preservation, this will not affect financial assistance grant allocations. Funding to regional local governments for all asset classes will not be taken into account by the Commission.

Please contact the Department of Local Government and Regional Development should you require information regarding the Commission's definition of road preservation. Alternatively this information can be found on the Royalties for Regions website www.dlgrd.wa.gov.au/RforR.

WHAT CANNOT BE FUNDED

The grant funds cannot be applied to expenditure on non-infrastructure items. The grant funds are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

CONDITIONS AND OBLIGATIONS

Before receiving initial annual funds, recipients are required to provide to the Department of Local Government and Regional Development a completed CLGF Acceptance Form outlining the community's infrastructure priorities for the financial year.

Recipients will need to demonstrate the previous funds received from CLGF have been fully allocated before subsequent allocation payments will be made. This can be done through the completion of the standard CLGF Interim Report Form available from the Department.

In 2008-09 these reports will be required by 29 May 2009 for the 2008-09 allocations.

As a condition of funding all financial assistance recipients are required to have fund expenditure audited. Documentation of this audit is to be forwarded separately to the Department and included in the organisation's annual report. Compliance with reporting requirements for the Fund will also be included in the annual Compliance Audit Return.

Final reporting requirements for the 2008-09 allocations are to be received by the Department by 30 November 2009. Further documentation and information regarding this final report will be made available through the Department's website.

Funding payments in future years may not be made until the required paperwork has been satisfactorily received by the Department. Should recipients not adhere to these conditions they may be excluded from future distributions of the Fund and their notional entitlement may be distributed to other recipients. The Department may also undertake a non-compliance investigation under the powers of the *Local Government Act, 1995*.

Recipients need to be aware that the Department will undertake sample audits to assess the application of the funds against the broad aims of the Fund.

Recipients are required to acknowledge the funding is from Royalties for Regions on information and signage associated with the provision of funds, including correspondence and promotional material.

Recipients will also permit the Department to refer to the project in promoting the Fund, Royalties for Regions or other similar funding arrangements in articles, publications and public forums.

TAX INFORMATION

The Department of Local Government and Regional Development is registered for GST and has been issued with Australian Business Number (ABN) 88 549 163 437. The Department regards financial assistance under this Fund as payment for a supply. GST-registered financial assistance recipients will therefore be liable for GST in connection with the financial assistance.

For GST-registered financial assistance recipients, the Department will increase the financial assistance by the amount of GST payable. GST-registered financial assistance recipients must provide the Office of Shared Services (OSS) with a tax invoice for the GST inclusive value of the financial assistance unless the Department and applicant have agreed in writing to the issue of a Recipient Created Tax Invoice.

Payment will not be made until the recipient is registered as a supplier with OSS and OSS receive a tax invoice or an agreement to issue a Recipient Created Tax Invoice. The recipient acknowledges that the financial assistance provided is consideration for a supply to the Department and that the

GST component will be included in the applicant's next Business Activity Statement lodged with the Australian Taxation Office.

For applicant not registered for GST, the Department will *not* include GST. Nor will it reimburse an unregistered financial assistance recipient for GST paid or payable to a third party. Unregistered financial assistance recipients must provide OSS with an invoice for the amount of the grant.

FREEDOM OF INFORMATION ACT

Recipients are informed that the Department is subject to the *WA Freedom of Information Act*, which provides a general right of access to records held by State Government agencies and local government authorities.

Recipients should also be aware that information pertaining to the receipt of State Government financial assistance will be tabled in the Western Australian Parliament. This information could include the name of recipients, the amount of the assistance, the name of the project/activity and, possibly, a brief description thereof. This could result in requests for more detail to be released publicly.

Should you require any further information in relation to this issue, please contact the Department's Freedom of Information Coordinator on (08) 9217 1500.

PAYMENT DETAILS

Allocations are to be provided in two (2) payments in 2008-09 and payments will be made no later than March and June of 2009.

Initial payments in each financial year will be upon receipt of a completed CLGF Acceptance Form. All payments are contingent upon receipt of required reporting and audit actions as outlined in the conditions and obligations.

Method of Payment

The Department of Local Government and Regional Development is responsible for the administration of this Fund. Please be aware the Department now operates under a Whole of Government shared corporate services environment. Through this arrangement, payments will be undertaken by the OSS, a business unit of the Department of Treasury and Finance.

Upon receipt of the required documentation, the Department will raise a requisition and will issue recipients with a purchase order. Tax invoices for these funds will then need to be submitted directly to OSS, quoting the purchase order number. The payment of this grant will be made direct to you from OSS and not from the Department within 30 days of receipt of invoice.

For further information regarding these new payment arrangements please visit the OSS website <http://www.oss.wa.gov.au> and review information about how the new arrangement will affect the local government by clicking on the Suppliers Corner.

Should the organisation not be registered as a supplier with OSS please complete the Supplier Creation Form found on the OSS website. Should you need to contact OSS, details are as follows:

Mason Bird Building
303 Sevenoaks Street
PO Box 591
CANNINGTON WA 6987
Customer Service Centre: 1300 345 677
Fax: (08) 9258 0303
Email: business@oss.wa.gov.au

Supplier Creation Forms can also be obtained by contacting the Department on the details below.

Please note that organisations will not be able to receive funding until they are registered with OSS.

Please refer to the Department's website www.dlqrd.wa.gov.au/RforR for any further information on this grant.

Please contact the Department on telephone (08) 9217 1500 or freecall 1800 620 511 or email clgf@dlqrd.wa.gov.au should there be any further queries regarding the payment of this grant.



Department of Local Government
and Regional Development
www.dlgrd.wa.gov.au



Royalties for Regions Country Local Government Fund Acceptance Form 2008-09

To receive funding under the Country Local Government Fund (CLGF), local governments are required to complete, sign and return the attached acceptance form to the Department of Local Government and Regional Development. All other required documentation is to be administered as per the Fund guidelines.

A copy of this form and the CLGF guidelines can be found at:
www.dlgrd.wa.gov.au/RforR/clgf.asp

The mailing address for returning this form is:

**Department of Local Government and Regional Development
Financial Assistance Branch
GPO Box R1250
PERTH WA 6844**

If you require more information or help to complete this form please contact the Department on telephone (08) 9217 1500 or Freecall 1800 620 511 or email clgf@dlgrd.wa.gov.au.

Completed forms must be provided to ensure that your local government receives payments in 2008-09.

**ROYALTIES FOR REGIONS
COUNTRY LOCAL GOVERNMENT FUND (CLGF)
ACCEPTANCE FORM – 2008-09**

1. ORGANISATION DETAILS:

Legal Name of Council:			
ABN:		GST Registered:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Address:			
Postal Address:			
Web Address:			
Contact Person:			
Position/Title:			
Telephone:		Fax:	
Email:			

2. EXPENDITURE DETAILS:

CLGF Funds Allocated (ex GST):	\$
---------------------------------------	-----------

2.1 In accordance with the CLGF Guidelines 2008/2009, the Funds are to be allocated to one of more of the following asset classes. Please tick the boxes for which you intend to expend this allocation:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Buildings <input type="checkbox"/> • Infrastructure – Roads <input type="checkbox"/> • Infrastructure – Bridges <input type="checkbox"/> • Infrastructure – Drainage <input type="checkbox"/> • Infrastructure – Parks, gardens and reserves <input type="checkbox"/> | <ul style="list-style-type: none"> • Infrastructure – Footpaths and cycleways <input type="checkbox"/> • Infrastructure – Airports <input type="checkbox"/> • Infrastructure – Sewerage <input type="checkbox"/> • Infrastructure – Other <input type="checkbox"/> |
|---|--|

2.2 The Funds are to be allocated to the following community infrastructure priority(s)/project(s):

Priority/project	Brief Description	Est \$ (ex GST)

Please attach more information if insufficient space.

3. FINANCIAL ARRANGEMENTS:

3.1 Details of who will manage and deliver the priority(s)/project(s):

Priority/project	Officer Responsible	Position Title	Contact Details

3.2 Contact details of the local government auditor:

Name:			
Address:			
Phone:		Fax:	
Email:			

4. DECLARATION

I declare that I am authorised to supply this information on behalf of the council identified in section one (1) above.

I declare that the information I have given on this form is complete and correct and that the council that I represent supports this priority(s)/ project(s). If any change to this information occurs, either the council or I will promptly inform the Department of Local Government and Regional Development (the Department).

I declare on behalf of the council that:

- The local government is registered as a supplier with the Office of Shared Services
OR
 It is in the process of becoming registered as a supplier with the Office of Shared Services.

The council agrees that:

- Monies are a tied contribution for infrastructure renewal and/or new infrastructure projects;
- Expenditure will be allocated to the classes of infrastructure and buildings identified in the *Local Government Accounting Manual*;
- The projects indicated in this form are priority targets of the community;
- Reports will be lodged with the Department biannually in accordance with the guidelines;
- Subsequent payments will not be received until such satisfactory reports have been received by the Department;
- Annual audit statements by this organisation's auditor will include confirmation that the CLGF funds have been allocated as reported in this Form;
- This organisation may be subject to a sample audit to enable the Department to assess that the application of CLGF funds against the broad aims of the Fund;
- It is required to acknowledge the Fund with public recognition as outlined in the Guidelines; and
- The Department will maintain information from this Form for strategic information purposes.

I have read, understood and agree to the conditions in the Guidelines and this form.

Below are my details and signature, acknowledging the above:

Name	
Title	
Organisation	

Signature: _____ Date: _____

Please print, sign and return this Form to the Department.

**Department of Local Government and Regional Development
Financial Assistance Branch
GPO Box R1250
PERTH WA 6844**



Department of Local Government
and Regional Development
www.dlgrd.wa.gov.au



Royalties for Regions Country Local Government Fund Acceptance Form 2008-09

To receive funding under the Country Local Government Fund (CLGF), local governments are required to complete, sign and return the attached acceptance form to the Department of Local Government and Regional Development. All other required documentation is to be administered as per the Fund guidelines.

A copy of this form and the CLGF guidelines can be found at:
www.dlgrd.wa.gov.au/RforR/clgf.asp

The mailing address for returning this form is:

**Department of Local Government and Regional Development
Financial Assistance Branch
GPO Box R1250
PERTH WA 6844**

If you require more information or help to complete this form please contact the Department on telephone (08) 9217 1500 or Freecall 1800 620 511 or email clgf@dlgrd.wa.gov.au.

Completed forms must be provided to ensure that your local government receives payments in 2008-09.

**ROYALTIES FOR REGIONS
COUNTRY LOCAL GOVERNMENT FUND (CLGF)
ACCEPTANCE FORM – 2008-09**

1. ORGANISATION DETAILS:

Legal Name of Council:			
ABN:		GST Registered:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Address:			
Postal Address:			
Web Address:			
Contact Person:			
Position/Title:			
Telephone:		Fax:	
Email:			

2. EXPENDITURE DETAILS:

CLGF Funds Allocated (ex GST):	\$
--------------------------------	----

2.1 In accordance with the CLGF Guidelines 2008/2009, the Funds are to be allocated to one of more of the following asset classes. Please tick the boxes for which you intend to expend this allocation:

- Buildings
- Infrastructure – Roads
- Infrastructure – Bridges
- Infrastructure – Drainage
- Infrastructure – Parks, gardens and reserves
- Infrastructure – Footpaths and cycleways
- Infrastructure – Airports
- Infrastructure – Sewerage
- Infrastructure – Other

2.2 The Funds are to be allocated to the following community infrastructure priority(s)/project(s):

Priority/project	Brief Description	Est \$ (ex GST)

Please attach more information if insufficient space.

3. FINANCIAL ARRANGEMENTS:

3.1 Details of who will manage and deliver the priority(s)/project(s):

Priority/project	Officer Responsible	Position Title	Contact Details

3.2 Contact details of the local government auditor:

Name:			
Address:			
Phone:		Fax:	
Email:			

4. DECLARATION

I declare that I am authorised to supply this information on behalf of the council identified in section one (1) above.

I declare that the information I have given on this form is complete and correct and that the council that I represent supports this priority(s)/ project(s). If any change to this information occurs, either the council or I will promptly inform the Department of Local Government and Regional Development (the Department).

I declare on behalf of the council that:

- The local government is registered as a supplier with the Office of Shared Services
OR
 It is in the process of becoming registered as a supplier with the Office of Shared Services.

The council agrees that:

- Monies are a tied contribution for infrastructure renewal and/or new infrastructure projects;
- Expenditure will be allocated to the classes of infrastructure and buildings identified in the *Local Government Accounting Manual*;
- The projects indicated in this form are priority targets of the community;
- Reports will be lodged with the Department biannually in accordance with the guidelines;
- Subsequent payments will not be received until such satisfactory reports have been received by the Department;
- Annual audit statements by this organisation's auditor will include confirmation that the CLGF funds have been allocated as reported in this Form;
- This organisation may be subject to a sample audit to enable the Department to assess that the application of CLGF funds against the broad aims of the Fund;
- It is required to acknowledge the Fund with public recognition as outlined in the Guidelines; and
- The Department will maintain information from this Form for strategic information purposes.

I have read, understood and agree to the conditions in the Guidelines and this form.

Below are my details and signature, acknowledging the above:

Name	
Title	
Organisation	

Signature: _____ Date: _____

Please print, sign and return this Form to the Department.

Department of Local Government and Regional Development
Financial Assistance Branch
GPO Box R1250
PERTH WA 6844

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.3 Reserve No. 37317 (Lot 582 Fraser St, York)

FILE NO: FR1.31140
COUNCIL DATE: 16 February, 2009
REPORT DATE: 21 January, 2009
LOCATION/ADDRESS: Reserve No. 37317 – Corner Fraser St and Ulster Rd
APPLICANT: Shire of York
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Cr Hooper – Proximity Interest
APPENDICES: A – Vesting Order
B – Aerial Photo
DOCUMENTS TABLED: Nil

Summary:

The Chinaman's Pit area (Reserve No. 37317) requires a clean up and development and it may be appropriate to recognise the lifelong commitment to the environment by Mrs Seabrook by naming this reserve in her honour.

Background:

This Reserve has existed in its current state since the end of the war. The history may need to be researched further.

Consultation:

Initial discussion with a Seabrook family member.

Statutory Environment:

Land Act

Policy Implications:

Nil

Financial Implications:

The upgrading and development would be undertaken through the normal budget process for Parks, Gardens and Reserves.

Strategic Implications:

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Ongoing

Triple bottom Line Assessment:

Economic Implications:

Development of parkland may benefit housing values in the locality.

Social Implications:

Development of parkland would benefit the community.

Environmental Implications:

The current condition does not meet environmental standards for weed, rubbish and fire control.

Comment:

The area is in need of significant upgrading and it would be appropriate to recognise the efforts of Mrs Seabrook in the environmental area by dedicating this reserve in her name.

OFFICER RECOMMENDATION

RESOLUTION

110209

MOVED: Cr Walters

SECONDED: Cr Lawrance

“That Council:

- 1. *Apply to have Reserve No. 37317 named as the Johanna Seabrook Memorial Park through the Geographic Names Committee; and***
- 2. *Include the development of this reserve as an ecology parkland in the 2009/10 and future budgets.***

CARRIED (6/0)

A 31140- (113) A

LAND ACT, 1933
(Section 33)

Item 9.2.3
Appendix A

VESTING ORDER

File No. 1611/981

I, Rear-Admiral Sir Richard John Trowbridge, Knight Commander of the Royal Victorian Order, Knight of Grace of the Most Venerable Order of the Hospital of St. John of Jerusalem, Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia, do hereby, in pursuance of the powers enabling me in that behalf, and under and by virtue of the provisions of Section 33 of the Land Act 1933, direct that Reserve No. 37317

shall vest in and be held by the Shire of York

in trust for the following objects and purposes (that is to say)

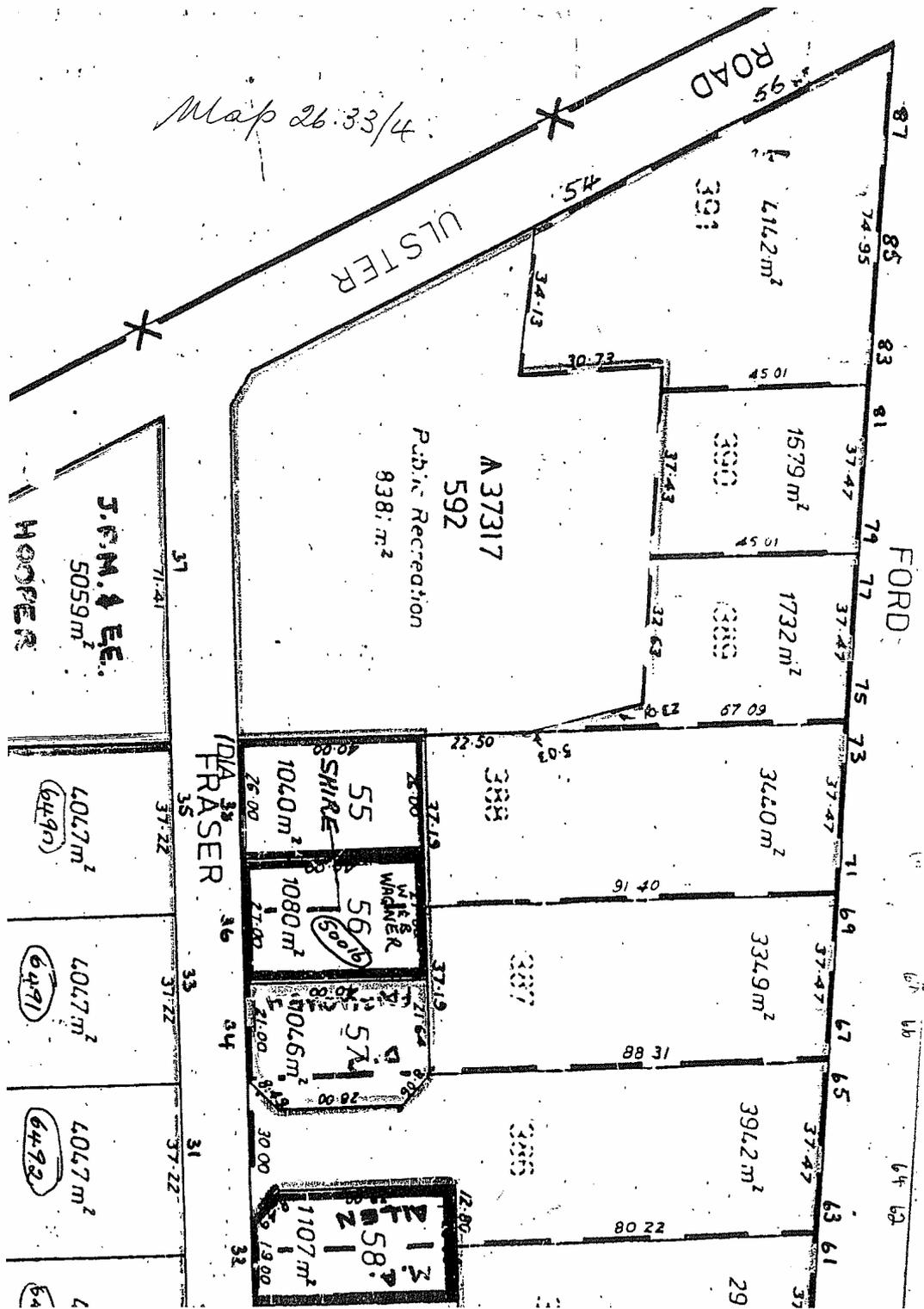
Public Recreation

subject nevertheless to the powers reserved to me by Section 37 of the said Act.

Given under my hand at Perth,

this 22nd day
of December 1981

R. Trowbridge
GOVERNOR



Pales

1:322

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23/01/2009



Item 9.2.3
Appendix B

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.4 South East Avon Voluntary Regional Organisation of Councils (SEAVROC)

FILE NO:	OR.RDT.4
COUNCIL DATE:	February 16, 2009
REPORT DATE:	February 9, 2009
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Julieanne Treloar, Executive Support Officer
DISCLOSURE OF INTEREST:	NIL
APPENDICES:	SEAVROC Minutes December 2008
DOCUMENTS TABLED:	NIL

Summary:

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC) has been formed by the Shires of Beverley, Brookton, Cunderdin, Quairading and York with a "Vision" to develop an alliance that responds proactively to the changing environment while retaining our individual identities.

The actions of SEAVROC are complimentary to the recommendations of the Sustainability Report to provide options for collaborative effort.

Background:

SEAVROC held its first meeting on the 25th July 2005.

A Memorandum of Understanding was signed on the 22nd June 2007 in the presence of the Minister for Local Government the Hon Ljiljana Ravlich and the Strategic Plan was signed on the 1st August 2007.

SEAVROC's Mission Statement is:

- To achieve recognition of the South East Avon as a viable, political, social and economic region;
- To enhance service delivery and infrastructure for our collective and individual communities; and
- To achieve a sustainable, cost effective model for the sharing of resources.

Consultation:

The Shires of Beverley, Brookton, Cunderdin, Quairading and York.
Department of Local Government and Regional Development.
Western Australian Local Government Association

Statutory Environment:

Not applicable as SEAVROC is a voluntary organisation at present.

Policy Implications:

Not applicable.

Financial Implications:

Nil

Strategic Implications:

KRA 7 – Community Services – Objectives 1, 2 and 3 states:

- (1) To meet community needs in terms of physical infrastructure and overall community services.
- (2) To provide and maintain high quality services and infrastructure in an efficient and cost effective way.
- (3) To ensure a safe community environment.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

The intent of SEAVROC is to reduce costs to individual member Shires through collaborative purchasing and resource sharing.

Social Implications:

Since the inception of SEAVROC in July 2005 there has been a genuine commitment to shared activities for mutual benefit.

Collaboration has already occurred in areas of plant hire, tenders, staff exchanges and reciprocal works, however there is extensive scope in this area for greater co-operation.

Environmental Implications:

Not applicable.

Comment:

SEAVROC has been recognized as a pro-active regional grouping at the state and federal levels and this is reflected in the level of grant funding received to date and assistance from the Minister for Local Government.

These minutes are provided in the agenda so that they can be received by the Council and also be made available to the public.

OFFICER RECOMMENDATION

RESOLUTION

120209

MOVED: Cr Randell

SECONDED: Cr Lawrance

“That Council:

Receive the minutes of the December 2008 SEAVROC meeting.”

