



# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 19 FEBRUARY 2007  
COMMENCING AT 3.00PM IN THE TOWN  
HALL, YORK**

**SHIRE OF YORK**

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**RAY HOOPER**  
**CHIEF EXECUTIVE OFFICER**

**SHIRE OF YORK**

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## **SHIRE OF YORK**

**THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 19 FEBRUARY 2007, COMMENCING AT  
3.00PM IN THE TOWN HALL, YORK.**

### **1. OPENING**

#### **1.1 DECLARATION OF OPENING**

The Shire President, Cr Pat Hooper declared the meeting open at 3.10 pm and the Chief Executive Officer read the disclaimer.

#### **1.2 ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Mr Graham Stanley, the new Deputy Chief Executive Officer. Graham has a high level of experience in local government including five years as CEO at Cranbrook Shire.

The Shire President also welcomed Mr David Lawn the Planning Consultant for the Shire who is helping us with the Outline Development Plan in accordance with the Local Planning Strategy.

#### **1.3 ANNOUNCEMENT OF ANY DECLARED FINANCIAL INTERESTS**

<b>COUNCILLOR/OFFICER</b>	<b>ITEM</b>	<b>NATURE OF INTEREST</b>
Cr Fisher	9.1.3	Financial – Landowner
	9.1.9	Financial – Landowner
Cr Delich	9.1.8	Impartiality – Landowner
Cr Boyle	9.1.4	Impartiality – Landowner
	9.1.8	Impartiality – Landowner
Cr Lawrance	9.1.8	Impartiality – Landowner

Cr Delich, Cr Boyle, and Cr Lawrance have been granted exemptions under the provisions of Section 5.69 of the Local Government Act 1995 to allow them to participate in the debate and to vote on matters relating to Cooperative Bulk Handling despite them having declared financial impartiality interests.

## **2. ATTENDANCE**

### **2.1 MEMBERS**

Cr Pat Hooper	President
Cr Brian Lawrance	Deputy President
Cr Michael Delich	
Cr Trevor Randell	
Cr Tony Boyle	
*Cr Ashley Fisher – Cr Fisher has been delayed due to a prior commitment and will be attending shortly to the Council Meeting.	

### **2.2 STAFF**

Mr Ray Hooper	Chief Executive Officer
Mr Graham Stanley	Deputy Chief Executive Officer
Ms Tyhscha Woolcock	Senior Administration Officer
Mr Peter Stevens	Health, Environmental Officer and Building
Mr David Lawn	Planning Consultant
Mrs Alison Emin	Executive Support Officer

### **2.3 APOLOGIES**

Nil

### **2.4 LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil.

### **2.4 NUMBER OF PEOPLE IN GALLERY PRESENT AT COMMENCEMENT OF MEETING**

The Shire President welcomed the (55) fifty five people present at the commencement of the meeting.

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

#### **3.1 Jan Underwood - Council Meeting 18<sup>th</sup> December 2006**

##### Question 1

Commissioner Troy developed Ref Groups to address a variety of programmed for York. Has the Council taken any of the advice or information into account, put forward by community minded groups, did we waste a year of our time and expertise in the expectation that the info would be taken into account?

##### Response

The information arising from the Commissioners Community Reference Groups is held and utilised in the research for recommendations for Council decisions. Community input is highly valued and it is used where appropriate.

##### Question 2

As the current Draft of Equine Precinct bears little or no resemblance to documents developed have the Council decided against taking the advice and submissions put forward to Commissioner Troy regarding the Equine Precinct by the Equine Reference Group and are you going to use the resource and expertise of those people consulted during the period to make this area a money making, international standard precinct?

##### Response

The preliminary Draft Equine Precinct Development Plan is based on sustainable land use in the context of drainage, transport and provision of infrastructure services. It is simply a draft development guide for land management and it does not quantify or specify development on the land at this stage.

The Equine Reference Group primarily dealt with potential users and facilities in the precinct.

Good land use planning backed by the Town Planning Scheme, planning policies and outline development maps are needed to support the equine proposals put forward by the Reference Group.

The current Council receives and is open to input from a very wide cross section of the community and it uses this and information held in the decision making process.



#### **4. PUBLIC QUESTION TIME**

##### 4.1 Mrs E Bennett

###### Question 1

Why does this beautiful tree need to be removed?

###### Response

The tree is on private freehold land and the development application received will necessitate the removal if approved.

###### Question 2

How old is the tree?

###### Response

No historical data has been provided to date relating to the age.

###### Question 3

Is it a sacred site for the local aboriginals in the area?

###### Response

No data has been provided to substantiate or support any claim. As private freehold title, any native Title Rights would be extinguished.

##### 4.2 Mrs Sally Boyle

###### Question 1

Has the Shire Council encouraged the developer of Lot 1,2 & 26 Avon Terrace to view the Ficus Tree as an asset and include it in his development plans?

If so, can written confirmation of this and the response from the developer be made available to the public?

###### Response

To date there have been no formal written requests to the landowner to amend the plans for lots 1, 2 & 26 Avon Terrace, York as the proposal is in the public submission period for the original application. If an amended or redesigned proposal is submitted it would be advertised for public comment in the same way.

I have personally spoken to the landowner and raised the issue of redesign to incorporate the tree however he has indicated to date that this would impact on the commercial viability of the project. He also expressed some concerns in relation to the effect of future growth of the tree on any development on the five lots involved and what indemnities would be given for the future impacts.

The developer has been made aware of the concerns of a section of the community about the potential loss of the tree and the summary of public submissions will be available to the proponent to enable him to gauge the extent of public opinion.

Council will consider development conditions enforceable under planning and other laws when making a decision on proposal as it currently stands, as this is what was submitted and advertised for comment.

#### Question 2

Has the destruction of the trees near Jah Roc been reported and if so, can the letter be made available to the public?

If the answer is yes, what was the response and can that be made available to the public?

#### Response

The Department of Environment and Conservation was advised by telephone by the Environmental Health Officer on the day the trees were removed (8 November 2006) as soon as the Shire of York was made aware of the proposal.

The Environmental Health Officer personally advised the landowner of the need for clearing permits and the potential repercussions of the tree removal.

As the Department of Environment and Conservation was not able to provide staff resources to attend the site the Shire of York was requested to take photographs of the trees and this was done.

No further advice has been received from the Department of the Environment and Conservation on this issue to date,

For your information I advise that there are exemptions under the Regulations for the clearing of native vegetation in place when a development application is approved. The Shire of York has granted no approval for Lot 631 Broome Street being privately owned land.

Prosecution under the Clearing of Native Vegetation regulations is totally the responsibility of the Department of Environment and Conservation and it does not involve local government.

#### Question 3

Western Power has a very strict policy on trees near power lines including on private farmland. The Department of Agriculture and Food WA has a very strict policy on trees on farming land. Could the Shire of York develop a Register of Notable Trees for the York Townsite, so that future developers can be informed before making plans?

#### Response

Yes the Shire of York could have a Register of Notable Trees however it would have no real value or effect unless it was underpinned by planning laws through an amendment to the Town Planning Scheme.

There would be other issues with a Register of Notable Trees including but not limited to the following:

- Who assess trees for entry into the Register?
- Is registration compulsory or voluntary on privately owned land? Is compensation payable for loss of land value or development potential?
- What appeal rights would exist for or against inclusion in a register?
- What is the criteria for the designation of a notable tree?
- Would the register include both native and imported varieties
- Who would be responsible for the care, control and management of trees on the register particularly those on private land?

Council could include a tree preservation clause into the Town Planning Scheme however; this will be binding on all landowners and not just those with a particular tree on their property.

Environmental legislation in Western Australia very specifically targets native vegetation and it does not cover imported varieties which in some case have caused degeneration of native species.

#### 4.3 Mr David Paton

##### Question 1

How many of the present staff employed at the Shire of York are engaged presently in further formal study to enhance their careers and so be of benefit to Shire of York ratepayers?

##### Response

This question is a gross invasion of privacy of members of the York Community who happen to work for the local government rather than the school, the banks, the co-op or any other business.

Conditions of employment at the Shire of York do not require staff to undertake further formal study nor is there any funding commitment by the Shire of York to underwrite their studies.

Professional development and learning of best practice techniques is encouraged and staff are sent on specific learning course relevant to their positions and customer needs e.g. Licensing, library, rates etc.

##### Question 2

When the new accommodation is built for Shire of York employees do they pay a rent for living in the accommodation provided or is this rent fee waived? If the rent fee is waived then this puts these employees at a considerable advantage over the private sector which has to pay exorbitant rents in order to be able to work in the town and Local Government employees know when they start that they will have to serve in small towns like York to build up their credibility to be considered for larger jobs within the system. So moving house and schools is part of the deal; and so part of the cost of their career.