CARRIED (6/0)

**Item 9.2.4
Appendix A**

SEAVROC

(SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)

MINUTES OF EXECUTIVE COMMITTEE MEETING

COUNCIL CHAMBERS – SHIRE OF BEVERLEY

THURSDAY, 04 DECEMBER 2008 AT 9:30AM

The Chairman welcomed Delegates, representatives and guests in attendance, in particular Mr Tony Brown - Executive Manager Governance and Strategy - WALGA, Ms Jo Burges - Regional Cooperation Manager – WALGA; representatives of the Shire of Tammin; as well as Ms Sue Gordon and Ms Wendy Williams from the Department of Health, in attendance to provide Delegates with information on the Health Transport Project.

Cr Alexander, Beverley Shire President, then took the opportunity of welcoming all in attendance, and provided an update on recent events in the Shire of Beverley, namely:

- Beverley Council has contracted Aquatic Services to manage its swimming pool, as last year the pool was unable to open due to difficulties in obtaining qualified staff.
- Council is undertaking the construction and realignment of the western section of Talbot Road. Along with York completing their section, this now completes the sealing of this road. Talbot Road provides Beverley with a “tourist road” via Avondale, through York, and despite difficulties experienced, has remained a priority for some years.
- Substantial widening and clearing is underway on the West Dale Road, under the Regional Road Group Fund. This is a big project for Beverley with \$1.5M allocated over five years.
- Beverley has a very active art group which has attracted a grant from the Regional Infrastructure Funding Program to develop the Beverley Railway Station outdoor area, including a stage, dining cars and entry statement.
- The Council is also in the process of constructing a new house to accommodate the Swimming Pool Manager.
- Difficulties have been experienced with the industrial area with Native Title and other issues. The Council is currently awaiting drawings and costing from Landcorp in relation to development in this area.

- The Council has two other major projects under investigation in relation to aged accommodation, either retirement village or self funding, and the construction of the recreation centre building.
- Other matters under consideration are the Town Planning Review Scheme and attracting an Environmental Health Officer and Building Surveyor.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

1.1 Opening

The Chairman advised that Mr Leon English from the Department of Water would be providing a presentation to the Executive Officers at their meeting to commence at 1:30pm.

1.2 Announcement of Visitors

The Executive Officer advised that invitations had been extended to the following:

- Cr R Stokes – President – Shire of Tammin, and elected Members;
- Mr M Oliver – Chief Executive Officer, Shire of Tammin (Apology);
- Ms C Tuthill – DLGRD (Apology);
- Mr T Brown – WALGA; and
- Ms S Gordon – Health Transport Project.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

2.1 Present

Shire of Cunderdin	- Cr G Cooper	- President
Shire of Cunderdin	- Cr R Carter	- District Ward
Shire of Beverley	- Cr J Alexander	- President
Shire of Beverley	- Mr K Byers	- Chief Executive Officer
Shire of Brookton	- Cr T Lange	- Central Ward
Shire of Brookton	- Mr G Clark	- Chief Executive Officer
Shire of Brookton	- Cr B Coote	- Central Ward

Shire of York	- Mr R Hooper	- Chief Executive Officer
Shire of York	- Cr P Hooper	- President
Shire of Quairading	- Mr G Fardon	- Chief Executive Officer
Shire of Quairading	- Cr D Richards	- President
Shire of Cunderdin	- Mr G Tuffin	- Chief Executive Officer
Department of Health	- Ms W Williams	- Director Clinical Services - WA Country Health Services - Wheatbelt Business Case Transport Project
Department of Health	- Ms S Gordon	- WA Country Health Services - Wheatbelt Business Case Transport Project
Shire of Tammin	- Cr R Stokes	- President
Shire of Tammin	- Cr B Stokes	- District Ward
Shire of Tammin	- Cr S Jefferies	- District Ward
Shire of Tammin	- Mrs J Oliver	- Representing Mr M Oliver - Chief Executive Officer
WALGA	- Mr T Brown	- Executive Manager Governance and Strategy
WALGA	- Ms J Burges	- Regional Cooperation Manager – WALGA
DCA	- Mr D Carbone	- Executive Officer
DCA	- Mrs L Gyomorei	- Minute Secretary

2.2 APOLOGIES

Shire of Tammin	- Mr M Oliver	- Chief Executive Officer
DLGRD	- Ms C Tuthill	- Acting Principal Project Officer – Community Capacity Building
Shire of Brookton	- Cr K Wilkinson	- Deputy President
Shire of Beverley	- Cr B Foster	- West Ward

2.3 LEAVE OF ABSENCE (PREVIOUSLY ADVISED)

Nil.

3. APPLICATION FOR LEAVE OF ABSENCE

Nil.

4. DEPUTATIONS/PRESENTATIONS

4.1 Deputations

Following the Chairman's invitation, Ms S Gordon, Director Clinical Services, WA Country Health Services, provided a presentation on the Wheatbelt Business Case Transport Project.

Questions raised by Mr G Tuffin, Mr R Hooper, Cr P Hooper, the Chairman, Mr K Byers, Mr G Clark, Mr G Fardon, Cr D Richards, Cr J Alexander, and Cr B Coote, were answered accordingly.

Following discussion, the Chairman advised that this matter would remain on the table for the Chief Executive Officers as an agenda item, with the proposal that a trial commence by 1 March 2009, and that a report be presented to the Executive Committee Meeting in February 2009, with feedback provided by each Member Council to the Executive Officer.

The Chairman took the opportunity of thanking Ms Gordon and Ms Williams for their presentation, with Ms Gordon and Ms Williams withdrawing from the Council Chambers at 9:55am.

4.2 Presentations

The Chairman provided comment in relation to attendance at the National Party Dinner held in Perth, with the highlight being that at State level, there is a big swing under Royalties for Regions, with allocations to local government. Further, that the first statement of the evening related to the forming of working relationships/partnerships with local government and significant grants to come, including "add ons" with the restructure of the Telecentre arrangements, and funding to sports and recreation, etc.

Additional comment was provided by the Chairman in relation to the Federal perspective, with local governments attaining minimum funding of \$100,000; and the Federal Government forming a partnership arrangement with local government, with the formation of the Australian Council for Local Government. This Council will meet on a regular basis, and via its Board/Committee, will have input into infrastructure funding, and the way in which the Federal government deals with local government in the future.

The Chairman stated that both State and Federal Governments were coming on side to support, recognise and financially back local government.

Delegates were further advised that both State and Federal governments provided a strong message, that in order to maximise benefits, asset management plans needed to meet the requirements of government departments, and that working on a regional basis was positive for funding. Further, that SEAVROC was well placed to take full advantage of these initiatives, however there were matters to be addressed in the short term.

The Chairman then invited comment from Delegates.

Comment was provided by Cr B Coote, Cr P Hooper, the Chairman, Cr D Richards, Cr J Alexander, Mr R Hooper, Mr T Brown and Mr K Byers, in relation to encouraging Delegates to attend such meetings as that held in Canberra, and the positives that can come from a united approach in this regard.

Mr G Clark withdrew from the Council Chambers at 10:10am.

Further comment followed by Mr K Byers, the Chairman and Cr P Hooper, with Mr G Clark returning to the Council Chambers at 10:12am.

Discussion followed with comment by Cr J Alexander, Mr R Hooper, Mr K Byers, Mr G Fardon, the Chairman, Cr J Alexander and Cr P Hooper.

Following Mr R Hooper's request, Mr T Brown provided comment on the role of the Regional Cooperation Manager (WALGA), in that it would provide a facilitation role; incorporate regional visits to look at helping identify what SEAVROC has been doing; what services can be delivered; assist with the progression of matters; and the ability to refer and provide advice. In order to maintain an appropriate level of service, it was anticipated that SEAVROC would be one of only three or four groups worked with initially, with the focus on regional cooperation, something that SEAVROC has already achieved.

Ms Burges then provided additional comment, stating that it was heartening to hear of the unity within SEAVROC, and that this would attract more funding into the future from both State and Federal governments; that asset management plans would be crucial, with SEAVROC well head of the game. Further, that SEAVROC's functions may be replicated around the state, and that the role would provide not only assistance, but a watching brief as well.

5. CONFIRMATION OF MINUTES

Executive Committee Meeting - Thursday, 22 October 2008

MOVED Cr P Hooper, Seconded Cr B Coote, that the Minutes of the SEAVROC Executive Committee Meeting, held on Thursday, 22 October 2008, be received.

CARRIED UNANIMOUSLY

6. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

7. REPORTS OF THE EXECUTIVE OFFICER

SE-014-08	STATUS REPORT – OUTSTANDING BUSINESS FROM EXECUTIVE COMMITTEE MEETINGS (File: serpt017-08)
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The Executive Officer advised that a late letter had been received from the Shire of Brookton advising that they did not require changes to the Strategic Plan however, should amendments be requested by other Member Councils, that a workshop be facilitated for all Delegates.

Further, that the Shire of Brookton Delegates authorised to make decisions at SEAVROC; make such decisions in accordance with the Strategic Plan and Memorandum of Understanding. Brookton also supports the election of a Chairman, and the role of the Chair be limited to the conduct of SEAVROC meetings.

The Executive Officer then provided an update on items detailed in Report SE-014-08, namely:

- 5.2 Correspondence forwarded to the Director General and the Minister. Response from the Minister being detailed in the Report, with response from the Director General advising an apology for the Meeting of 4 December 2008, however interest in attending the February 2009 meeting. With Delegates approval, the Executive Officer to extend this invitation accordingly.

Cr T Lange then withdrew from the Council Chambers at 10:19am.

Following comment by the Chairman, the Executive Officer continued to provide an update on outstanding business.

- SE-004-08 Local Government Feasibility Study - correspondence received from Cunderdin confirming additional funds of \$200.

Mr G Fardon then advised that the Shire of Quairading had approved the additional funding. Following comment by Mr R Hooper, Mr G Clark advised that Brookton also approved the additional funds.

Following a query by Mr T Brown, Mr R Hooper advised that completion of the Study was anticipated for 31 December 2008.

The Executive Officer then continued with his update.

- SE-010-08 Elected Members Training - Response received from Shires of Beverley and Cunderdin in support of training.

Mr G Fardon advised that Quairading had forwarded an email to the Executive Officer in relation to this item of business.

EXECUTIVE COMMITTEE MEETING
THURSDAY, 4 DECEMBER 2008

Chairman:
Dated:

The Executive Officer advised that a report will be presented to the February 2009 meeting, summarising Member Council requirements and detailing WALGA's pricing to conduct training modules.

Cr T Lange returned to the Council Chambers at 10:21am.

Mr G Clark advised that the Shire of Brookton had prioritised training requirements at its recent Meeting, and these details would be forwarded to the Executive Officer.

Following general comment, it was then:

MOVED Cr D Richards, Seconded Cr P Hooper, that the recommendation set out below, be adopted:

That Report SE-014-08 – Status Report – Outstanding Business from Executive Committee Meetings, be received.

CARRIED UNANIMOUSLY

SE-015-08	PRESS RELEASE AND ARTICLE (File: serpt018-08)
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The Chairman drew Delegates' attention to the media information distributed, advising that the Merredin Mercury had published a good article on SEAVROC, with the Advocate newspaper to contact the Executive Officer in relation to an additional article.

Discussion followed, with questions and comment by Cr J Alexander, the Chairman, the Executive Officer, Cr P Hooper and Mr T Brown.

The Executive Officer advised of SEAVROC receiving exposure in the Department of Local Government Magazine 'Update', with Cr Hooper suggesting a photo shoot opportunity at the February meeting if Ms Jenny Matthews was in attendance, and Mr T Brown advising that the Western Councillor magazine could be utilised, as this is distributed to all elected Members in Western Australia.

Cr P Hooper then advised of the Australian Broadcasting Commission (ABC) coverage in the region being split between Geraldton ABC and Albany ABC, and that Albany was keen on exposure within the region, and this could also be utilised for SEAVROC exposure.

The Chairman advised that the Executive Officer would take on board Cr Hooper's comment in relation to seeking coverage via the ABC.

It was then:

MOVED Mr G Fardon, Seconded Cr B Coote, that the recommendation set out below, be adopted:

That Report SE-015-08 – Press Release and Articles, be received.

CARRIED UNANIMOUSLY

Mr R Hooper withdrew from the Council Chambers at 10:26am.

SE-016-08	PROVISION OF SERVICES FOR MANAGEMENT AND ADMINISTRATION OF THE SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (SEAVROC) (File: serpt019-08)
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The Executive Officer advised that administrative hours had settled and were close to those estimated within the tender, and that by the February 2009 meeting, it would be evident that hours were on par with projections.

It was then:

MOVED Cr P Hooper, Seconded Cr J Alexander, that the recommendation set out below, be adopted:

Report SE-016-08 – Provision of Services for Management and Administration of the South East Avon Voluntary Regional Organisation of Councils, be received.

CARRIED UNANIMOUSLY

SE-017-08	FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2008 TO 30 NOVEMBER 2008 (File: serpt020-08)
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The Executive Officer advised Delegates that financial figures remained unchanged at this point in time.

Mr R Hooper returned to the Council Chambers at 10:27am.

Following a query by Mr G Fardon, Mr R Hooper advised that Departmental funding for SEAVROC was currently with the Department of Shared Services, with the Chairman indicating that Mr Bill Mitchell had advised that SEAVROC's funding was a priority.

Comment by the Chairman and Mr R Hooper followed in relation to York undertaking relevant invoicing of Member Councils.

It was then:

MOVED Cr B Coote, Seconded Mr G Fardon, that the recommendation set out below, be adopted:

That the following Statements of Receipts and Payments for the period 1 July 2008 to 30 November 2008, be received for:

- ***Connecting Local Governments and Structural Reform Implementation Grant.***
- ***Local Government Feasibility Study – Regional Collaborative Models.***

CARRIED UNANIMOUSLY

SE-018-08	PROPOSED VISIT BY THE EXECUTIVE OFFICER TO EACH RESPECTIVE MEMBER COUNCIL OF THE SOUTH EAST AVON VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (SEAVROC) (File: serpt021-08)
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The Executive Officer provided comment in relation to visits undertaken, advising that positive feedback had been received.

Mr G Fardon and Mr G Clark advised that feedback would be provided to the Executive Officer in due course, with Cr P Hooper extending congratulation to the Executive Officer on the presentations made.

Discussion followed with comment by the Chairman on the success of the visits undertaken, and advice that on receipt of feedback from all Member Councils, a further report would be presented.

It was then:

MOVED Cr P Hooper, Seconded Mr R Hooper, that the recommendation set out below, be adopted:

- (a) Report SE-018-08 – Proposed Visit by the Executive Officer to Each Respective Member Council of the South East Avon Voluntary Regional Organisation of Councils, be received.***
- (b) A further Report be presented once feedback is received from Member Councils of the South East Avon Voluntary Regional Organisation of Councils.***

CARRIED UNANIMOUSLY

SE-019-08	WASTE MANAGEMENT PLAN (File: serpt022-08)
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The Executive Officer advised that Mr P Stevens, Environmental Health Officer/Building Surveyor of York, had been delegated to undertake this task, with discussions on the matter determining that additional information from Member Councils was required in order to finalise the Plan. Further, that the Executive Officer sought to provide assistance to Mr Stevens in order that the Plan could be finalised, considered by Member Councils, and submitted by the required date. Failure to achieve this would eliminate funding avenues.

The Chairman advised that the required information should be provided by the end of December in order to achieve finalisation and funding submissions.

Discussion followed with questions and comment by Mr G Fardon, the Executive Officer and Mr R Hooper, with the Chairman advising that this matter be placed on the Chief Executive Officer's meeting to commence at 1:30pm.

Further discussion followed with comment by Cr T Lange, Mr R Hooper and the Chairman.

Mr G Fardon withdrew from the Council Chambers at 10:35am.

Comment by the Chairman, Cr T Lange, Mr K Byers, the Executive Officer, Chairman and Mr G Clarke, with Mr Fardon returning to the Council Chambers at 10:37am.

Cr P Hooper provided additional comment, along with the Chairman and Mr R Hooper.

The Chairman then advised that Delegates would provide the required information to the Executive Officer.

Following Mr R Hooper's suggestion that part (a) of the Executive Officer's recommendation be amended to clearly define cost allocation, with the agreement of Delegates, it was then:

MOVED Cr D Richards, Seconded Cr P Hooper:

- (a) That the Executive Officer be authorised to provide assistance to Mr P Stevens, Environmental Health Officer/Building Surveyor, Shire of York, to finalise the Draft Waste Management Plan, with associated costs charged to the Waste Management allocation.***
- (b) That Member Councils of the South East Avon Voluntary Regional Organisation of Councils, be requested to provide the information required from their respective Councils for completion of the Plan.***

CARRIED UNANIMOUSLY

SE-020-08	INFORMATION TECHNOLOGY (File: serpt023-08)
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The Executive Officer provided comment in relation to investigations to date, including communications with Local Government Systems (LGS), a South Australian organisation of Councils, who have developed a Dataflex system currently used by thirteen local governments.

Mr K Byers withdrew from the Council Chambers at 10:41am and returned at 10:42am.

The Executive Officer continued with comment in relation to the systems offered by LGS and the economical cost of purchasing such systems, with comment and questions by Mr G Fardon, the Chairman, Mr G Clark, Mr R Hooper and Cr P Hooper.

Cr B Coote withdrew from the Council Chambers at 10:50am.

EXECUTIVE COMMITTEE MEETING
THURSDAY, 4 DECEMBER 2008

Chairman:
Dated:

Discussion followed with comment by Mr G Tuffin, Mr G Clark, Cr P Hooper and Cr J Alexander, with the Chairman clarifying that Information Systems was included in the brief to the Executive Officer, and that the matter would be discussed further at the Chief Executive Officers meeting to commence at 1:30pm.

Cr S Jefferies withdrew from the Council Chambers at 10:52am.

Comment by Mr G Tuffin, the Chairman and Executive Officer followed, with Cr B Coote returning to the Council Chambers at 10:53am, and Cr S Jefferies returning at 10:54am.

The Chairman advised that the Executive Officer's recommendation was to investigate further, not to adopt a system. Further, that it was anticipated that the Shire of Cunderdin install a rating system as a matter of urgency, possibly through LGS, and that the Executive Officer will be working with Mr G Tuffin in that regard.

It was then:

MOVED Mr K Byers, Seconded Cr P Hooper, that the recommendation set out below, be adopted:

That the Executive Officer be authorised to further investigate the offer made by Local Government Systems Inc (LGS), in relation to its financial and local government software modules.

CARRIED UNANIMOUSLY

SE-021-08	REGIONAL AND LOCAL COMMUNITIES INFRASTRUCTURE PROGRAM (File: serpt024-08)
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The Chairman provided comment in relation to this item of business and associated funding to SEAVROC. The Executive Officer provided additional comment, advising on the funding submission requirements, and that a single funding opportunity existed, therefore Member Councils could not seek funding both independently and through SEAVROC.

The Chairman commented that the Chief Executive Officers should discuss the issue to determine project selection, and that the Executive Officer be commissioned to make the funding submission. Further, that a decision was required urgently

Lengthy discussion followed with comment and questions by Cr J Alexander, Mr G Fardon, the Chairman, Cr B Coote, Cr P Hooper, Mr K Byers, Mr R Hooper, Cr D Richards.

Mr R Hooper advised that York had approach the Department of Sport and Recreation in relation to a joint development for a multi purpose sports centre, as preliminary work had been completed, including a feasibility study. Further, that the project achieved the funding requirements, and that the would be consolidated to one year, rather than spread over several years.

The Chairman provided comment that York being the major centre of SEAVROC, that such a project would have a high level of success given the funding requirements, and that the Chief Executive Officer's may wish to sanction such a project, and provide a brief to the Executive Officer to proceed with an application.

Discussion followed with Delegates advising that no other Member Council had a project sufficiently progressed to meet the funding requirements.

Cr D Richards then suggested that the York project be the focus of a funding application. Following the Chairman's query, Cr D Richards then advised that he would be happy to move a motion in that regard.

Mr R Hooper then suggested that the motion not specifically nominate a project, however, state that if there were a submission by a SEAVROC Member Council, that it receive the support and endorsement at SEAVROC. Cr D Richards consented to the suggested change.

Following a question by Mr T Brown, with comment by Mr R Hooper and Ms J Burges, it was then:

MOVED Cr D Richards, Seconded Mr G Tuffin, that the recommendation set out below, be adopted:

- (a) That Report SE-021-08 – Regional and Local Communities Infrastructure Program, be received.***
- (b) That should a submission be made by a SEAVROC Member Council, that the submission receive support and endorsement at SEAVROC.***

SE-022-08	BUSINESS PLAN – RESOURCE SHARING FOR PLANNING, BUILDING AND HEALTH SERVICES (File: serpt025-08)
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The Executive Officer provided comment in relation to this item of business, indicating that direction and agreement was required in relation to the building of a detailed Business Plan, including its aims and objectives.

The Chairman provided comment in relation to feedback from State and Federal levels in relation to the five Member Councils adopting the same Tree Farming Policy within the same timeframe.

Discussion followed, with comment by Cr P Hooper and Mr R Hooper, with the Executive Officer taking on board CR P Hooper's comment in relation to the uniformity of an electronic planning system throughout the region.

Following comment by Mr G Tuffin, Cr P Hooper, Mr G Tuffin, the Chairman and Mr R Hooper, Mr T Brown suggested that contact be made with Ms Alison Hayes of WALGA, re electronic services.

Lengthy discussion followed with comment by Mr K Byers, the Chairman, the Executive Officer, Mr R Hooper, Mr G Clark and Mr G Fardon.

It was then:

MOVED Cr P Hooper, Seconded Cr B Coote, that the recommendation set out below, be adopted:

That the Executive Officer be authorised to undertake the preparation of a Business Plan for Shared Services – Planning, Building and Health, based on the Scoping Paper, detailed in Report SE-022-08.

CARRIED UNANIMOUSLY

SE-023-08	ASSET MANAGEMENT PLANS (File: serpt026-08)
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Cr J Alexander withdrew from the Council Chambers at 11:15am.

EXECUTIVE COMMITTEE MEETING
THURSDAY, 4 DECEMBER 2008

Chairman:
Dated:

The Chairman provided comment in relation to the importance of this item of business, the WAAMI Pilot, and feedback from State and Federal levels was that Asset Management Plans were crucial to future funding. Further, that it was urged that this matter be of the highest priority for SEAVROC.

Mr R Hooper withdrew from the Council Chambers at 11:16am, with Cr J Alexander returning at this time.

The Executive Officer provided comment on action taken, including meeting with Ms Michelle McKenzie at WALGA and viewing a demonstration of the WAAMI program. Further, advising the importance of a standard policy in relation to asset management, and suggesting that funding for completion of the Asset Management Plans be drawn from SEAVROC's Special Projects allocation, or alternatively be provided by each Member Council.

Mr R Hooper returned to the Council Chambers at 11:17am.

Mr T Brown provided commented on encouraging the group to continue with the WAAMI program; plans for new communication strategy in relation to this program; WALGA's initiative that Royalties for Regions fund asset management throughout the State; and undertaking asset management on a regional basis providing cost savings.

The Executive Officer provided clarification that the proposal was for five independent asset management plans for Member Councils.

Discussion continued with comment and questions by Mr G Clark, Cr P Hooper, the Chairman, the Executive Officer, Mr G Fardon and Mr R Hooper.

The Chairman drew Delegates' attention to the proposal, being that the Executive Officer follow up on this matter and present back to the February 2009 meeting, whilst liaising with Chief Executive Officers and staff accordingly.

The Executive Officer then provided clarification on information required, cost, and the need for future insurance valuations of useful life of buildings, plant, etc.

Discussion continued with comment by Mr G Fardon, Cr P Hooper, Mr R Hooper and the Chairman. Mr T Brown commented that WAAMI is a partnership between the LGMA, DLGRD and IPWEA, so it has across the board support, with previous concerns and issues having been addressed, and that the Steering Group monitors WAAMI at all times.

The Chairman then advised that the Executive Officer will liaise with WALGA and the Department in relation to progress this matter.

Following comment by Crs D Richards and P Hooper, Ms Burges provided comment on how asset management plans provided an opportunity to fully understand Council business, giving a solid foundation, and a real picture of sustainability.

Discussion followed with comment by the Chairman, Mr K Byers, Mr G Clark, Mr G Fardon. The Executive Officer then advised that information to hand indicated that Member Councils had completed Stages 1 and 2 of WAAMI, with Stages 3 and 4 remaining to be completed, and the need for a uniform asset management policy to be prepared.

The Chairman advised that Delegates were in agreement that direction be provided to the Executive Officer that asset management is a priority, with the brief that a common policy, alternatives, and matters raised, be investigated, with a further report to the Executive Committee.

Comment by Mr G Clarke and Mr R Hooper followed, with Mr G Fardon suggesting that a new part (c) be included in the Officer's recommendation to read "that alternative funding sources be researched, including Royalties for Regions Asset Management".

The Executive Officer then suggested that part (c) read "subject to (a) above, that alternative funding sources be investigated".

It was then:

MOVED Cr D Richards, Seconded Cr P Hooper, that the recommendation set out below, be adopted:

- (a) That each SEAVROC Member Council, be requested to give consideration to progress its participation in the WAAMI Programme, and the cost be met from SEAVROC's Budget allocation for Special Projects.***

- (b) *Subject to (a) above, the Executive Officer be authorised to provide assistance to each participating Member Council in the collection of data, and to coordinate the project.*
- (c) *Subject to (a) above, alternative funding sources be investigated.*

CARRIED UNANIMOUSLY

8. DELEGATES MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

9. NEW BUSINESS OF AN URGENT NATURE

9.1 Delegates

The Chairman advised that the Executive Officer had been successful in securing a meeting with the Minister at 9:30am on Monday, 12 January 2009, and provided comment on an earlier meeting held with the then Minister in January 2008. The Chairman then sought input from Delegates, as to whom they wished to represent SEAVROC at the meeting with the Minister, suggesting that the original representatives along with the Executive Officer, then invited discussion on the subject.

Discussion followed with comment by Cr P Hooper, Cr D Richards and the Chairman.

Cr P Hooper advised that he would move that the representatives consist of Cr G Cooper, Cr K Wilkinson, Mr R Hooper and the Executive Officer, with the addition of Mr K Byers and Mr D Richards.

Following comment by the proposed representatives, the Chairman then suggested that Cr P Hooper's motion could read "with a representative from Beverley and Quairading".

Discussion followed with comment by Cr D Richards, Cr J Alexander and the Chairman.

Comment by Cr P Hooper followed, with the Chairman suggesting that Delegates move a motion detailing a that a representative from each Member Council attend the meeting with the Minister.

It was then:

MOVED Cr P Hooper, Seconded Cr B Coote, that a representative from each Member Council of SEAVROC attend the meeting with the Minister to be held at 9:30am on Monday, 12 January 2009.

Discussion followed, centring on the nature of the representation to the Minister, with comment on the Feasibility Study, introduction of SEAVROC, permission to proceed with a model project, Charter, Memorandum of Understanding and Strategic Plan.

The Chairman advised that matters of substantial change would be reported to the Executive Committee, with the Executive Officer advising that the Minister's Officer was advised the purpose of the meeting was to discuss the possibility of Ministerial approval for establishing a pilot project under the Local Government Act.

Comment and questions followed by Mr R Hooper, the Chairman, Mr G Tuffin and Mr J Alexander. The Chairman took on board the suggestion that should the Feasibility Study provide a positive outcome that a WALGA representative attend the meeting with the Minister, and advised that the Executive Officer would liaise with the Minister's Officer in relation to attendees, timing and subject matter.

Comment by Mr R Hooper followed, with the Chairman clarifying that the purpose of the meeting was to brief and update the new Minister on SEAVROC, providing the Memorandum of Understanding and Strategic Plan, and to seek support the progress of a pilot program. Further, strategy would depend on the outcome of the Study.

Delegates' then agreed that a WALGA representative attend the meeting with the Minister

Mr T Brown advised that the Chief of Staff be fully briefed prior to the Meeting, with the Executive Officer advising of his intent to provide a two page introduction prior to the meeting, and that also be distributed to Member Councils beforehand.

Amendment

Following comment by Mr K Byers, the Chairman then confirmed that Delegates wished to amend the motion to include a representative from WALGA, and that the Executive Officer prepare a briefing paper to be distributed to Member Councils and the Minister's Office prior to the meeting.

MOVED Cr D Richards, Seconded Cr P Hooper, that the motion be amended to include a representative from WALGA, and that the Executive Officer prepare a briefing paper, to be distributed to Member Councils and the Minister's Office prior to the meeting.

CARRIED UNANIMOUSLY

The Chairman then put the amended motion, viz:

That a representative from each Member Council of SEAVROC attend the meeting with the Minister to be held at 9:30am on Monday, 12 January 2009, along with a representative from WALGA, and that the Executive Officer prepare a briefing paper, to be distributed to Member Councils and the Minister's Office prior to the meeting.

CARRIED UNANIMOUSLY

9.2 Executive Officer

The Executive Officer advised that a request had been received from the, Community Engagement Officer of the Office of Crime Prevention, seeking to attend the February 2009 meeting. The Officer also provided advice of funding to the value of \$30,000 available in relation to graffiti management. Comment by the Chairman and Mr G Clark followed.

Comment by Mr R Hooper followed, with Mr K Byers withdrawing from the Council Chambers at 11:56am and returning at 11:58am, and Cr T Lange withdrawing at 11:59am.

The Chairman and Cr P Hooper provided comment with Cr T Lange returning to the Council Chambers at 12:01pm, with additional comment by the Chairman and Mr R Hooper, with Mr G Tuffin withdrawing from the Council Chambers at 12:02pm and returning at 12:04pm.

General discussion continued with Cr R Carter withdrawing from the Council Chambers at 12:05pm and returning at 12:07pm.

The Chairman then suggested that motions from this meeting, along with matters raised in discussion, needed to be discussed at the Chief Executive Officers' meeting, determining actions to be taken, types of projects to be considered, timeframes and ability to handle the matter raised, with reports presented at future Executive Committee Meetings.

Cr P Hooper commented that elected Members require additional discussion and information on SEAVROC matters and direction, in order that this information can be disseminated to the local community. The Chairman then suggested that workshops be facilitated by Ms J Burges, to assist in this regard, and commented on the workload placed upon Delegates and the Executive Officer.

Comment by Mr R Hooper and the Chairman followed, centring on a review of the Strategic Plan, along with timing and processes.

Discussion continued with comment by the Chairman, Cr P Hooper and Mr R Hooper.

The Chairman suggested that consideration be given to conducting a session/workshop, addressing issues raised by Delegates.

Cr P Hooper then suggested that the Chief Executive Officers may wish to schedule a meeting following the meeting with the Minister in order to analyse the outcomes, and then report to the February 2009 meeting of the Executive Committee. Further, that Ms J Burges attend and facilitate the meeting, and that two elected Members attend from each Member Council.

Discussion followed with comment by Mr R Hooper, the Chairman and Mr T Brown, with Delegates' reaching agreement without the need for a motion, that a workshop be conducted at a separate time determined by the Executive Officer in liaison with Delegates, and to be facilitated by Ms J Burges.

The Chairman sought closing comments from attendees, with Cr R Carter comment that the group has made great progress in recent months, and the optimism of the group being encouraging.

EXECUTIVE COMMITTEE MEETING
THURSDAY, 4 DECEMBER 2008

Chairman:
Dated:

Mr J Alexander provided comment on the ability to disseminate information on the benefits of SEAVROC to the community, with comment by the Chairman, Cr T Lange, Mr G Clark and Cr D Richards.

Cr R Stokes extended his thanks to the Executive Committee on providing the opportunity for Tammin representatives to attend, and was encouraged by the process of the meeting, and the progress being made.

Ms J Burges then offered comment on how Delegates may share SEAVROC's aims and direction to the community.

10. CLOSURE OF MEETING

Following further comment by the Chairman, Mr R Hooper, Mr G Fardon and Mr G Clark, there being no further business before the meeting, the Chairman declared the meeting closed at 12:30pm.

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.5 Name Unnamed Road – Cameron Road & Closure

FILE NO: Ca 1
COUNCIL DATE: 16 February 2009
REPORT DATE: 5 February 2009
LOCATION/ADDRESS: Cameron Road
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, MATS
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Map
DOCUMENTS TABLED: Nil

Summary:

A request has been received from the Geographic Naming Committee regarding naming an unnamed road Cameron Road, as this seems to be the traffic route.

Whilst undertaking this it would be appropriate to close the portion of road that is not constructed as shown on Appendix A.

Background:

Council received an email on the 5th December 2008 from the Geographic Names Committee, detailed as follows:

"...It has been brought to our attention that an un-named road is being regarded as being Cameron Road, and seems to be the used traffic route - see attachment.

If this is correct, it would be practical to name the un-named road as Cameron Road, and un-name the superseded portion of Cameron Road.

Advice on this situation would be welcome, particularly so that we can advise map makers the correct route - some publications have assumed that the un-named road is Cameron Road."

Council needs to approve the proposed road names for submission to the Geographic Names Committee at the Department of Land Information. The Geographic Names Committee administers the naming of public features such as roads, natural attractions – i.e. hills and rivers and towns and suburbs.

Consultation:

Landgate – Geographic Naming Committee.

In relation to the road closure consultation will be carried out and Government Departments notified of Council's intent for a period of 35 days.

Statutory Environment:
Land Administration Act.

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

“Closure of roads

58.

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

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

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

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

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

Policy Implications:

Nil.

Financial Implications:

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

Strategic Implications:

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

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

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes – Works (G Seredynski)

Triple bottom Line Assessment:

Economic Implications:

If the Minister agrees to the closure, the road reserve becomes Crown land and then negotiations may begin.

Social Implications:

The naming of roads should have a tangible connection to the community. In this case the road even though it is unnamed has been referred to as Cameron Road by many.

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

Environmental Implications:

Nil.

Comment:

Once Council endorses the name then the matter will be referred to the Geographic Names Committee for final approval.

This procedure will provide a correct record and all plans will be completed in due course if the recommendation is accepted.

OFFICER RECOMMENDATION

RESOLUTION

130209

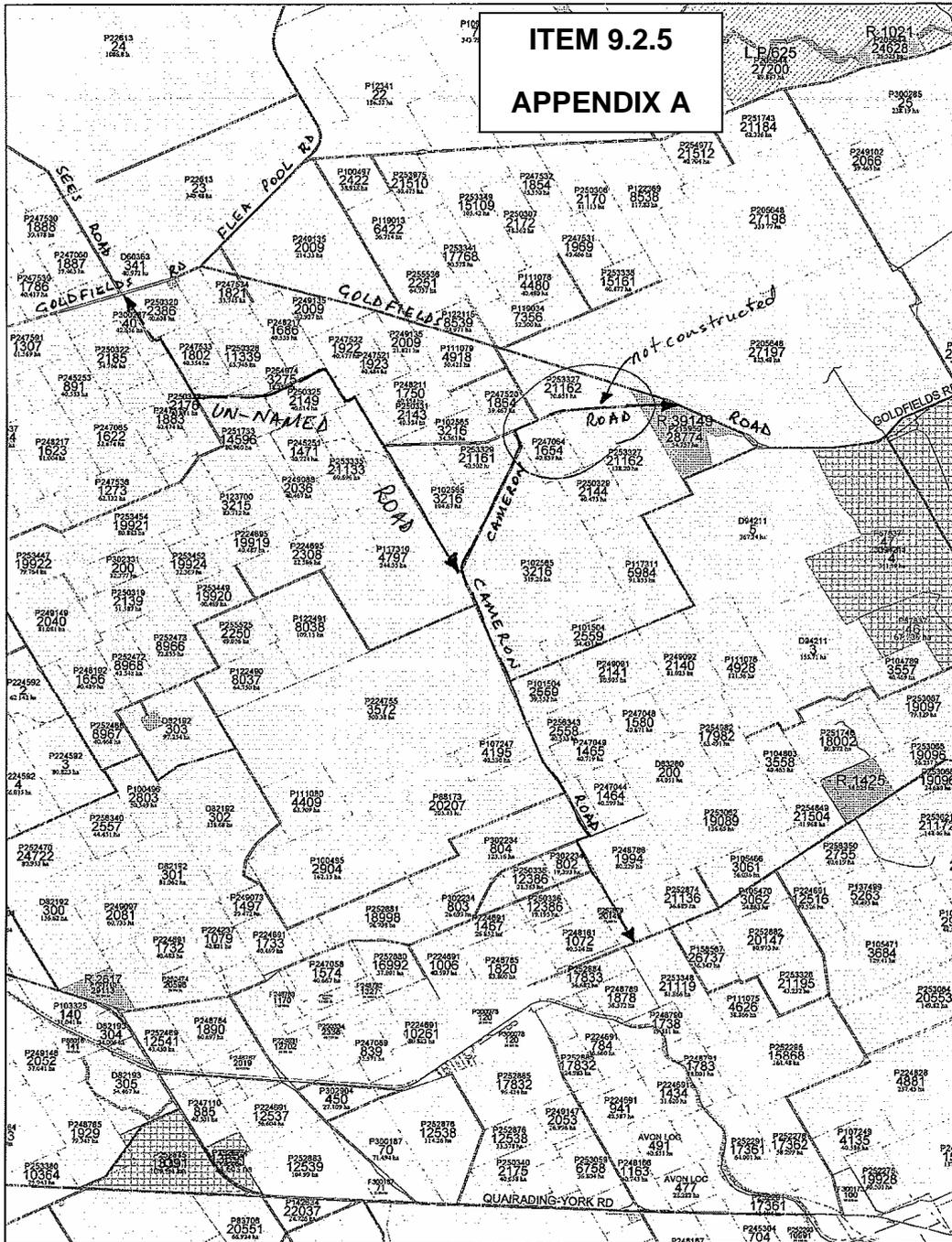
MOVED: Cr Fisher SECONDED: Cr Boyle

“That Council advise the Geographic Names Committee that:

- 1. it approves the use of the name Cameron Road to be used on the unnamed road section (as per Appendix A section that meets Goldfields Road);***
- 2. accede to the proposed road closure of a portion of the road reserve known as Cameron Road, as shown on the attached map labelled “Appendix A”, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended); and***
- 3. in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure.”***

CARRIED (6/0)

ITEM 9.2.5
APPENDIX A



Scale : 1:55192 (Geographical)
MGA : SW=490660 8E.6465245.7N Zone 50 / NE=501768 4E.6482235.3N Zone 50
Lat/Long : 116°54'04.250" , -31°56'55.339" / 117°01'07.250" , -31°47'43.661" H 202mm

Printed : 13:58 Fri 5/Dec/2008
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9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.6 Local Government Reform Strategies

FILE NO: OG.IGR.3
COUNCIL DATE: 16 FEBRUARY 2009
REPORT DATE: 10 FEBRUARY 2009
LOCATION/ADDRESS: N/A
APPLICANT: Minister for Local Government
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Circular No. 91-2009
B – Ministers Correspondence - SEAVROC
DOCUMENTS TABLED: Nil

Summary:

The Minister for Local Government has directed the 139 local governments in Western Australia to provide a response on structural reform in the areas of amalgamation and elected member numbers within six months of the 5th February, 2009.

Background:

There is a need for a degree of structural reform in resource sharing, collaborative effort and asset management across local governments.

The Shire of York has been an active participant in the South East Avon Voluntary Regional Organisation of Councils (SEAVROC) since 2005 to meet structural reform objectives and to retain local autonomy and identity and a recently commissioned legal opinion supports this action.

Consultation:

Shires of Beverley, Brookton, Cunderdin and Quairading.

Statutory Environment:

Local Government Act 1995 (As amended)

Policy Implications:

Nil

Financial Implications:

Nil at this stage however there are potential large scale ramifications with forced amalgamations.

Strategic Implications:

1. To meet community needs in terms of physical infrastructure and overall community services.
2. To provide and maintain high quality services and infrastructure in an efficient and cost effective way.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

There may be economic benefit from amalgamations and mergers from economies of scale however these have not been quantified and are unproven at this stage.

Social Implications:

Loss of identity may have a detrimental effect on rural communities.

If forced amalgamations are not based on communities of interest, travel directions and other factors there is likely to be increased social instability at least in the initial phases.

Environmental Implications:

Any structural reform processes will need to meet all standard environmental management processes and requirements.

Comment:

The Minister's correspondence of the 4th February, 2009 (Appendix B) invites SEAVROC to continue on the collaborative effort alternative to a Regional Council for a regional local government identity to provide service delivery options.

The local government sustainability study clearly identified that some local governments are under threat of being unsustainable and action needs to be taken to determine short and long term viability, the asset management and infrastructure burden, compliance requirements, staff attraction and retention and other local governance issues and at least the Minister's directive has generated a higher level of debate and assessment.

Western Australia is the only state or territory not to have undergone government directed reform and restructure and this may be the last chance to prove the industry is sustainable and that it genuinely provides good governance to communities as a whole.

The SEAVROC model is under scrutiny across the state as a delivery vehicle and if it is implementable it may achieve the Minister's objectives while retaining decision making and identity at the local level.

OFFICER RECOMMENDATION

RESOLUTION

140209

MOVED: Cr Randell

SECONDED: Cr Lawrance

"That Council:

Advise the Minister for Local Government that the Shire of York wishes to proceed with the SEAVROC process for structural reform through a regional local government platform and that it does not support a forced amalgamation process."

CARRIED (6/0)



**Minister for Local Government; Heritage;
Citizenship and Multicultural Interests**

Our Ref: M0901084

TO ALL CHIEF EXECUTIVE OFFICERS

CIRCULAR N^o 01-2009

STATE OF WESTERN AUSTRALIA	
FILE NO.	DR. 102.3
OFFICER	Kay
INITIALS	
- 6 FEB 2009	
1106390	
REFERRED TO COUNCIL	
DATE	16/1/09
INITIALS	AJ

LOCAL GOVERNMENT REFORM STRATEGIES

Today, at the combined Local Government ward meeting in Exmouth, I announced the Liberal-National Government package of Local Government reform strategies. These strategies are aimed at achieving greater capacity for local governments to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The principal strategies in the package focus on voluntary structural reform of local government that, if adopted, will completely transform the sector. Specifically, these strategies encourage local governments to take steps over the next six months to voluntarily amalgamate and form larger local governments, to reduce the total number of elected members to between six and nine, and for local governments to form appropriate regional groupings of councils to assist with the efficient delivery of services.

I formally invite each of the 139 councils within Western Australia to embrace this opportunity to voluntarily amalgamate and to voluntarily reduce the total number of elected members for each council. I look forward to receiving advice on your council's clear intention on these matters within a period of six months from the date of this announcement.

Other key strategies of the State Government's reform package include:

- Adoption by local governments of a longer term strategic planning framework, including asset and financial management and workforce planning;
- Development of measures to enhance the skills and competency of elected members and staff;
- Examination of options to maintain local community identity and greater community representation including consideration of community-based committees;
- Identification of proposals to amend the local government legislation to facilitate local government sustainability;
- Examination of the ability for local governments to form corporate entities to undertake urban regeneration projects and other business activities;
- Identification and implementation of approaches to reduce town planning and building licence approvals time; and

Level 12, Dumas House, 2 Havelock Street, West Perth Western Australia 6005
Telephone: +61 8 9213 6800 Facsimile: +61 8 9213 6801 Email: Minister.Castrilli@dpc.wa.gov.au

- Development of measures to encourage a diverse range of citizens to stand for council.

Many of these directly relate to the actions outlined in the WA Local Government Association's Local Government Sustainability report, *The Journey: Sustainability into the Future – Shaping the Future of Local Government in Western Australia*, released in 2008.

To oversee and assist local governments with implementation of the strategies, I am establishing a Local Government Reform Steering Committee with State Government, local government and private sector representation, including from the two elected members of the Local Government Advisory Board. Four working groups will report to the Steering Committee on a regular basis.

The Steering Committee, through the Department of Local Government and Regional Development, will contact all local governments to advise you of the work program for the implementation of the strategies and to provide further guidance. Details of the reform strategies will soon be available on the Department's website www.dlgrd.wa.gov.au and will also be forwarded to you by the Department. I expect the Steering Committee to complete its work and report to me by December 2009.