Response

Yes rent is paid on the two staff houses currently owned by the Shire of York and this will apply to any new staff housing. Rural local governments have and will always need to provide staff housing to attract certain staff, the same as the government use the Government Employees Housing Authority to provide accommodation for police, health and school staff.

The rent charged for staff housing is specifically designated in the annual budgets.

Question 3

Over the previous two years how many employees have been given a job at the Shire of York without their positions being formally advertised?

Response

Positions that have been filled without formally being advertised are five (5) in the Works Department and one (1) in Administration. All applicants provided a resume and were interviewed by a panel.

There is no requirement for local governments to advertise any position other than those for designated senior employees e.g. CEO.

Question 4

How many letters were written to the Councillors of the Shire of York in support of keeping the Ficus Hilli Macrocarpa?

Response

The Shire of York received a total of 265 submissions regarding the Development on Lots 1,2 & 26 Avon Terrace. 13 submissions were in support of the development.

Question 5

How many letters were written to the Councillors of the Shire of York recommending the development in it's present form currently presented to council?

Response

The Shire of York received a total of 265 submissions regarding the Development on Lots 1,2 & 26 Avon Terrace. Only 1 York resident is for the development and removal of the tree.

4.4 Mrs Sally Hasluck

Question 1

Proposed development on Lots 1 and 2 Avon Terrace and Lot 2 Monger Street, York. Has the Council received a professional engineers report as to the implications of building over the watercourse on the site including reference to:

- a) The load bearing capacity of any conduit or pipe to be used in the place of the watercourse.

Response

When the proponent of the development applies to Council for a building permit it will necessarily be accompanied by a detailed report on the manner in which the underground conduit is to be constructed and the load of the structure it will be carrying.

This is common practice in all buildings where underground drainage is considered. All cities have underground sewers, drains, tunnels and this has not caused a problem.

Question 2

The possibility of my neighbouring land at 22 Monger Street being flooded if increased water flow from any such pipe is discharged upon the neighbouring land?

Response

It is inherent in any engineer's report to consider drainage affecting nearby properties. In common law it is illegal for one property owner to adversely affect any neighbouring land by discharge of controlled storm water except by agreement or in a defined natural drainage line.

Question 3

The effect of the development upon the local drainage and deep sewer system?

Response

As above. The engineer's role is to ensure no adverse affects on drainage or sewerage systems.

Question 4

If no engineering report has been provided, will Council obtain such a report before proceeding further and give a copy to neighbouring landowners?

Response

Council will obtain a report at the time of application for development.

Question 5

The development contemplates that Lot 26 Monger Street, which is zoned Residential, will be used for parking to service commercial purposes on Lots 1 & 2 Avon Terrace. Has the Council sought legal opinion as to whether the proposed use of Lot 26 complies with the Planning Scheme? If no legal opinion has been sought will the Council obtain and disclose such advice before proceeding further?

Response:

No legal opinion has been sought at this time. Preliminary opinion is that the Scheme is mute on the ability of the car park to be developed in a

Residential Zone (Zoning Table in TPS No 2). Council has the power to use its discretion in assessing an application in the light of the Objectives of the Zone.

Question 6

The Shire has a Town Planning Scheme and various planning policies bearing upon the proposed development. Why did the CEO's report preceding the 18 December Council Meeting fail to advise:

a) That Lot 26 Monger Street is zoned as Residential under TPS No 2 with the result that the development does not comply with the Scheme?

Response

The purpose of the report was merely to request Council to advertise the proposal to gain input from the public.

Question 7

That the draft Shire of York Local Planning Strategy 2006 has to be considered?

Response

The draft Local Planning Strategy has been advertised and public meetings held requesting responses from interested people. It is a well-advertised document and its purpose is stated in its documentation that it is a guide for all future planning and development.

Question 8

That the recommendations of the draft Town Centre Outline Development Plan 2006 affected the development?

Response

The Town Centre Outline Development Plan has not been finalised or adopted due to the inability of Council to acquire the Old School site, which has a large impact on the Town Centre planning.

Question 9

Has the Council sought the advice from the Waters and Rivers Commission as to whether any alteration to the natural watercourse crossing the site complies with the Commission's Policy and requirements under the Rights in Water and Irrigation Act?

Response

It is debateable where this is a natural watercourse or a dedicated drain. History may determine that this may once have been a natural watercourse but over the decades, it has become a formal drain.

Council may seek the advice of the W&RC via the proponent's submission and as part of the application for development.

The questions and concerns raised over the proposal and the consequential affects on the drainage and neighbouring properties are valid. However, the Council in dealing with an application will have to be satisfied that all matters are considered. An engineers report and designs will be thoroughly assessed before any approval is granted. If any adverse affects do emerge, Council will not approve the proposal until these matters are addressed to the satisfaction of Council and relevant government departments and agencies.

#### 4.4 Dr M McComish

##### Question 1

Does the Council consider that land zoned Residential can be used for the sole purpose of car parking especially where the car parking is not connected to the use of the Residential land, but is connected only to the commercial use of adjacent premises?

##### Response

Preliminary opinion is that the Scheme is mute on the ability of the car park to be developed in a Residential Zone (Zoning Table in TPS No 2). Council has the power to use its discretion in assessing an application in the light of the Objectives of the Zone.

##### Question 2

Does the Council consider it appropriate to have a two storey building with balconies very close to the boundary of a single storey building, where the two storey building is to the west of the entire length of the residential block and would overlook the lot and shade the house and its garden.

##### Response

Shire of York Town Planning Scheme Section 4.9.3 Development Requirements states:

- (a) Development shall not exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised.

The streetscape shows an array of two storey dwellings and the proposal is before Council today to determine. Council will determine whether the proposal is acceptable for York as a whole.

#### 4.5 Mrs Geraldine Osgood

##### Question 1

Can the CEO and Council confirm my understanding, as advised by letter from the CEO dated 10<sup>th</sup> January 2007, that following the period for submissions reference the ODP, as above and the issuing of a revised ODP, we are permitted to submit a further submission, in connection with the revised draft ODP?

Response

Chief Executive Officer read from the Resolution of Agenda Item 9.1.3 Crawford Court Precinct, which stated, "*Modify the Crawford Court Precinct documentation with the acceptable submissions and formally advertise the revised document for a period of 28 days*".

Question 2

Can the CEO and Council explain why there are only mention of 6 submissions being received by the Shire of York, in connection with the above ODP - when I personally know of at least 2 more that were sent to the Shire, of which one actually received a letter of acknowledgement from the Shire?

Response

The President responded that the changes to the report had been made since the printing of the Agenda.

4.6 Patricia Walters

Question 1

If an Agenda Item is passed at a Council Meeting without any corrections then why is this not reflected in the Minutes? The missing Item is Objective 5. "To ensure economic development does not conflict with York's Heritage, lifestyle, and environment". Will the Council be amending the Minutes to include "Objective 5"?

Response

The President noted the amendment and have the necessary corrections made to the Minutes of the 18<sup>th</sup> December 2006 to include objective 5 which reads:

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

Question 2

Agenda Item 9.1.8 Co-operative Bulk Handling – Will the Council be reviewing the rates to be paid by Co-operative Bulk Handling's extension to be in line with the rates paid by other commercial/Industrial rate payers?

Response

Chief Executive Officer responded that Local Government does not control rating payments. Co-operative Bulk Handling rates are controlled by State Agreement Act and it is calculated on the amount of tonnes they hold.

4.7 Dr M McComish

Question 1

Dr McCormish referred to Proposed Development Lots 1, 2, and 26 Avon Terrace, York

Does the Shire have a shadow Plan?



Response

The President responded No.

4.8 S Haylock

Question 1

Are the ugly stumps going to be removed and are any trees going to be replanted.

Response

The President responded that yes, the stumps will be removed from Forbes Street and the trees that are appropriate will be replanted.

4.9 Sally Ann Hasluck

Question 1

Does Council accept that the Town Planning Scheme No 2 is a worthy document?

Response

The Chief Executive Officer responded that the Town Planning Scheme No 2 is used as a guiding tool as it was not reviewed in the Statutory period and its legal status may be questioned.