I look forward to working in partnership with the sector to deliver these significant reforms to local government, thus ensuring Western Australia has a dynamic and sustainable local government sector that can deliver high quality and effective services to communities into the future.



Hon G M (John) Castrilli MLA
MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CITIZENSHIP AND MULTICULTURAL INTERESTS

5 February 2009



**Minister for Local Government; Heritage;
Citizenship and Multicultural Interests**

Our Ref: 38-01117

Mr Ray Hooper
Chief Executive Officer
Shire of York
PO Box 22
YORK WA 6302

COPY SENT TO:
1. SEAVROC
2.
3.

SHIRE OF YORK	
FILE:	OR.RDT.4
DATE:	Ray
- 9 FEB 2009	
1106371	
REFERRED TO COUNCIL	
DATE	INITIALS
16/2/09	

Dear Mr Hooper

Thank you for the opportunity to meet with the members of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC) on Monday, 12 January 2009 to discuss models of regional collaboration between the member local governments.

The Department of Local Government and Regional Development has advised that SEAVROC has recently engaged the services of McLeods Barristers and Solicitors to recommend the most appropriate legal entity to provide a regional service. That advice has identified that the establishment of a regional local government would appear to be the best and most efficient vehicle to progress the formalisation of SEAVROC as a regional body at this stage.

I understand that SEAVROC has been reluctant to form a regional local government due to a perceived duplication of compliance and reporting obligations. There is scope under section 3.66 (3) (e) and 3.66 (5) of the Act to introduce regulations which may either exempt or modify the application of provisions of the Act to a regional local government.

I understand that the identification of appropriate exemptions will be the next phase of this study. Clarification of the specific administrative and regulatory functions of the body and the activities that are proposed to be undertaken are needed. The regulations required to achieve this can then be addressed. I encourage you to liaise closely with the Department on this matter to assist in identifying the exemptions and to ensure that appropriate levels of accountability and transparency are maintained.

I commend SEAVROC's commitment to its communities with benefits to be derived from working collaboratively to deliver efficient and targeted local government services and I look forward to hearing of SEAVROC's progress towards a formal regional entity.

Yours sincerely

Hon G M (John) Castrilli MLA
MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CITIZENSHIP AND MULTICULTURAL INTERESTS

04 FEB 2009

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Telephone: +61 8 9213 6800 Facsimile: +61 8 9213 6801 Email: Minister.Castrilli@dpc.wa.gov.au

CEO DECLARED AN INTEREST IN THIS ITEM.

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.7 Contract of Employment

FILE NO:	P1
COUNCIL DATE:	16 February 2009
REPORT DATE:	10 February 2009
LOCATION/ADDRESS:	N/A
APPLICANT:	Ray Hooper
SENIOR OFFICER:	N/A
REPORTING OFFICER:	Ray Hooper, CEO
DISCLOSURE OF INTEREST:	Financial – Employment Conditions (R. Hooper)
APPENDICES:	Nil
DOCUMENTS TABLED:	Employment Contract

Summary:

The current employment contract between the Shire of York and the Chief Executive Officer, Ray Hooper, is in affect from the 9th August, 2004 to the 8th August, 2009. There is provision in the contract for the term to be extended by agreement between the parties. Council by consensus has presented an offer to the employee to extend the current contract to the 8th August, 2013.

Background:

The Chief Executive Officer has undergone annual performance appraisals as required by the Local Government Act 1995 (As amended).

Clause 2.2 of the Employment Contract reads as follows:

“there is no compulsion on either the Council or the Employee to agree to a new contract, however:

2.21 the Council shall invite the Employee in writing no later than six months prior to the expiry of the Term to discuss the possibility of the parties entering into a new Contract for a further term with the intent of finalising those discussions not later than three months prior to the expiry of the Term; and

2.22 in the event that the Council and the Employee agree to a new Contract, this Contract shall continue to apply unless varied in writing by the parties.”

Consultation:

Elected Members

Statutory Environment:

Local Government Act 1995 (As amended) Section 5.36, 5.37, 5.38, 5.39, 5.40, 5.41.

Policy Implications:

Nil

Financial Implications:

All employment conditions are contained within the budget allocations and the Plan for the Future.

Strategic Implications:

Resource Management – 3. *To develop one team of councillors and staff.*

Voting Requirements:
Absolute Majority Required: Yes

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Staff retention may have a positive impact on local and regional economic development, population growth and investment attraction.

Social Implications:

Individual community members may support or oppose the Council decision.

Environmental Implications:

Not applicable.

Comment:

OFFICER RECOMMENDATION

**RESOLUTION
150209**

MOVED: Cr Lawrance SECONDED: Cr Boyle

“That Council:

Approve the extension of the existing conditions of employment between the Shire of York and the Chief Executive Officer, Raymond Patrick Hooper, for a four year period to the 8th August, 2013 under the existing terms and conditions of employment.”

CARRIED (5/1)

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.8 Emergency Relief – Victorian Fires

FILE NO:
COUNCIL DATE: 16 February 2009
REPORT DATE: 10 February 2009
LOCATION/ADDRESS: N/A
APPLICANT: Nationwide Appeal
SENIOR OFFICER: N/A
REPORTING OFFICER: Ray Hooper, CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

The recent fire disasters in Victoria require Australia wide support to assist Victorians in the recovery process.

Background:

The federal and state governments and private industry have provided a high level on initial financial resources to assist people however there will be an ongoing need for additional support.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995 (As amended)

Policy Implications:

Nil

Financial Implications:

Donations are catered for in the budget allocations.

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

No implications arise from this action.

Social Implications:

Rural communities show strong support for those affected by natural disasters.

Environmental Implications:

Nil

Comment:

OFFICER RECOMMENDATION

**RESOLUTION
160209**

MOVED: Cr Hooper SECONDED: Cr Boyle

“That Council:

- 1. Make a donation of \$3000 to the Victorian Fire Disaster Appeal being administered by the Australian Red Cross on behalf of the York Community; and***
- 2. Make a further donation of \$2000 to the Queensland Flood Appeal.”***

AMENDMENT

**RESOLUTION
170209**

MOVED: Cr Randell SECONDED: CR Boyle

“That Council:

- 1. Make a donation of \$5000 to the Victorian Fire Disaster Appeal being administered by the Australian Red Cross on behalf of the York Community; and***
- 2. Make a further donation of \$2000 to the Queensland Flood Appeal.”***

CARRIED (6/0)

The Amendment became the motion and was put.

CARRIED (6/0)

9.3 Finance Reports

9. OFFICER'S REPORTS
9.3 FINANCE REPORTS
9.3.1 Finance Report December 2008

FILE NO: FI.FRP
COUNCIL DATE: 16 February 2009
REPORT DATE: 9 February 2009
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Graham Stanley, Deputy Chief Executive Officer
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 31 December 2008 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Statement of Financial Position
- Statement of Financial Activity
- Variance Report
- 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
- Corporate Credit Card & Fuel Card Summary

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 December 2008;

Sundry Creditors as per General Ledger	\$	164,191.46
Sundry Debtors as per General Ledger	\$	127,116.15
Unpaid rates and services current year (paid in advance inc ESL)	\$	686,227.89
Unpaid rates and services previous years (incl ESL)	\$	147,493.67

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 attached variance report provides explanations of the variances. Many variances are due to timing issues such as delays to jobs commencing or the budget being allocated on a pro-rata basis but the majority of the income or expense being received or incurred over only a few months. A mid-year budget review is currently being undertaken. It was hoped that the review would be ready in time to be presented to the February meeting of Council however it will not be completed in time. It is now planned to put the review to the Audit Committee prior to the end of February. The mid-year review will be a comprehensive look at the accounts to 31st December 2008 with projections to 30th June 2009. A report on the review along with recommended budget amendments, arising from the review, will be presented to the March meeting of Council for adoption.

OFFICER RECOMMENDATION

**RESOLUTION
180209**

MOVED: Cr Fisher SECONDED: Cr Randell

“That Council:

Receive the Monthly Financial Report and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 December 2008:

	<u>VOUCHER</u>	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>		
Cheque Payments	28012-28048	\$ 62,407.34
Electronic Funds Payments	5125-5196	\$ 272,519.78
Direct Debits Payroll		\$ 155,058.47
Bank Fees		\$ 776.98
Corporate Cards		\$ 1,377.82
Photocopier Lease		\$ 1,037.22
Shell Cards		<u>\$ 52.81</u>
TOTAL		<u>\$ 493,230.42</u>
<u>TRUST FUND</u>		
Cheque Payments	3532-3535	\$ 2,267.21
Direct Debits Licensing		<u>\$ 150,674.85</u>
TOTAL		<u>\$ 153,302.06</u>
TOTAL DISBURSEMENTS		<u>\$ 646,532.48</u>

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.

CARRIED (6/0)

**Item 9.3.1
Appendix A**

**SHIRE OF YORK
STATEMENT OF FINANCIAL POSITION
AS AT THE 31 DECEMBER 2008**

2007/08 ACTUAL		2008/09 ACTUAL 31-Dec-08
\$		\$
	CURRENT ASSETS	
563,946	Cash	2,013,459
2,034,539	Cash Restricted	2,064,981
675,758	Receivables	1,078,753
33,549	Stock on Hand	13,017
0	Prepaid Expenses	0
3,307,792	TOTAL CURRENT ASSETS	5,170,210
	CURRENT LIABILITIES	
(429,984)	Accounts Payable	(279,143)
0	Income Received in Advance	0
(397,042)	Provision for Leave	(397,042)
(7,799)	Interest Bearing Liabilities	(7,799)
(834,825)	TOTAL CURRENT LIABILITIES	(683,984)
	NET ASSETS	
2,472,968		4,486,227
	Less Items	
(2,034,539)	Cash Restricted	(2,064,981)
7,799	Interest Bearing Liabilities Included in Budget	7,799
(7,799)	Self Supporting Loan Income	(7,799)
105,636	Add Back LSL	107,343
544,065	TOTAL EQUITY	2,528,589

SHIRE OF YORK
STATEMENT OF FINANCIAL ACTIVITY
AS AT 31 DECEMBER 2008

	2008/09	2008/09	2008/09	2008/09	Variance %	Variance \$
	ADOPTED BUDGET	Amended Budget	Budget Year to Date	Actual	to Actual	to Actual
OPERATING REVENUE	\$	\$	\$	\$	\$	
General Purpose Funding	(1,340,874)	(1,340,874)	(673,472)	(644,504)	(4%)	(28,968)
Governance	(221,970)	(221,970)	(8,484)	(12,951)	53%	4,467
Law Order Public Safety	(123,326)	(123,326)	(53,800)	(31,024)	(42%)	(22,776)
Health	(23,000)	(23,000)	(14,352)	(21,233)	48%	6,881
Education and Welfare	(25,000)	(25,000)	(12,498)	(9,386)	(25%)	(3,112)
Housing	-	-	-	-		-
Community Amenities	(886,056)	(886,056)	(501,465)	(476,370)	(5%)	(25,095)
Recreation and Culture	(998,749)	(998,749)	(470,370)	(43,996)	(91%)	(426,374)
Transport	(1,522,704)	(1,522,704)	(523,426)	(523,447)	0%	21
Economic Services	(101,200)	(101,200)	(50,598)	(22,260)	(56%)	(28,338)
Other Property and Services	(129,406)	(129,406)	(65,082)	(16,101)	(75%)	(48,981)
	(5,072,285)	(5,072,285)	(2,373,547)	(1,801,271)	(24%)	(572,276)
LESS OPERATING EXPENDITURE						
General Purpose Funding	196,698	196,698	61,019	57,004	(7%)	4,015
Governance	652,106	652,106	345,203	215,397	(38%)	129,806
Law Order Public Safety	326,949	326,949	182,544	158,006	(13%)	24,538
Health	192,581	192,581	96,591	96,704	0%	(113)
Education and Welfare	59,578	59,578	34,854	30,312	(13%)	4,542
Housing	-	-	0	-		-
Community Amenities	1,186,685	1,186,685	533,421	405,199	(24%)	128,222
Recreation and Culture	1,119,253	1,119,253	562,752	485,037	(12%)	67,715
Transport	4,270,822	4,270,822	2,126,176	2,169,710	2%	(43,534)
Economic Services	415,896	415,896	205,603	188,976	(9%)	16,627
Other Property & Services	102,000	102,000	65,355	38,341	(41%)	27,014
	8,522,568	8,522,568	4,213,518	3,854,684	(9%)	358,833

SHIRE OF YORK
STATEMENT OF FINANCIAL ACTIVITY
AS AT 31 DECEMBER 2008

	2008/09	2008/09	2008/09	2008/09	Variance % Budget to Actual	Variance \$ Budget to Actual
	ADOPTED BUDGET	Amended Budget	Budget Year to Date	Actual		
	<i>(Increase/Decrease)</i>					
ADD	3,450,283	3,450,283	1,839,971	2,053,413		
Proceeds on Sale of Assets			0	-		
Profit/Loss on Sale of Assets	(665,310)	(665,310)	(19,502)	(21,888)		
Increase(Decrease) Non Current Debtors Rates	-	-	6,000	(26,064)		
Increase(Decrease) Non Current Debtors S/S Loan	242,221	242,221	(3,888)	-		
Change Employee Leave Provisions	(7,395)	(7,395)	-	(1,707)		
Long Service Leave Cash at Bank (Increase)/Decrease in Balance	(4,027,368)	(4,027,368)	(1,342,456)	(2,043,758)		
Depreciation Written Back	(475,625)	(475,625)	(147,251)	(40,584)		
Book Value of Assets Sold Written Back	(4,933,477)	(4,933,477)	(1,507,097)	(2,134,001)		
	(1,483,194)	(1,483,194)	332,874	(80,587)		
<i>Sub Total</i>						
LESS CAPITAL PROGRAMME						
Purchase Tools	-	-	0	-		
Purchase Land & Buildings	2,184,002	2,184,002	210,667	161,076		
Purchase Plant & Equipment	768,201	768,201	472,201	250,601		
Purchase Furniture & Equipment	93,375	93,375	46,675	40,216		
Infrastructure Assets - Roads	2,390,862	2,390,862	654,352	480,307		
Infrastructure Assets - Recreation Facilities	40,000	40,000	0	-		
Infrastructure Assets - Other	30,000	30,000	10,000	-		
Repayment of Debt - Loan Principal	14,871	14,871	3,831	3,831		
Transfer To Reserves	1,176,785	1,176,785	0	30,441		
Transfer to Other Funds	-	-	0	-		
	6,698,096	6,698,096	1,387,726	966,472		

SHIRE OF YORK
STATEMENT OF FINANCIAL ACTIVITY
AS AT 31 DECEMBER 2008

	2008/09 ADOPTED BUDGET	2008/09 Amended Budget	2008/09 Budget Year to Date	2008/09 Actual	Variance % Budget to Actual	Variance \$ Budget to Actual
ABNORMAL ITEMS	-	-	0	-		
Plus Rounding	-	-	0	-		
	6,698,096	6,698,096	1,397,726	966,472		
Sub Total	5,214,902	5,214,902	1,730,600	885,884		
LESS FUNDING FROM						
Reserves	(816,085)	(816,085)	0	-		
Other Funds	-	-	0	-		
Loans Raised	(950,000)	(950,000)	0	-		
Opening Funds	(565,736)	(565,736)	(565,736)	(544,065)		251
Sundry Adjustments						
Closing Funds	(2,331,821)	(2,331,821)	(565,736)	(543,814)		
Total To Be Made up from Rates	(2,883,081)	(2,883,081)	(2,873,079)	(2,870,660)		
Net (Surplus) / Deficit	-	-	(1,708,216)	(2,528,589)		

**SHIRE OF YORK
VARIANCE REPORT
AS AT 31 DECEMBER 2008**

OPERATING REVENUE

General Purpose Funding

No material variance to report

Governance

Additional Reimbursements for expenses incurred

Law, Order Public Safety

Fire Break Reimbursement Invoices to be raised.

Health

Income from health prosecutions higher than anticipated

Education and Welfare

Increased Centennial Units rent income yet to come into effect

Housing

No material variance to report

Community Amenities

No material variance to report

Recreation and Culture

Budgeted co-location facility grants not received

Transport

No material variance to report

Economic Services

Building permits lower than expected / Standpipe water charges to be raised

Other Property and Services

Private works income lower than expected / Claim for workers' comp reimbursement to be issued

**SHIRE OF YORK
VARIANCE REPORT
AS AT 31 DECEMBER 2008**

OPERATING EXPENDITURE

General Purpose Funding

No material variance to report

Governance

Less CRS conferences to date / AROC subscription not paid / No community project claims received / Strategic planning expenses down / SEAVROC expenses lower than expected by approximately \$95,000/ Awaiting Invoice for Insurances

Law, Order, Public Safety

Firebreak and Fire Control expenses down. Lower admin allocations

Health

No material variance to report

Education and Welfare

Centennial Units maintenance down/ Awaiting YDHS Invoice for Crosswalk Attendant

Housing

No material variance to report

Community Amenities

Waste Management costs down/ Lower Town Planning expenses due to time taken to find new planner/ Cemetery mtc down

Recreation and Culture

Parks & Gdns mtc lower than anticipated / Swimming Pool expenses down - timing issue/ Forrest Oval Planning lower - timing issue.

Transport

No material variance to report

Economic Services

No material variance to report

Other Property & Services

down/ overheads down/ Insurance invoices yet to be received/ Works Supervisor's wage going direct to works jobs.

BANK RECONCILIATION				
DECEMBER 2008				
		MUNICIPAL	TRUST	RESERVE
Balance as previous reconciliation		2,111,939.18	481,599.98	2,064,980.65
Receipts as per daily cash book		\$ 391,388.86	152,585.46	
Muni Interest NCD 726276		\$ 604.61		
Muni Interest NCD 732679		\$ 239.44		
Muni Interest NCD 724437		\$ 397.13		
Muni Interest NCD 723915		\$ 320.65		
Rounding		\$ 0.06		
Reserve Interest 119521748				0.04
Cancelled EFT 5196		949.68		
Total Receipts		393,900.43	152,585.46	0.04
Payment as per schedule cheques	28012-28048	(62,407.34)		
EFT Direct payments	5197-5276	(272,519.78)		
Payment as per schedule chqs - Trust	3548 - 3559		(2,627.21)	
Direct Debit Licensing			(150,674.85)	
Direct Debit Payroll		(155,058.47)		
Bank fees Bendigo Trust		(69.40)		
Bank fees Bendigo Muni		(229.56)		
Bank fees Bendigo Reserve				
Business Cards Bank Fees		(8.00)		
Dishonour Cheque Fee		(10.00)		
Eftpos Bank Fee Trust		(300.63)		
Eftpos Bank Fee Muni		(159.39)		
TOTAL BANK FEES	-776.98			
Business Card Bendigo - CEO		(1,027.73)		
Business Card Bendigo - DCEO		(350.09)		
TOTAL BUSINESS CARDS	-1377.82			
Lease photocopier		(1,037.22)		
Shell Card		(52.81)		
TOTAL EXPENDITURE		(493,230.42)	(153,302.06)	0.00
TOTAL RECONCILIATION		2,012,609.19	480,883.38	2,064,980.69
BALANCES AS PER BANK STATEMENTS				
BENDIGO MUNICIPAL 118630623		366,955.71		
BENDIGO MUNICIPAL NCD 709575	12/01/2009	500,000.00		
BENDIGO MUNICIPAL NCD 712559	20/01/2009	600,000.00		
BENDIGO MUNICIPAL NCD 730332	19/01/2009	201,763.26		
BENDIGO MUNICIPAL NCD 723909	18/02/2009	350,442.43		
BENDIGO TRUST 13074174			297,004.92	
BENDIGO TRUST NCD 704014 Open space	5/01/2009		121,954.39	
BENDIGO TRUST NCD 704012 Defects Liability	5/01/2009		68,769.83	
BENDIGO RESERVE 119521748				1,011.00
BENDIGO RESERVE NCD 709194	30/01/2009			549,662.86
BENDIGO RESERVE NCD 704015	5/01/2009			1,514,306.83
		2,019,161.40	487,729.14	2,064,980.69
TOTALS				
Plus Outstanding Deposits				
Outstanding cheques		(8,841.08)	(4,506.74)	
Outstanding Licence Debits				
December credits - receipted January		(347.50)		
Unidentified Direct Credit - Nov 07		(346.83)		
Unidentified Direct Credit - 4/12/08		(10.00)		
O/bank - unidentified money order 27/11		(219.50)		
O/bank - unidentified money order 27/11		(250.00)		
Dishonoured Cheque - 18/12/08		1,114.33		
Trust to Muni transfer for 24/12/08		2,348.75	(2,348.75)	
Adjustments 7/12/07 - Police Licensing			(0.30)	
Underbank 27/2/08			10.00	
Prev mth adjustment NCD 724437		(0.40)		
TOTAL RECONCILIATION		2,012,609.19	480,883.38	2,064,980.69
		0.00	0.00	0.00