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

Resolution

010207

MOVED Cr Randell

Seconded Cr Boyle

***“That Council***

***grant Cr Hooper leave of absence for the period 22 February to the 28 March 2007”.***

***CARRIED (5-0)***

6. **PETITIONS/PRESENTATIONS/DEPUTATIONS**

*We believe that there is a plan afoot to destroy this valuable and irreplaceable tree. Therefore we wish to present this letter as our protest against this senseless and irrevocable act.*

*This Moreton Bag Fig is the most beautiful tree in York. It stands as part of York’s heritage and charm, a harmonious presence in our main street, welcoming visitors and tourists when they arrive in our town and offering*

*invaluable shade for parking throughout the warmer months. To cut it would destroy part of York's character and it would be very sad should this occur.*

*To cut or prune it in any way is sheer folly. To grow a tree this size would take more than a lifetime to replace and to do so would cost in excess of \$20,000. Apparently some person has requested this tree to be destroyed. Should one person's ignorance and selfishness cause others and the town of York to suffer such a loss.*

339 Signatures were received as of 5 February 2007 in regards to the proposed development of Lots 1, 2 and 26 Avon Terrace, York.

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

### 7.1 Ordinary Council Meeting held 18 December 2006

Corrections    9.1.7 Proposed Development – Mr R Poliwka – Lots 1, 2 & 26 Avon Terrace – Av 1.9411-9413

Printing Error                      Objective 5 missing from Strategic Implications of the minutes.

#### **Strategic Implications:**

The preliminary advertising period results in an informed community.

Strategic Plan Key Result Area 2 – Economic Development & Tourism:

*Objective 1 To encourage a sustainable community by increasing employment opportunities in York, attracting investment and businesses to the town, and achieving diversification of industries.*

***Objective 5 To ensure economic development does not conflict with York's heritage, lifestyle and environment.***

#### Confirmation

Resolution  
020207

MOVED Cr Delich

Seconded Cr Randell

***That the minutes of the Ordinary Council Meeting held 18th December 2006 noting the above correction be confirmed as a correct record of proceedings.***

***CARRIED (5-0)***

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

The Shire President acknowledge the Australia Day Celebrations and the 7 (seven) outstanding Community Members who were nominated as follows:

Mr John Weeks	Citizen of the Year
Mrs Joy Pottage	Nominated
Mr Tony Clack	Nominated
Veronica Sherwood	Nominated
Margaret Hewitt	Nominated
Mr David Wallace	Nominated
Miss Catherine Britza	Junior Sport Star of the Year

The Shire President made a plea to the community/clubs and organisations to think about the 2007 Community and Sporting Awards and nominate their members.

**9. REPORTS**

**9.1 Development Services**

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.1 AMENDMENT 17  
(PS.TPS.12)

COUNCIL DATE: 19 February 2007  
REPORT DATE: 6 February 2007  
LOCATION/ADDRESS: VARIOUS  
APPLICANT: Shire of York  
SENIOR OFFICER: R Hooper - CEO  
REPORTING OFFICER: T Woolcock – SAO  
DISCLOSURE OF INTEREST: No  
APPENDICES: Appendix A – Amendment 17  
Appendix B – Schedule of Submissions  
DOCUMENTS TABLED: No

*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.*

**Summary:**

To grant final approval for the amendment.

**Background:**

Council at its meeting on 20 February 2006 resolved as follows:

*“That Council:*

- 1. Amending the Scheme map by recoding lots zoned “Residential” with a split density code of R10/R30 within the area of the York townsite bounded by Pool Street, The Avon River, Bland Street and the railway line to “Residential” with an R40 density code;*
- 2. Amending the Scheme map to indicate an R40 density code to those lots zoned “Town Centre” within the York townsite as depicted on the Scheme map.*
- 3. Request the Minister for Planning and Infrastructure to designate a minimum advertising period for this amendment.”*

As a result of requested modifications by the Western Australian Planning Commission to Amendment 16, which needed to be reflected in Amendment 17 Council considered these in a report at its Ordinary Council meeting held on 24 April 2006 where it was resolved as follows:

*“That Council reflects the minor modifications to Amendment 16 to Amendment 17, as attached and labeled “Appendix A”.*

*Advice Note:*

*As a result of the Minister's decision on Amendment 16, the R Code density over the Town Centre zone is now to be managed through a clause in the scheme text. The Town Centre zone component of the Scheme amendment map has been deleted and only the R40 density coding over the subject Residential zoned lots are shown."*

**Consultation:**

The Environmental Protection Authority was provided the details relating to this amendment and did not require formal assessment.

The Act required that the proposal be advertised for public comment for a period of no less than 42 days, this was undertaken with the closing period for submissions closing on 6 February 2007.

Discussions were held with the City of Swan – Council's Bureau Services – Planning, Country Planning Branch and the Minister for Planning and Infrastructure.

Owners of land that were to be effected by the amendment were notified via letter and public authorities were also requested to provide their comments. These authorities included the following:

Health Department;  
Department of Environment & Conservation;  
Department of Water;  
Department of Agriculture;  
Main Roads WA;  
Department of Industry & Resources  
FESA;  
Public Transport Authority;  
Western Power; and  
Water Corporation.

At the close of the advertising period three (3) submissions were received, which are summarised in Appendix B.

**Statutory Environment:**

Planning and Development Act 2005.

**Policy Implications:**

No policy implications arise from this report.

**Financial Implications:**

There are costs associated with administration time and advertising.

**Strategic Implications:**

KRA 2 – Economic Development and Tourism:

*'To encourage a sustainable community by increasing employment opportunities in York, attracting investment and businesses to the town and achieving diversification.'*

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

**Voting Requirements:**

Absolute Majority Required: Yes

**Site Inspection:**

Site Inspection Undertaken: N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

To rezone these properties will encourage infill residential development within the town and will assist in the long-term viability of York.

**Social Implications:**

Density development for residential purposes in close proximity to the central business district will need to be managed in respect of residential needs, noise, traffic flows and associated social issues.

**Environmental Implications:**

If landowners were to develop their properties in accordance with the Amendment the built and natural environment will need to be considered at the development stages.

**Comment:**

This proposal will enable landowners to make wider use of the properties, which currently have sewer available to them.

Before the amendment can proceed any further the final approval of the Council is required. Following this final approval the amendment is submitted to the Western Australian Planning Commission for final consideration and the approval of the Minister for Planning and Infrastructure.

**OFFICER RECOMMENDATION**

Resolution  
030207

MOVED Cr Boyle

Seconded Cr Lawrance

***“That Council:***

- 1. grant final approval for Scheme Amendment No. 17 as attached and labelled “Appendix A” to the Shire of York Town Planning Scheme No. 2.***
- 2. approves the Shire of York seal to be affixed to the Scheme Amendment;***
- 3. note the table of submissions attached and labelled Appendix B; and***
- 4. forward the amendment to the Western Australian Planning Commission for approval and gazettal.”***

***CARRIED (5-0)***



9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.2 OVERSIZE SHED ON RURAL RESIDENTIAL LAND

FILE NO: TO1.3590  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 2 FEBRUARY 2007  
LOCATION/ADDRESS: LOT 95 TOP BEVERLEY ROAD  
APPLICANT MURRAY & TANIA FLEAY  
SENIOR OFFICER R HOOPER - CEO  
REPORTING OFFICER P STEVENS – EHO/ BUILDING SURVEYOR  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A – SHED AND SITE PLAN  
DOCUMENTS TABLED: NIL

**Summary:**

Council has received an application to construct a general purpose Class 10a private shed at Lot 95 Top Beverley Road. The proposed shed has a floor area of 288m<sup>2</sup> and a wall height of 4.4 metres.

Councils Building Procedures Manual states that the maximum size for outbuildings on land zoned rural residential should not exceed 200m<sup>2</sup> or have a wall height greater than 4.2 metres.

Council has discretionary powers in relation to issuing Building Licences and may allow oversize outbuildings.

**Background:**

An application for Building Licence was received at the Shire on 27 November 2006. The application relates to the construction of a 288m<sup>2</sup> general-purpose private steel shed with a wall height of 4.4metres (**Appendix A**). The applicants wish to construct the shed on a property zoned Rural Residential under the Town Planning Scheme.

Procedure J in Councils Building Procedures Manual limits outbuildings on Rural Residential land to 200m<sup>2</sup> with a maximum wall height of 4.2 metres. Any application that exceeds these limits is to be referred to Council as per a development application.

This procedure was put in place to maintain some control on sizes of outbuildings until a Planning Policy is adopted and included in to the Town Planning Scheme.

Letters were sent to 9 surrounding property owners on 12 December 2006 informing them of the proposal to construct an oversize shed and requesting any written comments on the building be provided to the Shire by close of business on 19 January 2007.

Letter received 10 January 2007:

*“Since my last contact with you, I have had conversations with my new neighbors who I know very well and I don’t raise any objection to the*

*construction of their shed. It will be 95 metres from my boundary and will face North and will only be used for storage of the usual men's shed gear along with caravan, motor vehicles etc. The only thing is I didn't ask what colour it would be. I hope it will be colourbond. I went to school at the York Primary School with both their parents."*

A letter was also received from the applicant dated 10 January 2007:

*"We have submitted plans to erect a shed on Lot 95 Top Beverley Road.*

*This shed is required only for storage of a large caravan 25', total length of 33 feet, two utes, three cars, a tractor plus various other items.*

*Also, from this shed we intend on collecting a large amount of rainwater."*

**Consultation:**

Surrounding property owners.

**Statutory Environment:**

The Shire of York Town Planning Scheme No. 2. states its Rural Residential Objectives as;

- '(a) To provide for closer settlement for residential use in a rural environment, and such uses as hobby farms, horse breeding, rural residential retreats.*
- (b) To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas'*

Local Government Miscellaneous Provisions Act 1960 states;

*(1b) The authority to approve or refuse to approve plans and specifications submitted under this section may be delegated by a local government to a person appointed to the office of building surveyor, but where a plan and specifications so submitted conform to -*

*(a) all local laws in force in the relevant district or part of a district in respect of building matters, and the local government's pre-determined policy in respect of building matters; and*

*(b) all local laws and schemes in force in the relevant district or part of a district in respect of town and regional planning matters, and the local government's pre-determined policy in respect of town and regional planning matters,*

*the building surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the local government.*

**Financial Implications:**

Planning and Building Licence fees will be applicable to the applicant should the approval be granted.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes, Building Surveyor – 8 December 2006

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

There may be a possible loss of visual amenity if oversized outbuildings are constructed in the Rural Residential zone.

**Environmental Implications:**

Increased storm water runoff from the shed, which should be collected for on property storage and use.

**Comment:**

Surrounding property owners have been consulted on the proposed shed and all the comments are provided for in this report. There was one written response from a neighboring property, which had no objection to the shed.

The one written response requested that the shed be clad in a colourbond material.

The impact of increased storm water run off from the shed may be mitigated through the location and use of appropriately sized rainwater tanks and/or swales.

**OFFICER RECOMMENDATION**

Resolution

040207

MOVED Cr Boyle

Seconded Cr Lawrance

***“That Council: approve the construction of the Class 10a private shed at Lot 95 Top Beverley Road in accordance with the dimensions and position outlined in Appendix A subject to;***

- 1. a building licence being issued prior to construction; and***
- 2. the shed being clad in non-reflective Colourbond type material; and***
- 3. adequate water tank(s) being provided to assist in containing stormwater run off from the shed or a stormwater management plan being provided to the satisfaction of the CEO.***

***Advice Note.***

***The approval for the shed is for private use only.***

***CARRIED (5-0)***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.3 DRAFT OUTLINE DEVELOPMENT PLAN  
CRAWFORD COURT PRECINCT

FILE NO: PS.PPD.4.1  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 3 FEBRUARY 2007  
LOCATION/ADDRESS: CRAWFORD COURT PRECINCT  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER RAY HOOPER - CEO  
REPORTING OFFICER DAVID LAWN – PLANNING CONSULTANT  
DISCLOSURE OF INTEREST: CR. ASHLEY FISHER - FINANCIAL  
APPENDICES: APPENDIX A – REVISED DRAFT OUTLINE  
PLAN APPENDIX B – SCHEDULE OF  
SUBMISSIONS ON PRELIMINARY DRAFT  
OUTLINE DEVELOPMENT PLAN  
APPENDIX C – PROPOSED SCHEME  
AMENDMENT NO. 18  
APPENDIX D – CRAWFORD COURT  
PRECINCT ADDITIONAL MAP  
DOCUMENTS TABLED: NO

*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.*

**Summary:**

The intent of the Outline Development Plan is to illustrate how subdivision may occur given the recommendations of the Local Planning Strategy (LPS) and the constraints within the precinct.

The potential for further subdivision necessitates the construction of new roads and upgrading of others together with drainage requirements,

**Background:**

The Crawford Road Precinct is one of the smaller ones recommended for reassessment in the Local Planning Strategy.

Because of the servicing available, particularly with scheme water, some landholders have expressed interest in minor subdivision.

Also with the recent climatic changes there is a heavier emphasis on protection of property in the case of fire. This precinct is vulnerable to the extent that there is insufficient separation or access between the Mt Brown Reserve and the rural residential development.

A strategic firebreak for both fire management and access by fire fighting vehicles is a necessity and the opportunity to create this access in the Outline Development Plan should not be overlooked.

**Consultation:**

Landholders have been informed of the OPD and submissions have been received. A schedule of the submissions is attached.

Some of the people making submissions are strongly against the potential re-subdivision being apprehensive about the loss of amenity and the adverse impact on the natural environment.

Comments were received that the original lot size limits remain as it is at a minimum of two hectares, as provided in Schedule 6 of the Shire of York Town Planning Scheme.

Other residents support the opportunity to further subdivide where larger lots are underutilised and where there is an opportunity to improve the development standards currently in place.

There were very sound comments over the poor drainage system and the need to consider environmental issues, particularly with native vegetation and the impacts by runoff and nutrient discharges into the Avon River system.

Should Council support the Outline Development Plan, a scheme amendment to allow for one-hectare lots will be initiated. Such amendment will need to be advertised to modify the Schedule and further consultation undertaken.

**Statutory Environment:**

The land is currently zoned Rural Residential with the minimum recommended lot size of two hectares as provided for in Schedule 6 of TPS No 2.

A scheme amendment is required to increase the density of development to allow for one-hectare lots and to have the western portions of Lots 279 – 283 as Residential R5 (2,000m<sup>2</sup>), as a transitional residential buffer between Herbert Road development and the 1 hectare lots.

This will result in a scheme amendment to Residential R5 and the Rural Residential – Schedule 6 will have some scheme text modification.

**Schedule 6**

Panmure (Boothill)	
Area	Requirements
Lots 6,183, 284 Northam Road: Lots 1-5, 7 Crawford Court: Lots 279-282 Herbert Road.	1: It is the intention of the local government that this area be primarily restricted to residential and associated hobby farm use on the existing lots.  2: The local government will require that

	<p>new buildings are sited near existing buildings and/or trees and may require the planting of additional trees as a condition of development.</p> <p>3: Commercial horse training and breeding will not be permitted.</p> <p>4: The plan of subdivision shall be the existing cadastral pattern, and the local government will not recommend subdivision with a lot size of less than 2.0 hectares or the rezoning of land, which would lead to such subdivisions.</p>
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A Scheme Amendment would seek to delete the list of requirements and replace it with the following schedule of Requirements:-

**Schedule 6**

<b>Land Description</b>	<b>Requirements</b>
<p>Lots 6,283,284 Northam Road; Lots 1-5. 7 Crawford Court; Lots 279-282 Herbert Road.</p>	<p><b>1 Outline Development Plan</b></p> <p>An Outline Development Plan shall be prepared and endorsed by the local government and the Western Australian Planning Commission prior to subdivision.</p> <p>The Outline Development Plan shall have due regard to the provisions of Clause 4.1.4 and the additional development conditions listed below:-</p> <ul style="list-style-type: none"> <li>a) Site plan showing all buildings and improvements;</li> <li>b) Any remnant vegetation and the manner by which it is to be protected.</li> <li>c) Emergency plan – for the evacuation in case of a severe natural event.</li> <li>d) A Building Envelope within which all structures are to be contained;</li> <li>e) Remedial planting area, where horses or other grazing animals are to be kept;</li> <li>f) All newly created lots shall be fenced;</li> <li>g) For the keeping of grazing animals, the proposed number of stock to be kept and the</li> </ul>

	<p>method by which they are to be sustained;</p> <p>h) Evidence of an adequate water supply for domestic animals and for the maintenance of stock;</p> <p>i) Any storage facility for feed, machinery, workshops, chemical and other equipment;</p> <p>j) All new dwellings shall have installed a roof catchment water tank of a capacity of no less than 90,000 litres connected to the dwelling and/or outbuildings.</p> <p>k) All lots shall have a crossover to be located and constructed to the satisfaction of the local authority.</p> <p>l) Council may require the installation of a high performance septic disposals system where it deems appropriate to the soil characteristics and depth of soils above bedrock.</p> <p>m) Any other matter that the Council may deem appropriate to the well being of the community in terms of threat to the amenity of the precinct.</p>
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The additional requirements are recommended in relation to best practice conditions.

**Financial Implications:**

Council has borne the costs of the preparation of the Outline Development Plan and Scheme Amendment, but may impose a proportionate levy upon subdividers to recover all or part of these costs.