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**SHIRE OF YORK
MUNICIPAL CHEQUE PAYMENTS
DECEMBER 2008**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		YORK SHIRE COUNCIL (payroll only)		
28012		PAYROLL DEDUCTIONS		127.77
INV LEAVE			127.77	
		WA SPIT ROAST		
28013		CATERING - END OF YEAR FUNCTION 2008		2,062.50
INV 08/1212			2,062.50	
		LITTLEFAIR, CAROL		
28014		REIMB PURCHASE ROSE BUSHES - RES MUS		88.50
INV REIMB			88.50	
		PETTY CASH		
28015		PETTY CASH RECOUP		65.35
INV RES MU			65.35	
		DEPARTMENT FOR PLANNING & INFRASTRUCTURE		
28016		MAPS TPS 2 - AMENDMENT 39		104.50
INV 112288			104.50	
		YORK NEWSAGENCY		
28017		NEWSPAPERS/STATIONERY - NOVEMBER 08		99.45
INV 1744			99.45	
		SYNERGY		
28019		ELECTRICITY - ADMIN / TB / TOWN HALL - 22/9-19/11/08		10,573.35
INV 2837726		ELECTRICITY - FORREST OVAL - 22/9-19/11/08	67.10	
INV 6402330		ELECTRICITY - RAILWAY MEMORIAL - 22/9-19/11/08	15.40	
INV 5129019		ELECTRICITY - 22/9-19/11/08 - FORREST OVAL BORE PUMP	15.55	
INV 4675683		ELECTRICITY - STREETLIGHTS - NOV 08	2,527.90	
INV 2543224		ELECTRICITY - DEPOT - 22/9-19/11/08	187.10	
INV 5183369		ELECTRICITY - ADMIN / TB / TOWN HALL - 22/9-19/11/08	4,057.30	
INV 9815007		ELECTRICITY - CENT UNITS - 22/9-19/11/08	65.10	
INV 9539156		ELECTRICITY - REC CENTRE - 22/9-19/11/08	1,551.70	
INV 1023938		ELECTRICITY - FORREST OVAL - 22/9-19/11/08	108.85	
INV 0762568		ELECTRICITY - OLDE FIRE STATION - 23/9-20/11/08	151.45	
INV 5225153		ELECTRICITY - AVON PARK - 25/9-24/11/08	164.75	
INV 4686639		ELECTRICITY - SECURITY LIGHTING - 25/9-24/11/08	66.75	
INV 3699816		ELECTRICITY - CB PARK - 25/9-24/11/08	79.00	
INV 5732039		ELECTRICITY - RES MUS - 26/9-25/11/08	189.40	
INV 3140037		ELECTRICITY - CEMETERY - 26/9-25/11/08	15.95	
INV 4301537		ELECTRICITY - OLD CEMETERY - 26/9-25/11/08	15.95	
INV 5842381		ELECTRICITY - AVON PARK RETIC PUMP - 25/9-24/11/08	20.65	
INV 1087613		ELECTRICITY 22/9-20/11/08 SWIMMING POOL	1,273.45	
		WESTSCHEME SUPERANNUATION		
28020		SUPERANNUATION CONTRIBUTIONS		289.12
INV SUPER			144.56	
INV SUPER			144.56	
		AMP CORPORATE SUPERANNUATION		
28021		SUPERANNUATION CONTRIBUTIONS		234.00
INV SUPER			117.00	
INV SUPER			117.00	
		YORK SHIRE COUNCIL (payroll only)		
28022		PAYROLL DEDUCTIONS		1,680.00
INV DEDUC			440.00	
INV DEDUC			400.00	
INV DEDUC			440.00	
INV DEDUC			400.00	
		STATE LIBRARY OF WESTERN AUSTRALIA		
28023		LOST/DAMAGED LIBRARY BOOKS		27.50
INV 36721			27.50	

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**SHIRE OF YORK
MUNICIPAL CHEQUE PAYMENTS
DECEMBER 2008**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
28024		CENTRELINK		
		PAYROLL DEDUCTIONS		200.00
			100.00	
			100.00	
28025		MLC MASTERKEY SUPERANNUATION		
		SUPERANNUATION CONTRIBUTIONS		157.50
			78.75	
			78.75	
28026		DOMINIC CARBONE		
		SEAVROC MANAGEMENT SERVICES 14/10-26/11/08		11,212.23
		PREPARATION COLOCATION FACILITY BUSINESS PLAN	1,408.00	
		SEAVROC MANAGEMENT SERVICES 14/10-26/11/08	9,804.23	
28027		CLINT JOHN STRICKLAND		
		REIMBURSE POLICE CLEARANCE APPLICATION		51.00
			51.00	
28028		ROYAL AERO CLUB OF WA		
		HIRE OF FIXED WING AIRCRAFT FOR 27/10/08		1,206.70
			1,206.70	
28029		JOHNS BUILDING SUPPLIES PTY LTD		
		WOODEN DOOR FRAME / ELECTRIC METRE BOX		631.10
			631.10	
28030		DEPARTMENT OF PREMIER & CABINET		
		ADVERTISING T/P REGS, DEV ACT 2005, FOOD ACT 2008		313.75
		RESIDENTIAL DESIGN CODES	88.70	
		ADVERTISING TOWN PLANNING SCHEME AMEND. 20	83.65	
		ADVERTISING T/P REGS, DEV ACT 2005, FOOD ACT 2008	141.40	
28031		AUGMU PRODUCTIONS		
		COUNCILLORS PHOTOS		885.00
			885.00	
28032		JARAM FLEET EQUIPMENT		
		TOOL BOX		2,309.50
			2,309.50	
28033		GLIDEROL INTERNATIONAL PTY LTD		
		ROLLER DOOR FOR ARCHIVE SHED		1,184.83
			1,184.83	
28034		NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT		
		REGISTRATION FEES - PAT HOOPER		990.00
			990.00	
28035		THE SALVATION ARMY		
		REFUND OVERPAYMENT POOL USAGE 5/12/08		88.00
			88.00	
28036		CHRISTINE STEVENS		
		CANCELLATION OF SIGN - REIMBURSEMENT		24.00
			24.00	
28037		ARCUS AUSTRALIA PTY LTD		
		WATER COOLER & CABINET		1,245.20
			1,245.20	
28038		AUSTRALIAN SERVICES UNION		
		UNION FEES		322.20
			161.10	
			161.10	
28039		LANDGATE		
		GRV'S 18/10-14/11/08 - G2008/19 & G2008/20		237.51
			237.51	

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**SHIRE OF YORK
 MUNICIPAL CHEQUE PAYMENTS
 DECEMBER 2008**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		TELSTRA		
28040		TELEPHONE 25/10-24/11/08		2,258.81
INV 4062574		MOBILE PHONE 11/11-10/12/08 WORKS	12.20	
INV 9436723		TELEPHONE 27/10-28/11/08 RES MUSEUM	50.44	
INV 1007827		INTERNET ACCESS 26/10-25/11/08 CEO	59.95	
INV 9434282		TELEPHONE 25/10-24/11/08	1,498.95	
INV 3334864		MOBILE PHONES 11/11-10/12/08	637.27	
		JTAGZ PTY LTD		
28041		COLOURED TAGS - SEASON PASS - SWIMMING POOL		254.10
INV 14201			254.10	
		WATER CORPORATION OF WA		
28042		WATER RATES - 2ND INSTALMENT - 26 BARKER ST		23.65
INV 9007881			23.65	
		WEST AUSTRALIAN NEWSPAPERS		
28043		DEATH NOTICE CR CHARLIE GREGORINI		67.10
INV 6721278			67.10	
		SHIRE OF YORK		
28044		BUS HIRE & CLEANING FEE 4/12/08 AVON INDUSTRIAL PARK		956.65
INV 1591		BUS HIRE 18/10/08 - PEDOMETRE CHALLENGE	151.80	
INV 1588		BUS HIRE & CLEANING FEE 4/12/08 AVON INDUSTRIAL PARK	620.00	
INV 1586		BUS HIRE 19/10/08	117.70	
INV 1590		BUS HIRE 21/10/08	48.40	
INV 1587		BUS HIRE - 18/11/08	18.75	
		THE YORK SOCIETY (INC)		
28045		SPONSORSHIPS 2008/09		1,750.00
INV SPONS			1,750.00	
		WA LOCAL GOVT SUPER PLAN PTY LTD, (ACN 0		
28047		SUPERANNUATION CONTRIBUTIONS		19,926.30
INV SUPER			6,855.35	
INV DEDUC			576.83	
INV DEDUC			311.05	
INV DEDUC			46.08	
INV DEDUC			180.17	
INV DEDUC			375.61	
INV DEDUC			33.95	
INV DEDUC			135.82	
INV DEDUC			147.18	
INV DEDUC			841.12	
INV DEDUC			395.89	
INV SUPER			148.50	
INV SUPER			31.19	
INV SUPER			161.93	
INV DEDUC			45.40	
INV SUPER			6,722.22	
INV DEDUC			576.83	
INV DEDUC			311.05	
INV DEDUC			46.24	
INV DEDUC			180.17	
INV DEDUC			253.32	
INV DEDUC			33.95	
INV DEDUC			135.82	
INV DEDUC			147.18	
INV DEDUC			841.12	
INV DEDUC			392.33	
		YORK SHIRE COUNCIL (payroll only)		
28048		PAYROLL DEDUCTIONS		760.17
INV PAYOUT			760.17	

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SHIRE OF YORK
MUNICIPAL CHEQUE PAYMENTS
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Cheque /EFT	Name	INV	Amount	Amount
No	Date	Invoice Description	Amount	Amount

REPORT TOTALS

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	62,407.34
TOTAL		62,407.34

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**SHIRE OF YORK
MUNICIPAL EFT PAYMENTS
DECEMBER 2008**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		JOHN SHENTON		
EFT5197		TEAL POOL LIFT		6,248.00
INV 195289			6,248.00	
		SAI GLOBAL		
EFT5198		BUILDING CODES AUSTRALIA SUBSCRIPTION RENEWAL 08/		1,359.15
INV SINV35			1,359.15	
		CELLARBRATIONS DUKE OF YORK		
EFT5199		REFRESHMENTS - CHANCE BATEMAN CIVIC RECEPTION		514.38
INV 176588		REFRESHMENTS ICE - CHANCE BATEMAN CIVIC RECEPTION	17.50	
INV 176587		REFRESHMENTS - CHANCE BATEMAN CIVIC RECEPTION	496.88	
		DUSTRY PTY LTD		
EFT5200		BACKHOE HIRE CEMETERY/ TALBOT RD CULVERTS		1,980.00
INV 508		BACKHOE HIRE - YORK-TAMMIN RD CULVERTS	880.00	
INV 510		BACKHOE HIRE CEMETERY/ TALBOT RD CULVERTS	1,100.00	
		COOL CLEAR WATER BEVERAGES LTD		
EFT5201		MONTHLY WATER FILTRATION FEE - DEC 08		66.00
INV 58387			66.00	
		GOLDY HOLDEN		
EFT5202		HOLDEN VE OMEGA 2008 Y6392		30,862.38
INV 100154			30,862.38	
		CORPORATE EXPRESS		
EFT5203		STATIONERY/ PAPER/ PRINT CARTRIDGES		2,137.20
INV WK1292			1,137.98	
INV WK1292		PRINT CARTRIDGE	22.53	
INV WK1292		STATIONERY	11.62	
INV WK1294		POCKET DISPLAY BOOK	5.72	
INV WK1295		STATIONERY / TONERS / OFFICE SUPPLIES - ADMIN	933.85	
INV WZ1983		SCANDISK CAMERA MEMORY CARD	25.50	
		KEEBLE, CINDY REA		
EFT5204		REIMB BOOK PURCHASES LIBRARY		455.70
INV BOOKS			455.70	
		YORK BUILDING SUPPLIES		
EFT5205		GLOSS PAINT/ DEMOLITION BAR		466.22
INV 011559			157.00	
INV 12369		SPARE PARTS - Y345	27.50	
INV 12493		INDICATOR BOLT - AVON PARK TOILETS	17.60	
INV 12556		MASKING TAPE - FORREST OVAL	14.30	
INV 12587		FAST SETTING CONCRETE - GOLDFIELDS RD	29.48	
INV 12597		FAST SETTING CONCRETE - BLAND RD	29.48	
INV 12624		FAST SETTING CONCRETE - AVON TCE	73.70	
INV 12647		NUTS & BOLTS - MINOR PLANT	4.70	
INV 12687		PLASTIC JERRY CAN - MINOR PLANT	43.95	
INV 12846		CHIPBOARD SCREWS / PINE DECKING - RES MUS	36.51	
INV 12907		SCREWS - PLANNERS' VEHICLE	3.50	
INV 12917		CRC x 2 - DEPOT PLANT	21.90	
INV 12961		TOILET ROLL HOLDER - PAVILION	6.60	
		THE CHURCHES' COMMISSION ON EDUCATION		
EFT5206		ADDITIONAL SPONSORSHIP 08/09 - SCHOOL CHAPLAINCY		550.00
INV 08/3055.			550.00	
		SYLVANIA LIGHTING AUSTRALASIA PTY LTD		
EFT5207		POLES/ LAMPS HOWICK ST LIGHTING		8,316.00
INV 447531			8,316.00	
		MERCURY FIRESAFETY PTY LTD		
EFT5208		BUSHFIRE FOAM/ WILDFIRE GLOVES		882.00
INV 34038			882.00	
		YORK AUTO ELECTRICS		

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**SHIRE OF YORK
MUNICIPAL EFT PAYMENTS
DECEMBER 2008**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
YORK AUTO ELECTRICS				
EFT5209		FIT 2-WAYS / HANDSFREE KIT - Y397		1,201.51
INV 3594			801.90	
INV 3684		BATTERY - WATER PUMP	165.00	
INV 3604		FUEL PUMP WIRING - Y397	234.61	
YORK LANDSCAPE SUPPLIES				
EFT5210		BRICKS - HOWICK ST TOILETS		8,707.43
INV 1194		FREIGHT - ARCUS WATER COOLER - DEPOT	38.50	
INV 1221		BRICKS - HOWICK ST TOILETS	8,668.93	
GEMINI MEDICAL SERVICES PL				
EFT5211		PAYMENT IN LEIU OF DOCTOR'S VEHICLE -		497.60
INV YOVI20			497.60	
PARS RURAL PTY LTD				
EFT5212		DEFOAMING AGENT - WEED SPRAYING		44.00
INV A117			44.00	
JOHN PATRICK HOOPER				
EFT5213		REIMBURSEMENT - FLIGHT/ TRAVEL FEES CANBERRA LOC/		668.07
INV REIMBI			668.07	
L J'S CAFE				
EFT5214		REFRESHMENTS DEPOT FUNCTION 22/12/08		372.85
INV 49		REFRESHMENTS COUNCIL BRIEFING 15/12/08	98.45	
INV 50		REFRESHMENTS DEPOT FUNCTION 22/12/08	274.40	
ADVANCED AUTOLOGIC PTY LTD				
EFT5215		TRUCK WASH x 20 LTRS		180.00
INV 45395			180.00	
JOHNS LOCAL CLEANING SERVICE				
EFT5216		CLEANING RES MUS NOV 08		125.00
INV 225			125.00	
NAVIGATOR PERSONAL RETIREMENT PLAN				
EFT5217		STAFF SUPERANNUATION		429.03
INV SUPER			209.95	
INV SUPER			219.08	
AUSTRAL MERCANTILE				
EFT5218		SUNDRY DEBTOR DEBT COLLECTION NOV 08		148.69
INV NOV 08			132.19	
INV NOV 08		RATE DEBT RECOVERY FEES NOV 08	16.50	
TATTY PARROT BAKERY				
EFT5219		MORNING TEA / STAFF TRAINING		438.80
INV 003			438.80	
4 FARMERS				
EFT5220		CHEMICALS - WEED SPRAYING		3,469.40
INV 76478			1,421.20	
INV 76477			2,048.20	
M & R MACHINING				
EFT5221		WELD FORKS ON Y600		225.50
INV 535			132.00	
INV 536		BLADES FOR MOWER	27.50	
INV 537		REPAIR RING FEEDER - Y711	66.00	
RURAL ROAD SERVICES				
EFT5222		ENGINEER CONSULTANCY 24/11-12/12/08		14,454.00
INV 430135C		HIRE GRADER OPERATOR	3,085.50	
INV 4301354		ENGINEER CONSULTANCY 24/11-12/12/08	6,327.75	
INV 4301348		ENGINEER CONSULTANCY 3-14/11/08	5,040.75	
MOTORCHARGE LTD				
EFT5223		GULL CARD		457.44
INV 301108			457.44	

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**SHIRE OF YORK
MUNICIPAL EFT PAYMENTS
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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
CHILD SUPPORT AGENCY				
EFT5224		SUPPORT PAYMENT		460.16
INV DEDUC			230.08	
INV DEDUC			230.08	
ALLROUND CONCRETE				
EFT5225		SUPPLY & LAY CONCRETE TOILET BLOCK HOWICK STREET		9,636.00
INV 0934			9,636.00	
YORK EMBROIDERY SERVICE				
EFT5226		LOGO & NAME - DEPOT WORK CLOTHING		330.00
INV 1224			330.00	
SPECTRUM DISTRIBUTORS (ORICA AUSTRALIA PTY LTD)				
EFT5227		CHLORINE GAS 70 KG X 2		1,996.70
INV 4254755		CHLORINE GAS 70KG	293.70	
INV 4257154			293.70	
INV 4252928		SERVICE FEE CHLORINE OCTOBER 08	100.32	
INV 4266495		CHLORINE GAS x 1 CYLINDER - SWIMMING POOL	293.70	
INV 4274293			293.70	
INV 4272585		CHLORINE SERVICE FEE - SWIMMING POOL / FORREST OVAL	134.18	
INV 4279059		CHLORINE GAS 70 KG X 2	587.40	
BIOMAX				
EFT5228		BIOMAX SERVICE - CENT UNITS		105.40
INV 57611			105.40	
WA HINO				
EFT5229		VEHCILE SERVICE 3000KM - Y1660		446.50
INV 47202			446.50	
YORK & DISTRICTS COMMUNITY MATTERS				
EFT5230		ADVERTISING		2,202.20
INV 1104			1,509.20	
INV 0000085			693.00	
YORK IT & COMMUNICATION				
EFT5231		USB FLASH DRIVE X 2 CEOS/ PLANNER		152.80
INV 1772		COMPUTER CABLE - ADMIN	7.95	
INV 1237		FAX FILM - DEPOT	44.95	
INV 2081		USB FLASH DRIVE X 2 CEOS/ PLANNER	99.90	
GOODYEAR / DUNLOP DISTRIBUTORS (AUS)				
EFT5232		SUPPLY & FIT TYRE X 1		930.27
INV 3704298		TYRES X 2 - Y000	335.72	
INV 3704298		SUPPLY & FIT TYRE X 1	594.55	
MIRACLE RECREATION EQUIPMENT LTD				
EFT5233		POLY WAVE SLIDE		1,386.00
INV 10553			1,386.00	
YORK GENERAL PRACTICE				
EFT5234		MEDICAL		165.00
INV 59131			55.00	
INV 59353			110.00	
WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION				
EFT5235		WALGA CONVENTION		9,588.79
INV 1267902		ADVERT - WEST AUST - TENDERS 01-0809 & 02-0809	3,203.86	
INV 1267928		ADVERT - WEST AUST 6/9/08 - ENGINEER	1,829.92	
INV 0000028		WALGA CONVENTION	4,555.01	
MIDLAND RUBBER STAMPS				
EFT5236		SELF INKING DATE STAMP - ADMIN		41.80
INV 36800			41.80	
FIRE & EMERGENCY SERVICES AUTH. OF WA				

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**SHIRE OF YORK
 MUNICIPAL EFT PAYMENTS
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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
EFT5237 INV 126085		FIRE & EMERGENCY SERVICES AUTH. OF WA ESL PAYMENT QUARTER 2 - 2008/09	31,012.76	31,012.76
EFT5238 INV 42602		AUSTRALIAN SWEEPER COMPANY SWEEPER BRUSHES	1,085.08	1,085.08
EFT5239 INV 618938		EDS SHEDS ROLLER DOOR DELIVERY - ARCHIVES SHED	50.00	50.00
EFT5240 INV CH1306		FUJI XEROX AUSTRALIA PTY LTD PHOTOCOPY METER CHARGES - NOV 08	406.86	406.86
EFT5241 INV 123 INV 128 INV 127 INV 120		DARRY'S PLUMBING AND GAS PRE LAY DRAINS - HOWICK STREET TOILET BLOCK WATER PIPE REPAIRS PEACE PARK CONNECT SEWERAGE WATER MAIN - HOWICK ST STANDPIPE REPAIRS REDMILE/ BRUGESS/ WILBERFORCE PRE LAY DRAINS - HOWICK STREET TOILET BLOCK	143.00 1,133.00 396.00 2,865.50	4,537.50
EFT5242 INV 161208		YORK GENERAL CONTRACTING ROLLER HIRE/ ROADBASE YDHS SCHOOL CARPARK	900.57	900.57
EFT5243 INV 14 INV 41 INV 10		TREVS TRANSPORT FREIGHT JARAM FLEET EQUIPMENT FREIGHT POOL CHEMICALS FREIGHT JARAM FLEET EQUIPMENT FREIGHT GRADER BLADES	39.60 63.25 63.25	166.10
EFT5244 INV 41		CUE MECHANICAL & MAINTENANCE ERECT SHEDS - SHIRE HOUSES - OSNABURD RD / ROE ST	2,100.00	2,100.00
EFT5245 INV 1191 INV 1440 INV 1458 INV 1486 INV 1495 INV 1582 INV 1363		ALLPACK SIGNS GALVANISED POSTS & CAPS - SIGNAGE 'REDUCE SPEED' SIGN - YORK-TAMMIN RD 'CHILDREN CROSSING' SIGN - TOP BEVERLEY RD REFLECTIVE MARKER TAPE - ROAD SAFETY GALVANISED POSTS & CAPS - ROAD SIGNAGE STREET SIGNS - VARIOUS ROADS STREET SIGNS X 11	1,139.60 286.00 277.20 429.00 1,139.60 463.10 435.60	4,170.10
EFT5246 INV 0000004		COUNTRY METAL RECYCLERS HIRE OF PRIME MOVER & EXCAVATOR - BLAND BRIDGE	3,850.00	3,850.00
EFT5247 INV 000871		INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA REGISTRATION 11/11/08 - R HOOPER, T COCHRANE	660.00	660.00
EFT5248 INV 1653955		OFFICEMAX STATIONERY - DESK, BOOK CASE, DRAWER	1,045.00	1,045.00
EFT5249 INV 0000586		THEODORE BRUCE AUCTIONS PTY LTD INSURANCE VALUATION OF RESIDENCY MUSEUM	2,200.00	2,200.00
EFT5250 INV 261120C		WHEATBELT INDIVIDUAL & FAMILY SUPPORT ASSOC INC. SPONSORSHIP - OUTDOOR SETTING	328.90	328.90
		HITACHI CONSTRUCTION MACHINERY		

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**SHIRE OF YORK
MUNICIPAL EFT PAYMENTS
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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
HITACHI CONSTRUCTION MACHINERY				
EFT5251		RIDE CONTROL REPAIRS - JOHN DEERE LOADER		915.75
INV 50F2205			915.75	
AUSTRALIA POST				
EFT5252		POSTAGE/ PAPER NOV 08		1,263.81
INV 0811300			1,263.81	
AYOUB, DAVID JOHN				
EFT5253		BOBCAT HIRE - LEVEL & COMPACT HOWICK ST TOILETS		968.00
INV 262			968.00	
AVON TRACTOR & IMPLEMENT				
EFT5254		SERVICE LOADER - Y600		573.44
INV 22107			573.44	
ARROW BRONZE				
EFT5255		NICHE WALL PLAQUES,VASES		627.38
INV 506057			463.70	
INV 505406			163.68	
COURIER AUSTRALIA				
EFT5256		FREIGHT		369.64
INV TRANS1			127.75	
INV TRANS1		FREIGHT - LIBRARY BOOKS	21.70	
INV 456292		FREIGHT	143.76	
INV 459385			59.91	
INV 462516			16.52	
CASTLE HOTEL				
EFT5257		COUNCILLOR REFRESHMENTS		87.98
INV 663			87.98	
CENTRAL DISTRICTS AIRCONDITIONING				
EFT5258		REPAIR AIR CONDITIONER - LESSER HALL		99.00
INV 27246			99.00	
CUTTING EDGES PTY LTD				
EFT5259		CUTTING EDGES x 20 - Y205		1,136.41
INV 2815152			1,136.41	
JR & A HERSEY				
EFT5260		SPRAYMARK/ TAPE/ TIE DOWN STRAP/ BATTERIES		851.51
INV S14188		PLASTIC BARRIER MESH	71.50	
INV S14187		SPRAYMARK/ TAPE/ TIE DOWN STRAP/ BATTERIES	780.01	
KLEENHEAT GAS				
EFT5261		BULK GAS x 151 LTRS - GWAMBY BBQS		384.79
INV 670865			196.28	
INV 670865		GAS CYLINDER RENTAL GWAMBYGINE	188.51	
MCLEODS BARRISTERS AND SOLICITORS				
EFT5262		LEGAL FEES - LOTS 299-301 AVON TCE		2,613.71
INV 43361			2,346.96	
INV 43403		LEGAL FEES - SALE OF LOTS 2-6 AVON TCE & 13 REDMILE R	266.75	
PEERLESS JAL PTY LTD				
EFT5263		FLOOR POLISH / POLYCOTTON MOP		256.62
INV S199422			256.62	
ROUS, ERIC DAVID				
EFT5264		ELECTRICAL WIRING HOWICK ST CARPARK LIGHTING		1,710.50
INV 5243			1,710.50	
AVON WASTE				
EFT5265		RECYCLING SERVICE		43,892.92
INV 3970		RUBBISH COLLECTION TO 21/11/08	5,924.61	
INV 3971		RECYCLING SERVICES TO 21/11/08	11,813.63	
INV 4011		RUBBISH SERVICE	5,782.72	
INV 4012		RECYCLING SERVICES	2,836.80	

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MUNICIPAL EFT PAYMENTS
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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		AVON WASTE		
INV 4028		RUBBISH SERVICE	5,720.11	
INV 4029		RECYCLING SERVICE	11,815.05	
		AVON VALLEY TYRE SERVICE		
EFT5266		WINDSCREEN FITMENT - Y000		398.00
INV 2082		TYRE PATCH - TRAILER	22.00	
INV 2132		WINDSCREEN FITMENT - Y000	320.00	
INV 2129		TYRE PATCH/ TUBE SUPPLY	56.00	
		HOME HARDWARE		
EFT5267		METHO/WHITE SPIRITS/WIRE BRUSH - RES MUS		25.50
INV 326675			25.50	
		YORK IGA		
EFT5268		MILK / COFFEE - RES MUS		30.31
INV 03/3902		MILK - RES MUS	3.87	
INV 01/6388		MILK / COFFEE - RES MUS	15.44	
INV 02/5048		FOAM CUPS - RES MUS	4.32	
INV 03/1763		MILK / BISCUITS - RES MUS	6.68	
		YORK VISITORS CENTRE		
EFT5269		YVC FUNDING - 3RD QUARTER 08/09		27,557.20
INV 3271			27,557.20	
		BGC QUARRIES		
EFT5270		GRANITE - YORK-TAMMIN RD CONSTRUCTION		4,133.50
INV Q129995			4,133.50	
		MAL AUTOMOTIVES		
EFT5271		GENERAL SERVICE - Y000		435.00
INV 8082			224.00	
INV 8178		VEHICLE SERVICE 20000KM - 0Y	211.00	
		WESTCARE INDUSTRIES		
EFT5272		WORK BOOTS - DEPOT STAFF		1,448.65
INV 528963			1,448.65	
		AVON EXPRESS		
EFT5273		FREIGHT		440.00
INV 910		FREIGHT - WATER SAMPLES / TOILET TISSUE	143.00	
INV 1019		FREIGHT	297.00	
		FUEL DISTRIBUTORS		
EFT5274		DISTILLATE X 6100 LTRS		14,872.37
INV 84266			8,451.55	
INV FD9648		DISTILLATE X 5166 LTRS	6,420.82	
		LANDMARK		
EFT5275		FENCE DROPPERS / HAMMER SET - YORK-TAMMIN RD		950.60
INV 473529		HOSES / FITTINGS - AIR COMPRESSOR	200.45	
INV 489640		RETIC CONNECTIONS - CEMETERY	7.55	
INV 415070		DOG BISCUITS - POUND SUPPLIES	67.28	
INV 473087		PUMP FITTINGS / AIR HOSE - COMPRESSOR	36.39	
INV 473805		PUMP FITTINGS - COMPRESSOR	16.50	
INV 438475		FENCE DROPPERS / HAMMER SET - YORK-TAMMIN RD	323.43	
INV 447338		FENCE DROPPERS - CEMETERY	299.00	
		SIGMA CHEMICALS		
EFT5276		SODA ASH/ CHLORINE		1,266.35
INV 16919/0			1,266.35	

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SHIRE OF YORK
MUNICIPAL EFT PAYMENTS
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Cheque /EFT	Name	INV	
No	Date	Amount	Amount

REPORT TOTALS

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	272,519.78
TOTAL		272,519.78

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**SHIRE OF YORK
 TRUST CHEQUE PAYMENTS
 DECEMBER 2008**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
BUILDERS REGISTRATION BOARD				
3532		BRB LEVY NOVEMBER 2008		737.50
INV BRB			536.00	
INV BRB		BRB LEVY OCTOBER 2008	201.50	
BUILDING CONSTRUCTION INDUSTRY TRAINING FUND				
3533		BCITF LEVY NOVEMBER 08		1,219.21
INV BCITF			1,219.21	
SHIRE OF YORK				
3534		BRB COMM. NOVEMBER 08		170.50
INV BRB			88.00	
INV BCITF		BCITF COMM. NOVEMBER 08	33.00	
INV BRB		BRB COMM. OCTOBER 2008	49.50	

REPORT TOTALS

Bank Code	Bank Name	TOTAL
2	TRUST FUND BANK	2,127.21
TOTAL		2,127.21
PLUS		<u>500.00</u>
CANCELLED CHQ 3535 - D. BARNES - KERB BOND REFUND		2,627.21

TOTAL RESERVES	
31-Dec-08	
Reserve Name	Current Balance
4. Plant Reserve	285,776.37
6. Staff Leave Reserve	107,342.80
7. Town Planning Reserve	11,369.53
8. Recreation Complex Reserve	268,584.31
9. Avon River Maintenance Reserve	18,583.02
14. Industrial Land Reserve	85,020.69
15. Refuse Site Development Reserve	180,402.35
22. Centennial Gardens Reserve	99,876.16
23. Public Open Space Cont Reserve	288.68
24. Community Bus Reserve	32,125.55
25. Pioneer Memorial Lodge Reserve	139,816.94
26. Residency Museum Reserve	18,328.47
27. Carparking Reserve	54,280.90
30. Building Reserve	55,411.92
35. Disaster Reserve	21,993.21
37. Archives Reserve	45,591.73
38. Water Supply Reserve	6,778.29
40. Tied Grant Funds Reserve	147,353.49
42. Main Street (Town Precinct) Update Reserve	108,285.22
43. Strategic Planning Reserve	17,866.28
44. Cemetery Reserve	24,911.98
45. York Town Hall Reserve	37,375.96
46. RSL Memorial Reserve	18,143.25
47. Greenhills Townsite Development Reserve	19,987.12
48. Youth Capital Works	21,272.51
49. Roads	54,967.08
50. Land & Infrastructure	183,246.88
TOTAL RESERVE FUNDS	2,064,980.69
Funded by	
Bendigo Reserve 119521748	1,011.00
Bendigo NCD	549,662.86
Bendigo NCD	1,514,306.83
Total Cash Funding	2,064,980.69
Comment	
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 CREDIT CARD PAYMENTS
FOR THE MONTH ENDING DECEMBER 2008**

REFRESHMENTS	\$	355.20
TRAINING & CONFERENCES	\$	524.58
SEAVROC	\$	64.40
FUEL	\$	158.64
HOUSING MAINTENANCE	\$	-
RESIDENCY MUSEUM ADVERTISING	\$	275.00
TOTAL PURCHASES	\$	1,377.82
PAYMENTS TO C/C IN ADVANCE	\$	-
LESS PREVIOUSLY PAID IN ADVANCE	\$	-
TOTAL PAYMENTS TO C/C AS PER BANK REC	\$	1,377.82

**STATEMENT OF SHELL CARD PURCHASES
FOR THE MONTH ENDING DECEMBER 2008**

0 Y - CEO	\$	-
Y 00 - DCEO	\$	45.31
Y 000 - EHO	\$	-
CARD FEES	\$	7.50
TOTAL PURCHASES	\$	52.81
TOTAL PAYMENTS TO SHELL AS PER BANK REC	\$	52.81

9. OFFICER'S REPORTS
9.3 FINANCE REPORTS
9.3.2 Finance Report January 2009

FILE NO: FI.FRP
COUNCIL DATE: 16 February 2009
REPORT DATE: 10 February 2009
LOCATION/ADDRESS: Not Applicable
APPLICANT: Not Applicable
SENIOR OFFICER: Graham Stanley, Deputy Chief Executive
Officer
REPORTING OFFICER: Tabitha Bateman, Administration Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Yes
DOCUMENTS TABLED: Nil

Summary:

The Financial Report for the period ending 31 January 2009 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Statement of Financial Position
- Statement of Financial Activity
- Variance Report
- 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
- Corporate Credit Card & Fuel Card Summary

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995 (As Amended).

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

Policy Implications:

Nil.

Financial Implications:

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 January 2009;

Sundry Creditors as per General Ledger	\$	19,835.15
Sundry Debtors as per General Ledger	\$	122,715.72
Unpaid rates and services current year (paid in advance inc ESL)	\$	621,680.19
Unpaid rates and services previous years (incl ESL)	\$	135,024.52

Strategic Implications: Nil

Voting Requirements:
Absolute Majority Required: No

Site Inspection:
Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:
Economic Implications:

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

Social Implications:
Not applicable.

Environmental Implications:
Not applicable.

Comment:

The attached variance report provides explanations of the variances. Many variances are due to timing issues such as delays to jobs commencing or the budget being allocated on a pro-rata basis but the majority of the income or expense being received or incurred over only a few months. A mid-year budget review is currently being undertaken. It was hoped that the review would be ready in time to be presented to the February meeting of Council however it will not be completed in time. It is now planned to put the review to the Audit Committee prior to the end of February. The mid-year review will be a comprehensive look at the accounts to 31st December 2008 with projections to 30th June 2009. A report on the review along with recommended budget amendments, arising from the review, will be presented to the March meeting of Council for adoption.

OFFICER RECOMMENDATION

**RESOLUTION
190209**

MOVED: Cr Lawrance SECONDED: Cr Boyle

“That Council:

Receive the Monthly Financial Report and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 January 2009:

	<u>VOUCHER</u>	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>		
Cheque Payments	28049-28071	\$ 102,319.86
Electronic Funds Payments	5125-5196	\$ 152,975.07
Direct Debits Payroll		\$ 103,620.28
Bank Fees		\$ 990.41
Corporate Cards		\$ 1,124.17
Photocopier Lease		\$ 1,037.22
Shell Cards		<u>\$ 74.63</u>
TOTAL		<u>\$ 362,141.64</u>
<u>TRUST FUND</u>		
Cheque Payments	3532-3535	\$ 4,531.61
Direct Debits Licensing		<u>\$ 150,122.20</u>
TOTAL		<u>\$ 154,653.81</u>
<u>TOTAL DISBURSEMENTS</u>		<u>\$ 516,795.45</u>

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.

CARRIED (6/0)

**Item 9.3.2
Appendix A**

**SHIRE OF YORK
STATEMENT OF FINANCIAL POSITION
AS AT THE 31 JANUARY 2009**

2007/08 ACTUAL		2008/09 ACTUAL 31-Jan-09
\$		\$
563,946	CURRENT ASSETS	
2,034,539	Cash	1,801,845
675,758	Cash Restricted	2,104,546
33,549	Receivables	980,276
0	Stock on Hand	10,037
	Prepaid Expenses	0
3,307,792	TOTAL CURRENT ASSETS	4,876,704
	CURRENT LIABILITIES	
(429,984)	Accounts Payable	(109,682)
0	Income Received in Advance	0
(397,042)	Provision for Leave	(397,042)
(7,799)	Interest Bearing Liabilities	(7,799)
(834,825)	TOTAL CURRENT LIABILITIES	(514,523)
	NET ASSETS	
2,472,968		4,362,180
	Less Items	
(2,034,539)	Cash Restricted	(2,104,546)
7,799	Interest Bearing Liabilities Included in Budget	7,799
(7,799)	Self Supporting Loan Income	(7,799)
105,636	Add Back LSL	109,565
544,065	TOTAL EQUITY	2,367,200

SHIRE OF YORK
STATEMENT OF FINANCIAL ACTIVITY
AS AT 31 JANUARY 2009

	2008/09	2008/09	2008/09	2008/09	Variance %	Variance \$
	ADOPTED BUDGET	Amended Budget	Budget Year to Date	Actual	Budget to Actual	Budget to Actual
OPERATING REVENUE	\$	\$	\$	\$	\$	
General Purpose Funding	(1,340,874)	(1,340,874)	(694,289)	(708,377)	2%	14,088
Governance	(221,970)	(221,970)	(9,898)	(13,884)	40%	3,986
Law, Order, Public Safety	(123,326)	(123,326)	(58,094)	(41,452)	(29%)	(16,632)
Health	(23,000)	(23,000)	(15,394)	(22,280)	45%	6,886
Education and Welfare	(25,000)	(25,000)	(14,581)	(10,830)	(28%)	(3,751)
Housing	-	-	-	-		-
Community Amenities	(586,056)	(586,056)	(514,934)	(480,663)	(7%)	(34,271)
Recreation and Culture	(998,749)	(998,749)	(554,765)	(51,353)	(91%)	(503,412)
Transport	(1,522,704)	(1,522,704)	(748,442)	(523,610)	(30%)	(224,832)
Economic Services	(101,200)	(101,200)	(59,031)	(26,979)	(54%)	(32,052)
Other Property and Services	(129,406)	(129,406)	(75,803)	(17,232)	(77%)	(58,571)
	(5,072,285)	(5,072,285)	(2,745,221)	(1,896,659)	(31%)	(848,562)
LESS OPERATING EXPENDITURE						
General Purpose Funding	196,698	196,698	71,681	60,870	(15%)	10,811
Governance	652,106	652,106	412,933	278,307	(33%)	134,627
Law, Order, Public Safety	326,949	326,949	206,118	162,932	(21%)	43,186
Health	192,581	192,581	111,194	102,981	(7%)	8,214
Education and Welfare	59,578	59,578	38,860	32,257	(17%)	6,603
Housing	-	-	0	-		-
Community Amenities	1,186,685	1,186,685	627,271	424,367	(32%)	202,904
Recreation and Culture	1,119,253	1,119,253	655,144	538,940	(18%)	116,204
Transport	4,270,822	4,270,822	2,478,945	2,203,291	(11%)	275,654
Economic Services	415,896	415,896	257,854	192,937	(25%)	64,917
Other Property & Services	102,000	102,000	68,355	16,234	(76%)	52,121
	8,522,568	8,522,568	4,928,555	4,013,114	(19%)	915,241

SHIRE OF YORK
STATEMENT OF FINANCIAL ACTIVITY
AS AT 31 JANUARY 2009

	2008/09 ADOPTED BUDGET	2008/09 Amended Budget	2008/09 Budget Year to Date	2008/09 Actual	Variance % Budget to Actual	Variance \$ Budget to Actual
<i>ADD</i>						
Proceeds on Sale of Assets	3,450,283	3,450,283	2,183,134	2,116,455		
Profit/Loss on Sale of Assets	(665,310)	-	0	-		
Increase/(Decrease) Non Current Debtors Rates	-	(665,310)	-37,423	(21,888)		
Increase/(Decrease) Non Current Debtors S/S Loan	242,221	242,221	(4,538)	(26,064)		
Change Employee Leave Provisions	(7,395)	(7,395)	-	(3,929)		
Long Service Leave Cash at Bank (Increase)/Decrease in Balance	(4,027,368)	(4,027,368)	(1,342,456)	(2,043,758)		
Depreciation Written Back	(475,625)	(475,625)	(154,330)	(40,584)		
Book Value of Assets Sold Written Back	(4,933,477)	(4,933,477)	(1,532,745)	(2,136,223)		
<i>Sub Total</i>	(1,483,194)	(1,483,194)	650,389	(19,769)		
LESS CAPITAL PROGRAMME						
Purchase Tools	-	-	0	-		
Purchase Land & Buildings	2,184,002	2,184,002	431,584	174,848		
Purchase Plant & Equipment	768,201	768,201	572,201	251,701		
Purchase Furniture & Equipment	93,375	93,375	54,675	40,216		
Infrastructure Assets - Roads	2,390,862	2,390,862	849,844	526,691		
Infrastructure Assets - Recreation Facilities	40,000	40,000	0	-		
Infrastructure Assets - Other	30,000	30,000	10,000	-		
Repayment of Debt - Loan Principal	14,871	14,871	3,831	3,831		
Transfer To Reserves	1,176,785	1,176,785	0	70,006		
Transfer to Other Funds	-	-	0	-		
	6,698,096	6,698,096	1,922,135	1,067,293		

SHIRE OF YORK
STATEMENT OF FINANCIAL ACTIVITY
AS AT 31 JANUARY 2009

	2008/09	2008/09	2008/09	2008/09	Variance % Budget to Actual	Variance \$ Budget to Actual
	ADOPTED BUDGET	Amended Budget	Budget Year to Date	Actual		
ABNORMAL ITEMS	-	-	0	-		
Plus Rounding	-	-	0	-		
	6,698,096	6,698,096	1,922,135	1,067,293		
	5,214,902	5,214,902	2,572,524	1,047,524		
Sub Total						
LESS FUNDING FROM						
Reserves	(816,085)	(816,085)	0	-		
Other Funds	-	-	0	-		
Loans Raised	(950,000)	(950,000)	-200,000	-		
Opening Funds	(565,736)	(565,736)	(565,736)	(544,065)		
Sundry Adjustments						
Closing Funds	(2,331,821)	(2,331,821)	(765,736)	(544,065)		
Total To Be Made up from Rates	(2,883,081)	(2,883,081)	(2,873,079)	(2,870,660)		
Net (Surplus) / Deficit	-	-	(1,066,291)	(2,367,200)		

**SHIRE OF YORK
VARIANCE REPORT
AS AT 31 JANUARY 2009**

OPERATING REVENUE

General Purpose Funding

No material variance to report

Governance

Higher sundry reimbursements received to date than anticipated eg. Insurance claim

Law, Order Public Safety

Firebreak reimbursements to be raised - Less Ranger duties to other Councils

Health

Income from health prosecutions higher than anticipated

Education and Welfare

Increased Centennial Units rent income yet to come into effect

Housing

No material variance to report

Community Amenities

No material variance to report

Recreation and Culture

Budgeted co-location facility grants not received

Transport

Budget timing issue of grants

Economic Services

Building permits lower than expected / Standpipe water charges to be raised

Other Property and Services

Private works income lower than expected / Claim for workers' comp reimbursement to be issued

**SHIRE OF YORK
VARIANCE REPORT
AS AT 31 JANUARY 2009**

OPERATING EXPENDITURE

General Purpose Funding

Lower admin allocations & debt collection expenses than budgeted. This should rectify as year progresses.