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:** Yes

**Site Inspection Undertaken:** January 2007

**Triple Bottom Line Assessment:**

**Economic Implications:**

Subdivision potential will increase land values and provide further opportunities for population growth, which will benefit the local economy.

**Social Implications:**

Marginal increase in population when subdivision and development occurs.

Ongoing community consultation will occur in the scheme amendment and other planning processes.

Small increases in vehicle movements can be expected.

An improved access for emergency vehicles in the event of a major fire by connecting Attfield and Chandos Roads to Steere road as an optional road access.

**Environmental Implications:**

Stormwater management is the most important issue. Erosion and loss of natural vegetation may follow more intense development without remedial land works, and revegetating cleared areas and stock management principles apply. Part of the drainage from Mount Brown travels through the precinct and surface water management will be a high priority.

Conditions of development may include the subdivider/developer to undertake works such as revegetating bare land and manage watercourses in accordance with best practice principles.

**Comment:**

The Outline Development Plan for the small precinct will have minimal impact on townsite development and population growth

**OFFICER RECOMMENDATION**

Resolution  
050207

MOVED Cr Boyle

Seconded Cr Randell

***That Council:***

- 1. Modify the Crawford Court Precinct documentation with the acceptable submissions and formally advertise the revised document for a period of 28 days;***
- 2. Rezone those western portions of lots 279 – 283 as Residential R5, as a transitional buffer between Herbert Road development and the 1 hectare lots; and***
- 3. Initiate Scheme Amendment No. 18 to amend the requirements of Schedule 6 of Town Planning Scheme No. 2 in relation to lots identified in the Crawford Court Outline Development Plan and amend the Scheme Amendment taking into account the changes proposed in Condition 2.***

***CARRIED (5-0)***



9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.4 REZONING REQUEST – MT MATILDA

FILE NO: PS.TPS.13  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 12 FEBRUARY 2007  
LOCATION/ADDRESS: LOTS 4, 5, 6 & 7 GREAT SOUTHERN HWY  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER RAY HOOPER - CEO  
REPORTING OFFICER TYHSCHA COCHRANE - SAO  
DISCLOSURE OF INTEREST: NIL  
APPENDICES APPENDIX A – LETTER 9/2/07 - GREG ROWE & ASSOCIATES  
DOCUMENTS TABLED: MAPPING – SUBDIVISION GUIDE PLAN

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

**Summary:**

The suggested proposed subdivision pattern has been tabled for Councillors information.

There is a total of four (4) lots existing with the proposal for a total of one hundred and fifty five (155) lots.

**Background:**

The proposals had been forecast by the Local Planning Strategy.

The land is zoned General Agriculture, it is proposed to amend the zoning in the near future to rural smallholdings.

**Consultation:**

To be undertaken by general advertising and informing each landowner and government/servicing departments.

**Statutory Environment:**

A scheme amendment is required to pursue the proposals but further documentation is required prior to Council initiating a scheme amendment.

**Financial Implications:**

The costs will be borne by the applicant.

***Voting Requirements***

Absolute Majority Required: Yes

**Site Inspection:**

Site Inspection Undertaken: Yes

**Triple Bottom Line Assessment:**

**Economic Implications:**

Engineering advice is required to determine the effectiveness of a stormwater management program. Increased lot densities and population growth may increase land values and affect local businesses.

**Social Implications:**

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

**Environmental Implications:**

Stormwater runoff, flora and fauna management etc needs to be managed and therefore the officer's recommendation has been prepared requesting reports that would be applicable to determine the environmental factors.

**Comment:**

This report is intended to show that Council supports the proposal whilst further information is required.

Cr Boyle declared Impartiality Interest in Agenda Item 9.1.4.

**OFFICER RECOMMENDATION:**

Resolution

060207

MOVED Cr Lawrance

Seconded Cr Delich

***“That Council advise Greg Rowe and Associates that it is prepared to initiate a scheme amendment for the rezoning of Lots 4, 5, 6 & 7 Great Southern Highway in accordance with the Local Planning Strategy and the Subdivision Guide Plan provided that the following documentation is provided to support the scheme amendment:***

- 1. Land Capability Assessment;***
- 2. Flora and Fauna Study;***
- 3. Fire Management Plan;***
- 4. Building Envelopes of not less than 2,000m<sup>2</sup> for each lot to be created;***
- 5. Remnant Vegetation Protection and Enhancement;***
- 6. Reticulation Water Scheme availability;***
- 7. Soil Capability Assessment for effluent disposal management and conditions;***
- 8. Surface water management including streamline protection;***
- 9. Spite Strip (to prevent vehicle access onto Great Southern Highway from abutting lots;***
- 10. Public Open Space reservation for the streamline protection; and***
- 11. Payment of all fees as determined by the Council.***

**Advice Note:**

***Performance criteria will be established for fencing, crossovers, firebreaks etc through the preparation of a scheme amendment.”***

**CARRIED (5-0)**

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.5 DRAFT OUTLINE DEVELOPMENT PLAN –  
YORK ESTATES

FILE NO: PS.PPD.4.4  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 8 FEBRUARY 2007  
LOCATION/ADDRESS: YORK ESTATES PRECINCT  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER RAY HOOPER - CEO  
REPORTING OFFICER DAVID LAWN – PLANNING CONSULTANT  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A – OUTLINE DEVELOPMENT  
PLAN  
DOCUMENTS TABLED: MAPPING

*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.*

**Summary:**

The York Estates Precinct is one with potential to increase the number of residential lots based on the existing road framework and without excessive infrastructure costs.

The recent subdivision (Stage 2) with a mix of lot sizes ranging from 2000m<sup>2</sup> to over one hectare has been successfully sold but with little building activity to date.

The land has water reticulation available.

The suggested future subdivision pattern uses, wherever possible, existing lot boundaries in order to allow for simple individual subdivision applications.

The existing development holds 123 lots. The suggested re-subdivision can yield 222 lots of 2000m<sup>2</sup> an increase of 99 lots. It must be kept in mind that the suggested subdivisional layout is both notional and conservative and bears verification or perhaps minor changes at the detail design stage.

**Background:**

The proposals had been forecast by the Local Planning Strategy with the intention of concentrating development potential within the serviced areas of the townsite.

The Western Australian Planning Commission has deferred at least three (3) recent subdivision applications until an Outline Development Plan is in place to enforce sustainable land use and planning principles.

**Consultation:**

To be undertaken by general advertising and informing each landowner and government/servicing departments.

**Statutory Environment:**

The land is zoned Residential with development permitted in accordance with the R5 Code.

No scheme amendment is required to pursue the proposals.

**Financial Implications:**

The developers of the recent Stage 2 subdivision have already contributed cash-in-lieu for public open space and the contribution is currently held in trust by Council.

Further public open space and community infrastructure may be obtained.

***Voting Requirements***

Absolute Majority Required: No

**Site Inspection:**

Site Inspection Undertaken: Yes

**Triple Bottom Line Assessment:**

**Economic Implications:**

Engineering advice is required to determine the effectiveness of a stormwater management program. Increased lot densities and population growth may increase land values and affect local businesses.

**Social Implications:**

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

**Environmental Implications:**

Stormwater runoff needs to be managed to prevent adverse affects on the proposed lots and further towards the Avon River. Nutrient stripping and litter capture is essential prior to discharge into the riverine system. A settlement pond is in place in Stage 1 of the York Estates.

**Comment:**

This is an opportune time to consider the suggested modifications to the development layout due to the very little building that has taken place.

Not all landowners with the potential to re-subdivide will want to do so at this time, therefore full implementation of the proposals may take several years to achieve.

The Western Australian Planning Commission required an Outline Development Plan for the area prior to considering the subdivisions before them. The purpose of this item is to proceed as soon as the relevant mapping has been produced.

Whilst it was intended to complete a preliminary advertising period, it is now appropriate that Council proceed to a formal advertising period in accordance with the Shire of York Town Planning Scheme process, as all relevant information relating

to drainage, keeping of animals and so forth have been acknowledged through prior Outline Development Plans.

The plan will go out to formal advertising and then be revisited after the submissions have been considered from landowners and governmental departments.