Governance

Less CRS conferences to date / AROC subscription not paid / No community project claims received / Strategic planning expenses down / SEAVROC expenses lower than expected by approximately \$95,000

Law, Order, Public Safety

Firebreak and Fire Control expenses down. Lower admin allocations

Health

No material variance to report

Education and Welfare

Centennial Units maintenance down / Invoice to be received YDHS

Housing

No material variance to report

Community Amenities

Waste Management costs down/ Lower Town Planning expenses due to time taken to find new planner/ Cemetery mtc down

Recreation and Culture

issue/ Forrest Oval Planning lower - timing issue / Budget timing - Colocation facility

Transport

Depreciation for January not raised

Economic Services

Building control expenses down / Standpipe mtc down/ Tourism & Area promotion expenses down due to timing issues

Other Property & Services

Budget timing issues - less holidays taken to date than anticipated/ Private works down/ overheads down/ Insurance invoices yet to be received

BANK RECONCILIATION				
JANUARY 2009				
		MUNICIPAL	TRUST	RESERVE
Balance as previous reconciliation		2,012,609.19	480,883.38	2,064,980.69
Receipts as per daily cash book		\$ 131,539.32	154,550.15	
Muni Interest NCD 709575		\$ 7,952.05		
Muni Interest NCD 712559		\$ 10,208.22		
Muni Interest NCD 36488		\$ 827.67		
Trust Interest NCD 704012			2,341.52	
Trust Interest NCD 704014			1,320.38	
Reserve Interest 119521748				0.04
Reserve Interest NCD 704194				10,490.28
Reserve Interest NCD 704015				29,074.69
Total Receipts		150,527.26	158,212.05	39,565.01
Payment as per schedule cheques	28049 - 28071	(102,319.86)		
EFT Direct payments	5277 - 5345	(152,975.07)		
Payment as per schedule chqs - Trust	3560 - 3569		(4,531.61)	
Direct Debit Licensing			(150,122.20)	
Direct Debit Payroll		(103,620.28)		
Bank fees Bendigo Trust		(57.40)		
Bank fees Bendigo Muni		(277.32)		
Bank fees Bendigo Reserve				
Business Cards Bank Fees		(8.00)		
Dishonour Cheque Fee				
Eftpos Bank Fee Trust		(363.58)		
Eftpos Bank Fee Muni		(284.11)		
TOTAL BANK FEES	-990.41			
Business Card Bendigo - CEO		(919.68)		
Business Card Bendigo - DCEO		(204.49)		
TOTAL BUSINESS CARDS	-1124.17			
Lease photocopier		(1,037.22)		
Shell Card		(74.63)		
TOTAL EXPENDITURE		(362,141.64)	(154,653.81)	0.00
TOTAL RECONCILIATION		1,800,994.81	484,441.62	2,104,545.70
BALANCES AS PER BANK STATEMENTS				
BENDIGO MUNICIPAL 118630623		272,533.96		
BENDIGO MUNICIPAL NCD 45508	15/04/2009	507,952.05		
BENDIGO MUNICIPAL NCD 49050	20/04/2008	500,000.00		
BENDIGO MUNICIPAL NCD 49052	19/02/2008	110,208.22		
BENDIGO MUNICIPAL NCD 36488	2/02/2009	202,590.93		
BENDIGO MUNICIPAL NCD 723909	18/02/2009	350,442.43		
BENDIGO TRUST 13074174			303,347.17	
BENDIGO TRUST NCD 52172 Open space	6/04/2009		124,295.91	
BENDIGO TRUST NCD 42170 Defects liability	6/04/2009		70,090.21	
BENDIGO RESERVE 119521748				1,011.04
BENDIGO RESERVE NCD 709194	30/01/2009			560,153.14
BENDIGO RESERVE NCD 42174	6/04/2009			1,543,381.52
		1,943,727.59	497,733.29	2,104,545.70
TOTALS				
Plus Outstanding Deposits		3,785.63	7,426.00	
Less Outstanding cheques		(28,785.62)	(2,150.00)	
Outstanding Licence Debits			(14,552.45)	
January credits - receipted February		(17,172.70)		
Unidentified Direct Credit - Nov 07		(346.83)		
Outstanding EFT		(103,054.51)		
Payroll posted Jan - paid Feb		(1,828.38)		
O/bank - unidentified money order 27/11		(219.50)		
O/bank - unidentified money order 27/11		(250.00)		
Dishonoured Cheque - 18/12/08		1,114.33		
Trust to Muni transfer		4,024.92	(4,024.92)	
Adjustments 7/12/07 - Police Licensing			(0.30)	
Underbank 27/2/08			10.00	
Adjustment		(0.12)		
TOTAL RECONCILIATION		1,800,994.81	484,441.62	2,104,545.70
		0.00	0.00	0.00

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

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		EASTWAY FOOD SUPPLIES		
28049		BACON - AUSTRALIA DAY BREAKFAST - 2009		146.64
INV 40756			146.64	
		PETTY CASH		
28050		PETTY CASH RECOUP		477.35
INV PETTY			477.35	
		AUSTRALIAN TAXATION OFFICE		
28051		DECEMBER 08 BAS		24,317.00
INV DECEM			24,317.00	
		ROYAL LIFE SAVING		
28052		STATUTORY SWIMMING POOL INSPECTIONS		3,738.00
INV 36207			3,738.00	
		YORK NEWSAGENCY		
28053		NEWSPAPERS / STATIONERY - DEC 08		77.82
INV 1951			77.82	
		SYNERGY		
28054		ELECTRICITY USAGE 24/11 - 24/12/08 - STREET LIGHTS		2,518.40
INV 4675683			2,508.85	
INV 5500355		ELECTRICITY USAGE 21/11 - 24/12/08 - SHIRE HOUSE LOT 229	9.55	
		WESTSCHEME SUPERANNUATION		
28055		SUPERANNUATION CONTRIBUTIONS		342.65
INV SUPER			198.09	
INV SUPER			144.56	
		AMP CORPORATE SUPERANNUATION		
28056		SUPERANNUATION CONTRIBUTIONS		234.00
INV SUPER			117.00	
INV SUPER			117.00	
		YORK SHIRE COUNCIL (payroll only)		
28057		PAYROLL DEDUCTIONS		1,680.00
INV DEDUC			440.00	
INV DEDUC			400.00	
INV DEDUC			440.00	
INV DEDUC			400.00	
		STATE LIBRARY OF WESTERN AUSTRALIA		
28058		LOST BOOKS - LIBRARY		38.50
INV 46208			38.50	
		CENTRELINK		
28059		PAYROLL DEDUCTIONS		200.00
INV DEDUC			100.00	
INV DEDUC			100.00	
		MLC MASTERKEY SUPERANNUATION		
28060		SUPERANNUATION CONTRIBUTIONS		157.50
INV SUPER			78.75	
INV SUPER			78.75	
		AUSTRALIAN SERVICES UNION		
28061		UNION FEES		322.20
INV DEDUC			161.10	
INV DEDUC			161.10	
		SHIRE OF BROOKTON		
28062		TRUCKHIRE / LABOUR - SEES RD / CAMERON RD		10,173.48
INV 1104			10,173.48	
		LANDGATE		
28063		GRV'S - 15/11 - 12/12/08		121.70
INV 236897			70.00	
INV 236966		RURAL UV'S - 11/10-10/12/08	51.70	

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

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		PETTY CASH		
28064		PETTY CASH RECOUP		144.90
INV PETTY			58.50	
INV PETTY			86.40	
		TELSTRA		
28065		TELEPHONE LANDLINES - 25/11-24/12/08		1,863.23
INV 9434282			1,518.77	
INV BP0271-		INTERNET USAGE - DEC 08	59.95	
INV 9436723		TELEPHONE LANDLINE - RES MUS - 29/11-28/12/08	37.40	
INV 3334864		MOBILE PHONES 11/12-10/1/09	234.91	
INV 4062574		MOBILE PHONE 11/12-10/1/09 WORKS	12.20	
		WATER CORPORATION OF WA		
28067		WATER USAGE 4/9 - 31/12/08 - FORREST OVAL CEMENT TAP		24,293.05
INV 9014664		WATER USAGE 28/8 - 24/12/08 - CANDICE BATEMAN PARK	91.70	
INV 9007946		WATER USAGE 10/9/08 - 8/1/09 - RAILWAY RD STANDPIPE	2,024.15	
INV 9007947		WATER USAGE 10/9/08 - 8/1/09 - GWAMBYGINE TOILETS	76.05	
INV 9007967		WATER USAGE 10/9/08 - 8/1/09 - STANDPIPE DOVEY CT	13.00	
INV 9007946		WATER USAGE 11/9/08 - 8/1/09 - GWAMBYGINE STANDPIPE	173.30	
INV 9007946		WATER USAGE 11/9/08 - 12/1/09 - HAMMERSLEY STANDPIPE	118.05	
INV 9007890		WATER USAGE 4/9 - 31/12/08 - PEACE GROVE	5,729.40	
INV 9007885		WATER USAGE 4/9 - 31/12/08 - TOWN HALL	29.20	
INV 9007882		WATER USAGE 4/9 - 31/12/08 - SPORTS GROUND	39.60	
INV 9007882		WATER USAGE 4/9 - 31/12/08 - FORREST OVAL CEMENT TAP	5,922.90	
INV 9007882		WATER USAGE 4/9 - 31/12/08 - SHOW GROUNDS	1,668.20	
INV 9007890		WATER USAGE 2/09 - 23/12/08 - LINCOLN ST STANDPIPE	115.90	
INV 9007881		WATER USAGE 4/9 - 31/12/08 - ADMIN/TH	284.45	
INV 9007881		WATER USAGE 4/9 - 31/12/08 - OLD CEMETERY	170.90	
INV 9007880		WATER USAGE 3/9 - 30/12/08 - DEPOT	1,268.00	
INV 9007876		WATER USAGE 4/9 - 31/12/08 - AVON PARK	706.30	
INV 9007951		WATER USAGE 4/9 - 31/12/08 - MANNAVALE STANDPIPE	7.60	
INV 9007876		WATER USAGE 4/9 - 31/12/08 - WAR MEMORIAL PARK	341.45	
INV 9016178		WATER USAGE 4/9/08 - 5/1/09 - SHIRE HOUSE LOT 229 ROE ST	0.65	
INV 9016178		WATER USAGE 4/9/08 - 5/1/09 - SHIRE HOUSE LOT 229 OSNAB	1.95	
INV 9014893		WATER USAGE 5/9/08 - 6/1/09 - GARDEN CNR COWAN & NEW	89.60	
INV 9008751		WATER USAGE 7/5/08 - 6/1/09 - FORREST OVAL WATER DAM	77.20	
INV 9007880		WATER USAGE 3/09 - 24/12/08 - STANDPIPE REDMILE	27.10	
INV 9007965		WATER USAGE 6/5/08 - 6/1/09 - TRANSFER STATION	6.80	
INV 9007890		WATER USAGE 9/9/08 - 6/1/09 - SHIRE HOUSE FORBES ST	56.60	
INV 9007875		WATER USAGE 3/09 - 24/12/08 - RESIDENCY MUSEUM	361.80	
INV 9007875		WATER USAGE 2/09 - 24/12/08 - CEMETERY	225.05	
INV 9007890		WATER USAGE 8/9/08 - 2/1/09 - CENTENNIAL UNITS	533.20	
INV 9007884		WATER USAGE 8/9/08 - 2/1/09 - SHIRE HOUSE 38 FRASER ST	46.95	
INV 9007882		WATER USAGE 4/9/08 - 2/1/09 - SWIMMING POOL	4,080.00	
INV 9007891		WATER USAGE 2/5/08 - 2/1/09 - ARBORETUM	6.00	
		SHIRE OF YORK		
28068		CONFERENCE EXPENSES 28-31/1/09 CEO/ PAYROLL OFFICER		400.00
INV CONFEE			400.00	
		BUSH CONTRACTING PTY LTD		
28069		TIPPER/ LOADER/ SEMI HIRE - DEC 08		11,775.50
INV 2907			11,775.50	
		WA LOCAL GOVT SUPER PLAN PTY LTD, (ACN 0		
28071		SUPERANNUATION CONTRIBUTIONS		19,297.94
INV SUPER			124.51	
INV DEDUC			88.93	
INV DEDUC			35.57	
INV SUPER			6,529.57	
INV DEDUC			576.82	
INV DEDUC			311.05	
INV DEDUC			46.54	

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SHIRE OF YORK
MUNICIPAL CHEQUE PAYMENTS
JANUARY 2009

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		WA LOCAL GOVT SUPER PLAN PTY LTD, (ACN 0		
		SUPERANNUATION CONTRIBUTIONS		
INV DEDUC			180.17	
INV DEDUC			252.59	
INV DEDUC			33.95	
INV DEDUC			135.82	
INV DEDUC			147.18	
INV DEDUC			841.12	
INV DEDUC			386.77	
INV SUPER			6,526.01	
INV DEDUC			576.82	
INV DEDUC			311.05	
INV DEDUC			46.54	
INV DEDUC			180.17	
INV DEDUC			257.05	
INV DEDUC			33.95	
INV DEDUC			135.82	
INV DEDUC			147.18	
INV DEDUC			841.12	
INV DEDUC			380.05	
INV SUPER			171.59	

REPORT TOTALS

Bank Code	Bank Name	TOTAL
I	MUNICIPAL FUND BANK	102,319.86
TOTAL		102,319.86

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**SHIRE OF YORK
MUNICIPAL EFT PAYMENTS
JANUARY 2009**

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
THE NOSH & NOD				
EFT5277		ACCOMMODATION RELIEF EHO 15-18/12/08		720.00
INV ACCOM			320.00	
INV ACCOM		ACCOMMODATION RELIEF EHO 31/10/08 & 4/12/08	160.00	
INV 1180215		ACCOMMODATION RELIEF EHO 9-11/12/08	240.00	
INFINAT CONSULTING				
EFT5278		APPLICATION SPORTING COMPLEX DRAFT PLAN SECOND P.		1,815.00
INV SOY002			1,815.00	
A BALANCED VIEW LEISURE CONSULTANCY SERVICES				
EFT5279		FORREST OVAL RECREATION PRECINCT MASTER PLAN		11,429.00
INV 0824			11,429.00	
FUEL DISTRIBUTORS				
EFT5280		DISTILLATE X 4320 LTRS		7,521.83
INV 82551		DISTILLATE X 705LTRS/ PETROL X 1322LTRS	2,276.49	
INV 82654		DISTILLATE X 4320 LTRS	5,245.34	
PARCHEM CONSTRUCTION SUPPLIES				
EFT5281		DEMOLITION HAMMER - MILWAUKEE 900		1,210.00
INV 1507472			1,210.00	
QUAIRADING EARTHMOVING CO				
EFT5282		DOZER HIRE - PUSH UP GRAVEL		11,957.00
INV 16453			11,957.00	
DAVID LAWN				
EFT5283		RENT - ARCHIVES FACILITIES - 25/10/08 - 24/1/09		4,332.00
INV RENT 2		RENT - ARCHIVES FACILITIES 25/1-25/2/09	1,083.00	
INV RENT 2		RENT - ARCHIVES FACILITIES - 25/10/08 - 24/1/09	3,249.00	
KARAFIL BRICKLAYING				
EFT5284		BRICKLAYING - HOWICK ST TOILETS		14,051.00
INV 59			14,051.00	
MOTORCHARGE LTD				
EFT5285		GULL CARD		646.57
INV 311208			646.57	
CHILD SUPPORT AGENCY				
EFT5286		SUPPORT PAYMENT		460.16
INV DEDUC			230.08	
INV DEDUC			230.08	
JULIEANNE MAREE PEARCE-TRELOAR				
EFT5287		SWIMMING POOL SEASONS PASS REFUND		110.00
INV REFUND			110.00	
NATIONWIDE OIL PTY LTD				
EFT5288		COLLECTION CHARGE - WASTE OIL		825.00
INV B0104			825.00	
CELLARBRATIONS DUKE OF YORK				
EFT5289		END OF YEAR FUNCTION REFRESHMENTS		1,764.22
INV 179555		FAREWELL - A LEE	34.99	
INV 182202		END OF YEAR FUNCTION REFRESHMENTS	1,271.29	
INV 182715		DEPOT FUNCTION - REFRESHMENTS	323.95	
INV 182810		DEPOT REFRESHMENTS	133.99	
DUSTRY PTY LTD				
EFT5290		BACKHOE HIRE CEMETERY/ TOP BEVERLEY RD		1,210.00
INV 514		BACKHOE HIRE - CEMETERY	275.00	
INV 519		BACKHOE HIRE CEMETERY/ TOP BEVERLEY RD	935.00	
COOL CLEAR WATER BEVERAGES LTD				
EFT5291		WATER FILTRATION UNIT JAN 09		66.00
INV 62110			66.00	

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EFT5292		GOLDY HOLDEN		
INV GMCS1		VEHICLE SERVICE Y00	272.25	272.25
EFT5293		CORPORATE EXPRESS		
INV W500		ADMIN STATIONERY	275.66	282.92
INV WKI299		STATIONERY ITEMS CALENDAR	7.26	
EFT5294		DIRECT COMMUNICATIONS PTY LTD		
INV 28125		REPAIR TAIT HAND HELD RADIO - R BOULTBEE	183.70	183.70
EFT5295		YORK BUILDING SUPPLIES		
INV 013039		CONCRETE - AVON PARK	44.22	135.16
INV 013190		OXIDE - SHIRE HOUSES	39.11	
INV 013201		CONCRETE - GOLDFIELDS ROAD	14.74	
INV 013240		ROOF BOLT & NUTS - ARCHIVES	19.80	
INV 013281		LONG SHANK SCREW EYES - PEACE PARK	2.55	
INV 013315		CONCRETE - PEACE PARK	14.74	
EFT5296		MCNAMARA, HAYLEY		
INV REIMB		REIMBURSEMENT FOR END OF YEAR FUNCTION EXPENSES	152.75	152.75
EFT5297		MERCURY FIRESAFETY PTY LTD		
INV 34565		WILDFIRE SAFETY GLOVES - FIRE BRIGADES	624.00	624.00
EFT5298		YORK AUTO ELECTRICS		
INV 3711		FIT BUSH FIRE RADIO - A BOYLE	137.50	137.50
EFT5299		GEMINI MEDICAL SERVICES PL		
INV YO0109		PAYMENT IN LEIU OF DOCTOR'S VEHICLE -	497.60	497.60
EFT5300		THE NOSH & NOD		
INV ACCOM		ACCOMMODATION - EHO RELIEF 22/12/08 - 23/12/08	160.00	160.00
EFT5301		ADVANCED AUTOLOGIC PTY LTD		
INV 41826		TOILET CLEANER / HANDTOWEL - DEPOT	343.00	431.00
INV 45482		ROLL TOWEL - DEPOT	88.00	
EFT5302		VALUE TISSUE		
INV 3612		CLEANING PRODUCTS / HAND SOAP / BIN LINERS	204.05	204.05
EFT5303		JOHNS LOCAL CLEANING SERVICE		
INV 00236		CLEANING RESIDENCY MUSEUM 1/12/08 - 31/12/08	125.00	125.00
EFT5304		NAVIGATOR PERSONAL RETIREMENT PLAN		
INV SUPER		STAFF SUPERANNUATION	98.59	303.06
INV SUPER			204.47	
EFT5305		TATTY PARROT BAKERY		
INV 005		MORNING TEA - SILVER SPOON SAFETY AWARDS 1/12/08	29.40	29.40
EFT5306		4 FARMERS		
INV 76479		WEED SPRAYING CHEMICALS	418.00	418.00
EFT5307		SHIRE OF NORTHAM		
INV 2112		TIPPING FEES NOVEMBER 08		10,975.40
		TIPPING FEES DECEMBER 08	4,879.75	

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		SHIRE OF NORTHAM		
INV 2103		TIPPING FEES NOVEMBER 08	6,095.65	
		M & R MACHINING		
EFT5308		FIT WATER BOTTLE TO TRUCK - Y397		176.00
INV 551		STRAIGHTEN FLAG POLE - AVON TCE	44.00	
INV 555		FIT WATER BOTTLE TO TRUCK - Y397	132.00	
		WESTERN STABILISERS		
EFT5309		WET MIX - YORK TAMMIN RD / STABILISATION - TOP BEV R		14,920.22
INV 1105			14,920.22	
		SPECTRUM DISTRIBUTORS (ORICA AUSTRALIA PTY LTD)		
EFT5310		CHLORINE GAS 70KG X 2		1,344.09
INV 4291812		SERVICE FEE - CHLORINE 01.12.08 - 31.12.08	169.29	
INV 4292428		CHLORINE GAS 70KG X 2	587.40	
INV 4297494		CHLORINE GAS 70KG X 2	587.40	
		BIOMAX		
EFT5311		BIOMAX SYSTEM MAINTENANCE REPORT - CENT UNITS		103.20
INV 56477			103.20	
		R N R CONTRACTING PTY LTD		
EFT5312		BITUMEN SEALING WORKS - YORK TAMMIN RD		27,431.80
INV 17076			27,431.80	
		WA HINO		
EFT5313		20000KM SERVICE Y345		1,461.90
INV HIFS47			1,128.15	
INV HICS47		5000KM SERVICE Y3777	333.75	
		DELICH CONSTRUCTION PTY LTD		
EFT5314		GRAVEL REQ'D STORM DAMAGE - MOKINE RD		950.40
INV GRAVE			950.40	
		YORK & DISTRICTS COMMUNITY MATTERS		
EFT5315		ADVERTISING		1,139.60
INV 1200			1,139.60	
		YORK CONCRETE		
EFT5316		CROSSOVERS - 26 & 55 LANGFORD CRES		3,949.66
INV 449			3,949.66	
		YORK IT & COMMUNICATION		
EFT5317		OPTICAL MOUSE - EHO		39.90
INV 1966			39.90	
		MIRACLE RECREATION EQUIPMENT LTD		
EFT5318		INFANT SWING SEAT AVON PARK		156.20
INV 10626			156.20	
		YORK GENERAL PRACTICE		
EFT5319		MEDICAL		220.00
INV 59596			110.00	
INV 59642			110.00	
		SUNNY BRUSHWARE SUPPLIES		
EFT5320		TRACTOR BROOMS		1,558.70
INV 27849			1,558.70	
		T-QUIP		
EFT5321		SERVICE & REPAIR MOWER Y1328		603.10
INV 16461			603.10	
		FUJI XEROX AUSTRALIA PTY LTD		
EFT5322		PHOTOCOPIER METRE CHARGES - DEC 08		186.37
INV CH1858			186.37	
		DARRY'S PLUMBING AND GAS		
EFT5323		CALL OUT - CISTERN ADJUSTMENT - AVON PARK TOILETS		88.00

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INV 137		DARRY'S PLUMBING AND GAS CALL OUT - CISTERN ADJUSTMENT - AVON PARK TOILETS	88.00	
EFT5324 INV 92		TREVS TRANSPORT FREIGHT - SUNNY BRUSHWARE	59.95	59.95
EFT5325 INV 1006196		DAVIS LANGDON QUANTITY SURVEY - CO LOCATION FACILITY	660.00	660.00
EFT5326 INV 618964-		AUSTRALIA POST POSTAGE - DEC 2008	980.70	980.70
EFT5327 INV TRANS INV TRANS INV TRANS		COURIER AUSTRALIA FREIGHT FREIGHT TO 21/12/08 FREIGHT - CORPORATE EXPRESS STATIONERY FREIGHT	17.67 27.71 61.94	107.32
EFT5328 INV W01186		CJD EQUIPMENT PTY LTD BEARING REPLACEMENT/ DRIVE SHAFT SERVICE Y205	5,532.56	5,532.56
EFT5329 INV 161860		DE-NEEFE SIGNS DIRECTIONAL SIGN - FAVERSHAM HOUSE	71.61	71.61
EFT5330 INV 2460		KW MOORFIELD SERVICE MULTI TYRED ROLLER / INSTALL WATER PUMP TC	379.50	379.50
EFT5331 INV 13834		PERFECT COMPUTER SOLUTIONS PTY LTD COMPUTER SETUP - ASO	165.00	165.00
EFT5332 INV 204493		SMITHS SHELL SERVICE SERVICE CHAINSAW / REPAIR MOWER	101.90	101.90
EFT5333 INV 2176 INV 2224		AVON VALLEY TYRE SERVICE SUPPLY & FIT REAR WINDOW - WORKS UTILITY SUPPLY & FIT 2 RECAPS / TYRE DISPOSAL SUPPLY & FIT REAR WINDOW - WORKS UTILITY	76.00 195.00	271.00
EFT5334 INV 324705 INV 325677 INV 325902 INV 336845/ INV 331812 INV 332152 INV 329459 INV 329805 INV 329822 INV 330147 INV 330926 INV 331071 INV 331098 INV 331160 INV 331174 INV 332104 INV 332145 INV 333012 INV 333275 INV 333512		HOME HARDWARE WIREBRUSHES/PAINT/BRUSHES/SPONGES/PENCILS ACCOUNT REPRINT FEE GAS REFILL STREET SWEEPER TAP NUT/ NOZZLE JET/ CONNECTOR HOSE GAS REFILL/CLOCK WALL/BATTERIES WIREBRUSHES/PAINT/BRUSHES/SPONGES/PENCILS PAINT SEALANT FOR ABORIGINAL ART ON ROCKS PADBOLT/BOLTS & NUTS/WASHER STEEL BOLT INDICATOR TOILET DOOR - AVON PARK FINISH SAMPLE POT WHITE - REC CENTRE METAL / SCREWS / CONCRETE/ WASHER FLAT SPRAY / HOOKS - AVON PARK TOILETS SCREWS BOLTS & NUTS / WASHERS - SWINGING BRIDGE BRUSH WIRE / TAPE PAINTERS / PAINT BRUSH GAS REFILL GREY SEALANT / SCREWS - AVON PARK TOILETS POLY ROPE - POOL ENGINE DEGREASER BOOST - DEPOT DRILL / BOLTS & NUTS / WASHERS - BLAND BRIDGE	2.04 70.00 8.28 100.50 180.18 46.98 13.95 17.10 8.10 27.42 37.78 3.39 12.79 45.98 72.10 12.82 11.31 7.12 45.18 16.81	1,268.38

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Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
HOME HARDWARE				
INV 333586		ANT KILLER - GWAMBYGINE PARK	18.00	
INV 333673		SPRAY / SCREWS - AVON PARK	11.61	
INV 334235		SPRAY / DRILL - AVON PARK	30.61	
INV 334313		BOLT & NUTS / AUM ANGLE - PAVILION	20.12	
INV 334809		CLEAR CEALANT / BLADE HACKSAW - CEMETERY	8.29	
INV 334848		BATTERY - TOWN HALL	4.74	
INV 334976		SCREWDRIVERS	3.51	
INV 335650		JOINER REPAIRER / LAMP SOFTONE / LAMP CANDLE	14.64	
INV 335715		WHEEL C/OFF MASONRY - OSNABURG RD	8.26	
INV 335914		HANDLE BROOM / MOP HEAD - TOWN HALL	12.87	
INV 335974		SCREWS - ARCHIVES	14.85	
INV 336070		BOLTS & NUTS - ARCHIVES	7.65	
INV 3367753		VALVE TAP / BOLT INDICATOR / WASHER	59.18	
INV 336795		BUMPER WHITE / VALVE TAP	7.60	
INV 336849		OIL / WIRE TIE GALV - TOWN HALL	10.13	
INV 336945		INSECT SCREEN - FRASER STREET	144.29	
INV 337075		ANT & ROACH DUST - GWAMBYGINE PARK	8.73	
INV 337139		WIRE TIE GALV - TOWN HALL	7.02	
INV 337966		FAST SET CONCRETE - AVON PARK	6.62	
INV 338005		BOLT & NUT / NUT NYLOC - AVON PARK	10.66	
INV 338210		GAS REFILL - STREET SWEEPER	70.00	
INV 338268		CONCRETE - OSNABURG ST HOUSES	6.62	
INV 331815		FUNNEL PLASTIC / CAN FUEL PLAST	42.55	
YORK IGA				
EFT5335		END OF YEAR FUNCTION - SUPPLIES/REFRESHMENTS		1,425.86
INV 01-4961		REFRESHMENTS - RES MUS	15.61	
INV 02-0473			3.99	
INV 02-4855		DINNER ROLLS / HAM - ADMIN	12.95	
INV 01-1743		TONIC WATER - ADMIN	12.76	
INV 03-0744		REFRESHMENTS - ADMIN	28.81	
INV 02-5381			9.87	
INV 02-5602		MILK, BISCUTES - DEPOT	11.28	
INV 01-2300		BISCUTES - ADMIN	12.34	
INV 02-6318		MILK - ADMIN	4.90	
INV 01-2791		MILK, BISCUTES - ADMIN	11.34	
INV 02-7008		SPRAY BOTTLE / ANSELL GLOVES - TOWN HALL	5.99	
INV 02-7803		COFFEE, MILK, BISCUTES - ADMIN	34.54	
INV 04-7657		REFRESHMENTS - ADMIN	21.55	
INV 04-7658			23.74	
INV 02-8627		DUCT TAPE, TOMATO SAUCE - ADMIN	7.57	
INV 02-8720		REFRESHMENTS - ADMIN	9.72	
INV 01-4991		COFFEE - ADMIN	22.18	
INV 04-8370		REFRESHMENTS - CHANCE BATEMAN RECEPTION	156.80	
INV 03-3061		MILK - ADMIN	4.59	
INV 02-0781		REFRESHMENTS - DEPOT	45.88	
INV 01-6662		BISCUTES - SEAVROC	15.29	
INV 03-4030		REFRESHMENTS - ADMIN	14.56	
INV 01-7074			16.81	
INV 02-1709		MILK - ADMIN	4.90	
INV 01-7174		REFRESHMENTS - ADMIN	44.59	
INV 02-2052		WINDEX - TOWN HALL	3.59	
INV 02-2080		MILK - ADMIN	4.47	
INV 01-7648		REFRESHMENTS - GREEN CORP	10.27	
INV 01-9101			20.96	
INV 01-9103		REFRESHMENTS - ADMIN	37.08	
INV 01-9104		DETERGENT, SPRAY - CLEANING	7.41	
INV 01-9164		MILK, BISCUTES - DEPOT	18.69	
INV 01-9263		GARBAGE BAGS - ADMIN	4.33	
INV 01-9970		REFRESHMENTS - ADMIN	32.53	

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YORK IGA				
INV 01-2262		REFRESHMENTS - RES MUS	6.09	
INV 03-4540			25.09	
INV 03-4840			7.65	
INV 02-1948		PAPER TOWEL, TISSUES - RES MUS	9.21	
INV 01-1990		TEA BAGS, COFFEE - RES MUS	8.24	
INV 01-9247		MILK, BISCUTES - RES MUS	9.69	
INV 04-2252		BISCUTES, CALCULATOR, EXTENSION LEAD - RES MUS	12.03	
INV 01-1235		COFFEE - RES MUS	12.09	
INV 03-5013		BISCUTES, SUGAR - RES MUS	3.66	
INV 03-5251		SPRAY, BISCUTES - RES MUS	6.78	
INV 01-7364		REFRESHMENTS - RES MUS	32.83	
INV 01/1830		MILK / COFFEE / BISCUITS - ADMIN	35.17	
INV 03/0311		END OF YEAR FUNCTION - SUPPLIES/REFRESHMENTS	218.96	
INV 01/5604		KETTLE - TOWN HALL	28.19	
INV 02/1409		END OF YEAR FUNCTION REFRESHMENTS	25.92	
INV 04/3094		STORYTIME SUPPLIES	9.26	
INV 01/6290			2.64	
INV 02/2087		CLEANING PRODUCTS - PLANNERS HOUSE	16.85	
INV 02/2514		MILK / BISCUITS - ADMIN	24.91	
INV 02/2754		BATTERIES / POWERBOARD - ADMIN	15.35	
INV 02/3468		CLEANING WIPES / BLEACH - REC CENTRE	9.75	
INV 03/2256		MILK / BISCUITS - ADMIN	17.61	
INV 02/6734		MILK / REFRESHMENTS - DEPOT	8.24	
INV 02/4207		NAPKINS / PAPER PLATES / TOM SAUCE - DEPOT	21.00	
INV 02/5877		REFRESHMENTS - DEPOT FUNCTION	9.22	
INV 02/2480		REFRESHMENTS - DEPOT	36.70	
INV 01/5528		BATTERIES - ADMIN	9.34	
INV 02/5339		CLEANING PRODUCTS - ADMIN	7.27	
INV 02/6894		MILK - ADMIN	9.85	
INV 01/2504		YAC REFRESHMENTS	30.93	
INV 02/8200		GARBAGE BAGS / SPRAY BOTTLE - TOWN HALL	7.37	
INV 02/9341		MILK / BISCUITS - ADMIN	28.59	
INV 01/4552		MILK / BISCUITS - DEPOT	10.07	
INV 02/0657		BLACK & GOLD WIPES - T/HALL CLEANING	8.20	
INV 03/0242		MILK / BISCUITS - ADMIN	9.22	
BOC GASES				
EFT5336		OXYGEN MEDICAL C SIZE - SWIMMING POOL		90.00
INV 6227671			90.00	
BGC QUARRIES				
EFT5337		BLUE METAL SUPPLIED - PATCHING & CONSTRUCTION WOI		1,961.10
INV Q130224			1,421.75	
INV Q13016		BLUE METAL - TOP BEVERLEY ROAD	539.35	
ROCLA				
EFT5338		CULVERTS / HEADWALLS / PIPE - TOP BEV RD & YORK TAM		5,503.67
INV 775152			5,503.67	
WESTCARE INDUSTRIES				
EFT5339		WORK BOOTS - DEPOT STAFF		155.82
INV 529051			155.82	
AVON EXPRESS				
EFT5340		FREIGHT CHARGES - DEC 08		412.50
INV 01077			412.50	
MORRIS PEST & WEED CONTROL				
EFT5341		ERADICATE BEES FROM TREE - LINCOLN STREET		187.00
INV 0000133			187.00	
YORK RURAL TRADING				
EFT5342		TROUSER BISLEY DRILL / JACKET /SHIRT / JUMPER / BOOTS		6,131.29
INV 1000715		OVERALLS / BLACK PLASTIC	186.96	

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YORK RURAL TRADING				
INV 1000760		TROUSER BISLEY DRILL / JACKET /SHIRT / JUMPER / BOOTS	2,671.69	
INV 1000766		CLOTHING FOR STAFF	315.90	
INV 1000802		CLOTHING DEPOT STAFF	108.00	
INV 1000824			86.00	
INV 1000824			22.00	
INV 1000829			289.50	
INV 1000838			110.00	
INV 1000692		FUEL TANK /3 DIGIT FLOW METER /AUTO SHUT OFF NOZZLI	2,325.40	
INV 1000696		LYNCH PIN - TRAILERS / CLIP	15.84	
LANDMARK				
EFT5343		DOG BISCUITES - POUND SUPPLIES		33.65
INV 634386			33.65	
SIGMA CHEMICALS				
EFT5344		PHOTOMETRE CHEMICAL TAB STRIPS		70.50
INV 18705/0			70.50	
YORK PHARMACY				
EFT5345		HEP B INJECTION - OUTSIDE STAFF		27.05
INV 89030			27.05	

REPORT TOTALS

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	152,975.07
TOTAL		152,975.07

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TRUST CHEQUE PAYMENTS
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		D M BARNES		
3560		REFUND KERB BOND REC:120233		500.00
INV T4			500.00	
		WA COUNTRY BUILDERS		
3561		REFUND KERB BOND REC:126331 B:2001211 L50 BOUVERIE RD		3,000.00
INV T4			500.00	
INV T4		REFUND KERB BOND REC:127626 B:2001285 L99 PLAUDIT ST	500.00	
INV T4		REFUND KERB BOND REC:127382 B:2001274 L105 BARRATT ST	500.00	
INV T4		REFUND KERB BOND REC:128087 B:2001327 L3 QUELLINGTON	500.00	
INV		REFUND KERB BOND R:117954 B:2000929 L36 AVON TCE	500.00	
INV		REFUND KERB BOND R:123300 B:2001090	500.00	
		AMA RURAL CONFERENCE 2004		
3562		REFUND KEY BOND REC:106472		20.00
INV T8			20.00	
		BENTLEY MICHELLE		
3563		REFUND KEY BOND REC:126951		20.00
INV T8			20.00	
		ROOSENDAAL, ROBYN		
3564		REFUND KEY BOND REC:66176		20.00
INV T8			20.00	
		BUILDERS REGISTRATION BOARD		
3565		BRB COLLECTION DEC		268.00
INV BRB			268.00	
		JOHN ANTHONY YUILL		
3566		REFUND KEY BOND REC:99838		20.00
INV T8			20.00	
		ROBYN MORGAN		
3567		REFUND KEY BOND REC:99340		20.00
INV T8			20.00	
		CHARLES HEWITT		
3568		REFUND KEY BOND REC:120427		20.00
INV T8			20.00	
		JAMIE STATHAM		
3569		REFUND KEY BOND REC:124817		40.00
INV T8			20.00	
INV T8		REFUND KEY BOND REC:121088	20.00	
		ALISON TADMAN-HUMPHRIES		
3570		REFUND KEY BOND REC:99066		20.00
INV T8			20.00	
		GLENYS BARBARA PAULEY		
3571		REFUND KEY BOND REC:96290		20.00
INV T8			20.00	
		HELEN GUINNESS		
3572		REFUND KEY BOND REC:96228		20.00
INV T8			20.00	
		ANGELA LOUISE ASHWORTH		
3573		REFUND KEY BOND REC:92901		20.00
INV T8			20.00	
		CLAY LISTER		
3574		REFUND KEY BOND REC:132406		20.00
INV T8			20.00	
		GLYNIS BROADBENT		
3575		REFUND PAVILION HALL BOND REC:135273		120.00
INV T83			100.00	
INV T8		REFUND KEY BOND REC:135273	20.00	

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		BUILDING CONSTRUCTION INDUSTRY TRAINING FUND		
3576		BCITF COLLECTION DEC 08		826.41
INV BCITF			826.41	
		SHIRE OF YORK		
3577		BRB COMM. DEC 08		57.20
INV BCITF		BCITF COMM. DEC 08	13.20	
INV BRB		BRB COMM. DEC 08	44.00	

REPORT TOTALS

Bank Code	Bank Name	TOTAL
2	TRUST FUND BANK	5,031.61
TOTAL		5,031.61
MINUS		
PREVIOUS CANCELLED CHQ 3535 – D. BARNES – KERB BOND REFUND RE-ISSUED JAN 09.		<u>500.00</u>
		4,531.61

TOTAL RESERVES	
31-Jan-09	
Reserve Name	Current Balance
4. Plant Reserve	291,693.50
6. Staff Leave Reserve	109,565.38
7. Town Planning Reserve	11,604.94
8. Recreation Complex Reserve	274,145.47
9. Avon River Maintenance Reserve	18,967.79
14. Industrial Land Reserve	86,781.10
15. Refuse Site Development Reserve	184,137.66
22. Centennial Gardens Reserve	101,944.14
23. Public Open Space Cont Reserve	294.66
24. Community Bus Reserve	32,790.72
25. Pioneer Memorial Lodge Reserve	142,711.91
26. Residency Museum Reserve	18,707.97
27. Carparking Reserve	55,404.81
30. Building Reserve	56,559.25
35. Disaster Reserve	22,448.59
37. Archives Reserve	46,535.73
38. Water Supply Reserve	6,778.29
40. Tied Grant Funds Reserve	147,353.49
42. Main Street (Town Precinct) Update Reserve	110,527.32
43. Strategic Planning Reserve	18,236.21
44. Cemetery Reserve	25,427.79
45. York Town Hall Reserve	38,149.85
46. RSL Memorial Reserve	18,518.91
47. Greenhills Townsite Development Reserve	20,400.96
48. Youth Capital Works	21,712.97
49. Roads	56,105.20
50. Land & Infrastructure	187,041.09
TOTAL RESERVE FUNDS	2,104,545.70
Funded by	
Bendigo Reserve 119521748	1,011.04
Bendigo NCD	560,153.14
Bendigo NCD	1,543,381.52
Total Cash Funding	2,104,545.70
Comment	
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 CREDIT CARD PAYMENTS FOR THE MONTH ENDING JANUARY 2009		
REFRESHMENTS	\$	679.27
TRAINING & CONFERENCES	\$	-
SEAVROC	\$	170.00
FUEL	\$	176.12
HOUSING MAINTENANCE	\$	61.79
OFFICE STATIONERY	\$	36.99
TOTAL PURCHASES	\$	1,124.17
PAYMENTS TO C/C IN ADVANCE	\$	-
LESS PREVIOUSLY PAID IN ADVANCE	\$	-
TOTAL PAYMENTS TO C/C AS PER BANK REC	\$	1,124.17

STATEMENT OF SHELL CARD PURCHASES FOR THE MONTH ENDING JANUARY 2009		
0 Y - CEO	\$	-
Y 00 - DCEO	\$	30.91
Y 000 - EHO	\$	36.22
CARD FEES	\$	7.50
TOTAL PURCHASES	\$	74.63
TOTAL PAYMENTS TO SHELL AS PER BANK REC	\$	74.63

9. OFFICER'S REPORTS
9.3 FINANCE REPORTS
9.3.3 Sale of Lots 5, 6 & 7 Greenhills

FILE NO: Gr3.31490/Gr3.31500/Gr3.31510
COUNCIL DATE: 16th February 2009
REPORT DATE: 10th February 2009
LOCATION/ADDRESS: Lots 5, 6 and 7
APPLICANT: Dick Turpin Pty Ltd
SENIOR OFFICER: Ray Hooper, Chief Executive Officer
REPORTING OFFICER: Graham Stanley, Deputy CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

This report recommends that Council agrees to amend two clauses of the agreement with Dick Turpin Pty Ltd for the purchase of Lots 5, 6 & 7 Greenhills by Dick Turpin, to remove confusion over the date by which certain actions under the agreement are to be taken and to be consistent with the offer and acceptance signed by Council and Council Resolution 150206 of February 2006.

Background:

At the February 2006 council meeting under Commissioner Troy the Shire of York agreed to sell Greenhills lots 5, the 6 & 7 to owners of the Greenhills Inn, Dick Turpin Pty. Ltd for the sum of \$20,000 subject to satisfaction of the following conditions:

"An application being forwarded to the Western Australian Planning Commission for the amalgamation of lots 5, 6 and 7 into the adjoining lot 8 (currently owned by Dick Turpin Pty Ltd) to form one (1) land parcel within six months from the date of settlement;

That prior to any development taking place on the new amalgamated title an Outline Development Plan be submitted for approval by Council, with such development to have commenced within two years of the date of settlement".

Subsequently an "Offer and Acceptance" was drawn that included the above two conditions and a requirement that those two conditions be acknowledged by way of Caveats on the titles until such time as conditions are cleared.

Following this more time elapsed whilst legal agreements were prepared that encapsulated the requirements of Council's intentions and were satisfactory to both parties. Eventually settlement finally occurred on 24th April 2007.

Since this date the purchaser, Dick Turpin Pty Ltd, proceeded with the requirement to amalgamate the lots with lot 8. Unfortunately this process took quite some time due to the delays experienced with the Planning Commission and Department of Land Information. Just prior to Christmas 2008 advice was received that the amalgamation had been approved and following this notice the purchaser applied for the new titles to be issued.

The purchaser is still waiting to receive the new title however has received advice that this should occur shortly. The purchaser has advised the council that once they receive the new title they will have plans for the proposed development finalised and the required Development Application will be submitted. Once the development application has been approved by Council, work on the development (Caravan Park Facilities) will commence immediately and this will satisfy all of the conditions of purchase to satisfy the lifting of the caveat.

It has come to our attention that there is an anomaly in the agreement with Dick Turpin Pty Ltd relating to the purchase of the land. In the agreement under "Recitals" clause 6 it says "6. *That prior to any development taking place on the new amalgamated title an Outline Development Plan be submitted for approval by Council, with such development to have commenced within two years of the date of settlement*". This is in accordance with the offer and acceptance and the Shire's resolution of 20th February 2006.

The anomaly occurs under clause 2 of the agreement "Buyers Covenants". Under this clause

"The Buyer COVENANTS AND AGREES with the Shire:.....(c) to prepare and submit to the Shire an Outline Development Plan that complies with the requirements of the Scheme within 12 months of the Settlement Date;

(d) to prepare and submit to the Shire an Application to Commence Development for the Development that complies with the requirements of the Scheme within 12 months of the Settlement Date; and

(e) to commence the Development in accordance with any approval granted by the Shire under the Scheme within two (2) years of the Settlement Date."

Consultation:

Directors of Dick Turpin Pty Ltd, Shire of York Councillors

Statutory Environment:

Local Government Act (1995), Contract Law

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications: Nil

Social Implications: Nil

Environmental Implications: Nil

Comment:

To remove confusion and to stick with the intent of Council's resolution, the offer and acceptance and the understanding that the purchaser was operating under Council should clarify the situation by confirming that the purchaser has two years from the settlement date, that is until 24th April 2009, to submit the Development Application for the Land and following Council Approval to commence the development.

OFFICER RECOMMENDATION

**RESOLUTION
200209**

MOVED: Cr Lawrance SECONDED: Cr Walters

“That Council:

Agrees to amend clauses 2(c) and 2(d) of the agreement with Dick Turpin Pty Ltd for the Purchase by Dick Turpin Pty Ltd of Greenhills lots 5,6 and 7, so that the effective dates are within two years of settlement date not 12 months of settlement date.”

CARRIED (6/0)

9.4 Confidential Reports

**RESOLUTION
210209**

MOVED: Cr Boyle SECONDED: Cr Randell

“That the meeting be moved into committee at 4.38pm.”

CARRIED (6/0)

**RESOLUTION
220209**

MOVED: Cr Randell SECONDED: Cr Fisher

“That the meeting come out of committee at 4.43pm.”

CARRIED (6/0)

9.5 Late Reports

10. NEXT MEETING

**RESOLUTION
230209**

MOVED: Cr Lawrance SECONDED: Cr Randell

“That Council;

hold the next Ordinary Meeting of the Council on March 16, 2009, commencing at 3.00pm in the Council Chambers, York.”

Carried (6/0)

11. CLOSURE

There being no further business Cr Hooper declared the meeting closed at 4.46pm.