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

**OFFICER RECOMMENDATION:**

Resolution

070206

MOVED Cr Boyle

Seconded Cr Randell

***That Council:***

***Advertise the proposed York Estates Outline Development Plan for a 28 day period and assess the responses according to the procedures prescribed in the Town Planning Scheme.***

***CARRIED (5-0)***

9.  
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9.1.6

**OFFICER'S REPORTS  
DEVELOPMENT REPORTS  
OUTLINE DEVELOPMENT PLAN  
PANMURE ROAD PRECINCT**

**FILE NO:** PS.PPD.4.3  
**COUNCIL DATE:** 19 FEBRUARY 2007  
**REPORT DATE:** 3 FEBRUARY 2007  
**LOCATION/ADDRESS:** PANMURE ROAD PRECINCT  
**APPLICANT** SHIRE OF YORK  
**SENIOR OFFICER** RAY HOOPER - CEO  
**REPORTING OFFICER** DAVID LAWN – PLANNING CONSULTANT  
**DISCLOSURE OF INTEREST:** CR. ASHLEY FISHER - FINANCIAL  
**APPENDICES:** APPENDIX A – PANMURE ROAD PRECINCT  
OUTLINE DEVELOPMENT PLAN  
**DOCUMENTS TABLED:** NO

*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.*

**Summary:**

This is the second agenda item (18 December 2006) relating to this proposal. The first was to initiate the preparation of the Outline Development Plan. This Item is for the Council to assess the Draft Outline Development Plan (ODP) and if required, make modifications prior to advertising to seek submissions from the public.

The Panmure Road Precinct has been depicted in the Local Planning Strategy as an area suitable for further subdivision. The area is developed for residential purposes only on the periphery leaving large unused lots in the centre of the precinct.

The ODP proposes a development layout suitable for R5 (2000m<sup>2</sup>) lots without sewerage with the potential for further subdivision to R10/30 when and if a reticulated sewerage system is installed.

Wherever possible the existing lot boundaries have been acknowledged minimizing the need for land amalgamations from two or more landowners.

Management of land drainage is the most important issue.

**Background:**

This precinct is nominated in the Local Planning Strategy as part of the residential infill program.

**Consultation:**

Landowners and Government Departments are to be notified of the Draft ODP requesting submissions.

**Statutory Environment:**

Current zoning in TPS No 2 is residential Zone with an R5 Code. This allows for subdivision and development to 2000m2 lots.

The existing smaller lots, primarily along New Street are not affected and will remain legitimate as under the scheme provisions for Non-Confirming Uses Rights.

A Scheme Amendment is not required at this time and may only be considered when deep sewerage reticulation is available.

**Financial Implications:**

Advertising the ODP and assessing the submissions are the only costs attributable to this procedure.

Council may impose a Schedule of fees to future subdividers to cover the costs of the ODP, advertising and per lot contributions for drainage. Standard Public Open Space contributions and road construction and crossovers will apply.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:** Yes

**Site Inspection Undertaken:** January 2007

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

The adopted Outline Development Plan will allow for cohesive development of the whole precinct to the benefit of the landowners and the Shire. Use of existing infrastructure has cost savings to both developers and the Council.

With wide frontage lots at this time, further subdivision is possible with sewerage reticulation without any additional infrastructure, therefore the proposals have inbuilt cost savings.

Council may receive contributions from developers for Public Open Space commitment. It is recommended that these contributions be in the form of cash-in-lieu and to be held in trust by Council for expenditure in the vicinity. The statutory 10% of net subdividable area shall apply.

**Social Implications:**

Release of additional lots may ease the pressure on York in providing for more choice of home site and locations.

An increase in lots for future residents close to existing amenities in the town centre is a sensible approach as part of a development infill program.

**Environmental Implications:**



Improved land drainage management is the main issue. Residential development on the land will reduce erosion and dust. With further residential development revegetation is likely to occur in the form of gardens for aesthetic value and soil stabilisation.

**Comment:**

The adoption and implementation of the Outline Development Plan will allow cohesive development and arrest ad hoc subdivisions which often have an adverse effect on land development and land values.

The principles of costs sharing will apply so that each landowner/developer is treated fairly and equitably.

The Western Australian Planning Commission required an Outline Development Plan for the area prior to considering the subdivisions before them. The purpose of this item is to proceed as soon as the relevant mapping has been produced.

Whilst it was intended to complete a preliminary advertising period, it is now appropriate that Council proceed to a formal advertising period in accordance with the Shire of York Town Planning Scheme process, as all relevant information relating to drainage, keeping of animals and so forth have been acknowledged through prior Outline Development Plans.

The plan will go out to formal advertising and then be revisited after the submissions have been considered from landowners and governmental departments.

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

**OFFICERS RECOMMENDATION:**

Resolution  
080207

MOVED Cr Boyle

Seconded Cr Lawrance

***That Council:***

***Advertise the Draft Panmure Road Outline Development Plan for a period of 28 days and assess the responses in accordance with the procedures prescribed in the Town Planning Scheme.***

***CARRIED (5-0)***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.7 OUTLINE DEVELOPMENT PLAN  
LOTS 299 AND 301 AVON TERRACE, YORK

FILE NO: Av1.31390/31440  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 30 JANUARY 2007  
LOCATION/ADDRESS: LOTS 299 AND 307 AVON TERRACE, YORK  
APPLICANT SHIRE OF YORK  
SENIOR OFFICER RAY HOOPER - CEO  
REPORTING OFFICER DAVID LAWN – PLANNING CONSULTANT  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: OUTLINE DEVELOPMENT PLAN  
DOCUMENTS TABLED: NO

*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.*

**Summary:**

Mr M Higson and Mr P Bailey have responded to the offer of sale of Lots 299 and 301, Avon Terrace York, by the Shire Council, the conditions of which are shown in Agenda Item 9.2.8 at the Council meeting of 18 September 2006.

The offer of sale was duly advertised on 2<sup>nd</sup> October 2005.

The conditions of sale were:

- 1) *The purchaser to lodge an application to amalgamate Lots 200 and 301 with adjoining land within 8 weeks of the sale transaction:*
- 2) *The purchaser to lodge with Council a development application with 3 months of the date of purchase;*
- 3) *The purchaser to provide written guarantee to Council that development will commence within 12 months of the date of purchase.*

**Background:**

The prospective purchasers presented a preliminary development layout showing 12 Strata Title lots using Radnor Street as the only public access road.

After consultation with the Council staff it was recommended that the preliminary plan could be improved to create a higher yield suitable for strata housing lots.

A second plan was presented with a possible 20 Strata Title lots with three lots fronting Railway Road. This plan is more acceptable in terms of lot size appropriate to the Avon Terrace frontage.

An application for Subdivision/Amalgamation has been prepared to satisfy Condition No 1.

This plan shall constitute the Outline Development Plan/ Development Plan to meet Condition 2.

Once these conditions have been settled, the proponents may be in a position to satisfy Condition 3. In the meantime the Shire Council shall prepare the Scheme Amendment and submit it to the WAPC for approval.

**Consultation:**

Discussions with proponents on the development planning, amalgamation of the lots and zoning.

**Statutory Environment:**

The land is currently zoned Residential R5. This limits development to 2000m2 lots.

To permit the strata title proposals as in the plan a scheme amendment is required to modify the R Coding to R30.

As this location is not served by deep sewerage, the proponents intend to provide effluent treatment by a high performance septic disposal system. Excess treated wastewater can be used on the lot gardens and the open space on the south side of Radnor Street.

**Policy Implications:**

N/A

**Financial Implications:**

Sale of land proceeds will be used for further community infrastructure. Additional rate income will be received from the Lots created. Planning and building Licence fees will be generated from the development.

**Strategic Implications:**

History & Heritage – Key Result Area 5:

1. To safeguard York's history and heritage.
4. To encourage development which is appropriate to York's history and heritage.

**Voting Requirements:**

Absolute Majority Required: Yes

**Site Inspection:** Yes

**Site Inspection Undertaken:** David Lawn – Town Planner and Ray Hooper - CEO

The land is in a localised depression and will require fill to meet the flood risk safety levels as prescribed by the Department of Water. The minimum habitable floor level has been set at 173.77m AHD.

**Triple Bottom Line Assessment:**

**Economic Implications:**

Land values in the vicinity will be increased and 20 lots in this locality will assist with land and building demands.

**Social Implications:**

The streetscape of Avon Terrace will be enhanced by the elimination of an unattractive street scene and land cleared up. Additional housing will be provided for permanent residential and possible rental accommodation where lessees will have a limited area to maintain.

**Environmental Implications:**

The cleaning up of poorly maintained land will reduce a potential fire hazard.

The improvement by the Council and the proponents of the public open space on the south side of Radnor Road will further enhance the streetscape and improve the drainage of the area.

**Comment:**

The proponents have satisfied the conditions laid down for the sale of the land.

Council must now proceed with the Scheme Amendment.

**OFFICER RECOMMENDATION**

Resolution

090807

MOVED Cr Lawrance

Seconded Cr Delich

***That Council:***

- 1) Approve the Outline Development Plan (attached labelled Appendix A);***
- 2) Request the WAPC to process the Application for Subdivision /Amalgamation as soon as possible; and***
- 3) Prepare the Scheme Amendment to the WAPC to run concurrent with the amalgamation application amending the R Coding from R5 to R30.***

***CARRIED (5-0)***

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.8 CBH

FILE NO: KN 2.611  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 12 FEBRUARY 2007  
LOCATION/ADDRESS: LOT 51 KNOTTS ROAD, YORK  
APPLICANT: CO-OPERATIVE BULK HANDLING PTY LTD  
SENIOR OFFICER: R HOOPER - CEO  
REPORTING OFFICER: T WOOLCOCK - SAO  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: APPENDIX A – LETTER DATED 19 JANUARY 2007  
APPENDIX B - PLANS AND DESIGNS  
APPENDIX C – ADDITIONAL INFO DOCS  
REF 556775V1  
APPENDIX D – ADDITIONAL PLAN 98-1090  
DOCUMENTS TABLED: NO

*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.*

**Summary:**

The applicant has requested an extension to the current services provided at CBH. A letter outlining the proposal is attached and labelled Appendix A. Plans are attached and labelled "Appendix B".

**Background:**

The property is part Industrial, however the land for this development stage is zoned General Agriculture and CBH may need to acquire land for the full scale of this proposal.

CBH provided additional information in relation to the ownership of the land at York CBH Receiving Point, which is provided and labelled Appendix C. A plan is attached labelled Appendix D showing the land layout.

**Consultation:**

- Surrounding landowners.
- Advert in paper.
- Sign on Property.
- Meetings held with representatives from CBH and Council.

Submission received 31 January 2007

*"This submission expresses both support for the proposal and concern about the effect of the Development on both the amount of usage and the physical fabric of Knotts Road and Cuthill Roads. It is not clear from the letter we*

*received from the Shire whether or not the amount and type of traffic on these roads will change, during or post-development.*

*Several years ago a large amount of grain was shifted by road train out of CBH York over a period of several weeks, to Avon if I remember correctly. The road trains did a significant amount of damage to Knotts Road, particularly between the CBH bin and the Great Southern Highway T-junction. Since then the size of trucks delivering to and leaving York CBH seems to have increased with increased deliveries, it has increased the turning circle of the average truck from normal farm truck size to that of semi-trailer and road train, with more damage to the edges of the T-junction and Knott's Road over the ensuing period.*

*The Shire of York has, at my request, in the past year done a major repair to the road at the Western entry to CBH where large potholes formed in the road surface, but no repairs have ever been done to the T-junction edges, resulting in further potholes forming.*

*In the past few years the amount of heavy haulage traffic on Knotts Road has also increased, partially to and from Linto Agricultural Services. These large trucks have found it difficult to stay on the narrow bitumen, particularly when passing each other, and the portion of Knotts Road between Great Southern Highway and Linto's has been infrequently shoulder-graded, resulting in further edge erosion, particularly near our driveway where it is essential to keep as far left as possible when pulling out in a northerly direction, so as to avoid oncoming large trucks and to avoid interfering with traffic coming around the blind bend in the same direction when pulling out at low speed.*

*Last year some upgrading of the width of Cuthill Road was done, but the shoulders have never been sealed. Drivers now go faster along Cuthill Road than before, with the improved visibility. There is now, while traveling towards Knotts Road, a dangerous bend just short of Blands Brook where you come over a blind crest at speed into a sudden left-hand bend. After heavy rain, there is always a layer of loose gravel on the bend, which makes the area even more dangerous when negotiating the bend at speed. The gravel appears to drain in that direction straight off the widened, and newly constructed shoulders. The gravel did not appear there before the widening.*

*I would like to request that the Shire:-*

- ensure that any damage that has been done to Knotts Road be repaired at some expense to CBH as a result of road trains using the road in the past when it is clearly not a heavy haulage standard road,*
- ensure that usage of both Knotts Road and Cuthill Road be monitored to ensure that future CBH traffic does not put more pressure on these roads, and if they do that CBH pay for the damage the trucks do,*
- seal the shoulders and fix the drainage of the blind crest and bend on Cuthill Road and signpost the blind crest immediately for public safety, whether or not more traffic will be using the road post-development,*

- *seal the remainder of the shoulders of Cuthill Road as soon as possible so that the quality of the surface matches the width of the road, again for public safety.”*

Submission dated 6 February 2007

1. *“This is advice that I am in opposition to any further increase in the size of CBH Storage for the reasons of further impact on the BLANDSTOWN HERITAGE DISTRICT. This area is a residential area. How can you get authority to run the amount of truck traffic that you currently do through this residential area let alone support its increase? By pass roads (intermodel hub and York bypass stage 1 and 2) are a minimum. Many of our neighbouring towns have them. What’s going on? The location of the silos and wind direction I understand puts the existing Silo site in conflict with EPA proximities for residential areas. The rate of Alzimers in the Blandstown area is 6 times higher than the national average. It has been noted in medical journals that the gas used to kill weevils and pests within the grain bins has been a probable cause of Alsimers. I request you follow this up with the EPA an advice the response. Counsel has received this advice before and has not investigated. A lack of investigation again by your chair will leave the way open for those affected residents to take class actions against the Shire of York, and they will come. There are families living in this residential area and further investigation against this advice is warranted. What’s going on...”*

Submission received 6 February 2007

*“I wish to submit this letter to make known my disgust at the proposal I hear recently been put forward by CBH to increase their storage area to 75,000 tonnes. I am part owner of Brook Cottage at 21 Avon Terrace in Old Blandstown. The increase in size of CBH would have a direct impact on my heritage property with an even bigger increase in the already excessive truck traffic literally outside our front door. My husband and I have spent the last 8 years working diligently on Brook Cottage, circa 1856, to bring it back from being unlivable and derelict to now having its first ever bathroom, inside toilet and large family room and also being more comfortable than the house we now live in permanently. It breaks my heart to see al this hard work, time and money and love for the place to go down the tubes by simply allowing this proposal of CBH to go through.*

*The only option I see as being viable to Council to alleviate the obvious problems and degeneration of Blandstown to a ruin is as follows:*

1. *Pursue the intermodel hub and York Bypass Stage 1 and 2 options because of the evidence from the Freight and Traffic Report 2006 that supports these options as a best solution for all issues. Why bother to get an independent contractor to carry out this investigative study if no –one is going to take any notice of their recommendations.*

2. As a condition for approving the current CBH proposal, get State Government and MRWA approval and funds to bring forward the York bypass Stage 1, and immediately realign Knotts Road to conform to the bypass and to calm then downgrade Avon Terrace through Blandstown.

*Parallel approval of the CBH development and the above options will mean that there are benefits for the whole of York. I understand industry must also have a place in York, but not when it is going to irrevocably destroy both the history of the area which is the main draw card for tourism of York and the lives of Blandstown residents. After all we are talking about Avon Terrace, not a major highway.*

*When we lived permanently in York we frequently saw tourists walking past the front of our property enjoying the historic atmosphere. Blandstown is a very popular tourist spot especially with the many quality B & B's in the area. Somehow I don't think the tourists would be so keen to visit if all they see and hear are large trucks tearing past them (and they do travel fast endangering lives.) Our cottage is on a bend and the majority of the time the trucks cut the corner and also take up  $\frac{3}{4}$  of the Bland Bridge (which I understand is heritage listed, yet another historic part of Blandstown which I'm sure won't stand up to much more truck abuse).*

*I hope this letter makes some kind of difference. A small person trying to battle the big financial corporations."*

Submission received 8 February 2007

*"My concerns are to do with the trains when they are loading out. As I live right long side the train line it is a problem with trains parked outside our House. When a train is parked outside the house it makes the house vibrate and I hope it can be looked into please.*

*We have had many occasions where this has happened at 2.00am in the morning, as we have children that have to go to school it makes it very hard to get them up in the morning. So I am asking that you take this into consideration, I know that CBH are going to go ahead in there development, but it would be appreciated if CBH will take peoples concerns and think about them.*

*It has been a problem when I have a fire callout and the train has blocked the road off, because I have to travel an extra 15Km to get to the fire station.*

*Is there any way that CBH can look into putting the start of the spur line that starts at Knotts road further away from the road, this may help in the trains not blocking the road off for a long time."*

Submission dated 10 February 2007

*"I believe that the State Government would over rule any decision by the Shire of York to prevent or limit the proposed CBH development. However*



*following are some of the issues that I feel need to be addressed, roads, the Blandstown Heritage Precinct and rates.*

- 1. Roads. In February 2006 the Commissioner, Gavin Troy tabled the proposed Department of Planning and Infrastructure York Freight and Traffic Study Consultancy Brief to look at the impact of both rail and road traffic on the proposed expansion of CBH, Mackie Hay and lambs from the south. I have not seen the final report but assume that it would address the main issues of traffic flow in and around the town of York to service CBH, Mackie Hay and the proposed abattoir on the Top Beverley road. However, I would like to comment on the impact that the additional traffic would have on Henrietta Street, which is currently the main heavy goods access road.*

*Firstly, the road has only two lanes and frequently the verge has to be used for wide loads. An expansion to a four lane highway would be impractical due to the built up nature of the street and Balladong bridge is also a two lane highway; secondly, with a proposed four fold expansion at both CBH and Mackie Hay and unknown sheep movements, there is the possibility of a ten fold increase of truck and trailers (80 to 100 tonnes) traffic in a residential area not designed for continuous heavy loadings. There will be an ongoing detrimental effect due to vibration effecting housing and the road sub base structure, necessitating a complete restructure of the road. This would be a major capital undertaking, requiring suitable alternative routing of traffic during the construction period. In regard to safety, Henrietta Street is used by children going to school and tourists walking into town from B&B's and currently has inadequate street lighting and no footpath, which forces pedestrians to use the road.*

- 2. Blandstown Heritage Precinct. After the main streetscape this is the second most important heritage area in the town. Currently the bridge is very narrow and was not built to take the proposed increased weight loadings necessary for transportation of grain to CBH. Again vibration from heavy haulage could have a detrimental effect on the Blandstown Heritage Precinct.*

*It has been suggested that CBH site the new expanded grain development on Quairading Road, and the Knotts Road facility used for specialist grain, this should be an option for CBH to consider. In the event of the more suitable Quairading Road location being declined by CBH, would any financial assistance be offered to residents to cover the cost of stabilizing buildings within the Blandstown Precinct and Henrietta Street due to vibration damage caused by the increase in the number of heavy loads.*

*Is Knotts Road train gazetted for the current/proposed type/weight of vehicle use? If not, why not, and what steps have been taken to ensure compliance with regulations?*

3. Rates. Any expansion of the CBH facility should realize the same scale of rates as any other industrial and/or commercial enterprise within the Shire of York, and any previous arrangement should only be applicable to an unexpanded facility.”

Submission received 11 February 2007

*“The proposal by CBH to double the size of their business will result not only in a doubling of traffic problems from heavy haulage but also an increase in other related truck and commercial vehicles, Council knows the traffic issues it will generate and there should be no need to spell them out yet again. Given the known traffic issues Council must not approve the development application without immediate planning and approval of road changes that will minimise the increase in inevitable traffic problems.*

*CBH must be called to account for some level of social responsibility for the problems it will impose on Blandstown and other York residents. CBH are rationalising their operations and thus there will be considerable ongoing savings for them in their future operations. CBH should not expect the York community alone to pay for and sort out problems that their business imposes.*

*If CBH development is approved then it should be only with conditions that anticipate options to minimise traffic problems and any proposed CBH construction should show entry, exits, buildings, rail head work, etc that anticipates and supports desirable changes in the road network. Council should require CBH to amend its development proposal so as to anticipate and accommodate planned desirable road changes. Council must impose strict conditions as part of possible approval and those conditions must link to appropriate road changes*

*Heritage professionals have strongly indicated that road changes are important, particularly to conserve Blandstown, which is already in danger from excessive 2006 traffic levels. The Conservation Plan for Blandstown, together with the recent York Freight & Traffic Report, lists several options for CBH to anticipate in their development application.*

*The first option should be for Council to force CBH relocation to an intermodal hub east of the Avon River and to keep the present site, if it is not closed, for special grains.*

*A second option is for a major York/Blandstown bypass. The York Freight & Traffic Report 2006 clearly shows that the best traffic control option is the York (Blandstown) Bypass Stage 1 which incorporates a realignment of Knotts Road and a new southern entry to the CBH site. The current Industrial Area could also link to the west into this bypass together with the closure of the rail crossing at Wheeler Street (as supported by WestRail). The second option also includes upgrading Gwambygine-Avon River crossing for heavy vehicles. These road changes, together, would solve most of the traffic issues for once and all.*

*Another option described in The York Freight & Traffic Report 2006 as an interim bypass is a long way from a good option because it will still result in a significant traffic increase of heavy vehicle traffic through Blandstown. The interim bypass involves making Cut Hill Road a heavy vehicle route and realigning Knotts Road. This interim bypass will simply take good money away from the best solution and delay the best solution.*

*Approval of CBH development must not proceed prior to any desirable road changes. It would be easy on technical grounds for Council to separate the CBH proposal from the traffic issues and to say that they must be considered as separate though related issues - but in reality they are inseparable. Proposed CBH development, without these road changes in parallel, will kill Blandstown and York will have lost a heritage area of exceptional significance. If Council separates the consideration of CBH development from desirable road changes it will be responsible for jeopardising the heritage future of York. Parallel development of roads and CBH is a critical issue.*

*This is a 'turning point' decision for Council and will reveal to the community Council's commitment about the value of York's heritage for the whole of York. Development at all costs (or despite significant costs) is totally detrimental to the whole of York."*

Submission dated 11 February 2007

*"The proposal by CBH to double the size of their business will result not only in a doubling of traffic problems from heavy haulage but also an increase in other related truck and commercial vehicles, Council knows the traffic issues it will generate and there should be no need to spell them out yet again. Given the known traffic issues Council must not approve the development application without immediate planning and approval of road changes that will minimise the increase in inevitable traffic problems.*

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*This is a 'turning point' decision for Council and will reveal to the community Council's commitment about the value of York's heritage for the whole of York. Development at all costs (or despite significant costs) is totally detrimental to the whole of York."*

Submission dated 11 February 2007

"Thank you for your letter, I am of course concerned about the effect that expansion of CBH could have in Blandstown. Blandstown, with its heritage significance is important to York and the extract heavy traffic will be detrimental to both Blandstown and York.

Please consider the proposal put forward by the York Freight and Traffic

Study. As a condition of the expansion being forward the start of the major bypass. Upgrade of Cut Hill Road will only delay the start of the Stage 1 Bypass and use funds which would be better spent on this major work.”

Submission received 12 February 2007

“Approval of CBH development should only proceed with the development of all of the road network changes required to protect York from heavy vehicle traffic.

*The York Freight and Traffic Report lists options to be considered together. The Conservation Plan for Blandstown Heritage Precinct also concurs with that Report. The York Local Planning Strategy also acknowledges the traffic issues and the need to redevelop the road network. Blandstown residents have also been asking for road changes for several years.*

*Our Association has provided the Shire with related information and requests on these matters over previous months.*

*If Council cannot relocate CBH to an intermodal hub across the Avon then we request that Council considers the CBH proposal only as part of a major package deal involving commitment to appropriate road network changes.”*

Submission received 13 February 2007 outside of the advertising period

*“I am very concerned with the proposal by CBH to double the handling capacity of their facility at Knotts Road.*

*This proposal will bring with it an even greater volume of heavy haulage traffic than the current unexceptable level, which passes by at less than eight metres from my front door.*

*Alternative routing for the current traffic to this plant should be implemented now, before any expansion for the future is considered.”*

**Statutory Environment:**

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

**Financial Implications:**

Nil to Council other than the officers time in consultation with the applicant. The applicant is subject to all relevant planning and building fees and associated advertising costs.

**Strategic Implications:**

**Strategic Implications:**

History & Heritage – Key Result Area 5:

1. To safeguard York’s history and heritage.

4. To encourage development which is appropriate to York's history and heritage.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes

**Triple bottom Line Assessment:**

**Economic Implications:**

CBH is going through some major changes and one of these changes is making York the primary point of collection in this area. The alternative would be for grain produce in York to be carted to Northam or Brookton.

There will be economic benefits for those who cart to this site in reference to costs associated with travel etc.

**Social Implications:**

The fact that York is to remain open will have some benefits to York farmers and those employed at the site.

Traffic management has a large impact on the heritage and lifestyle of Blandstown residents and action is needed to protect social amenity.

**Environmental Implications:**

***There are environmental issues that need to be addressed and these mainly relate to drainage and surface water, landscaping, buffers and traffic noise etc.***

***Drainage Management:***

Dimensions 80 x 360 metres  
Total catchment area 288,000m<sup>2</sup>  
100% runoff coefficient

The extensive catchment will have the following runoffs in the event of a rainstorm for the following intensities:

Rainfall Event (millimetres)	Litres/m2	Total Runoff (Litres)	Total Runoff (Kilolitres)	Total Runoff (Megalitres)
25ml	2.5	72,000	72	
50ml	5.0	144,000	144	
100ml	10.0	288,000	288	
150ml	15.0	432,000	432	
200ml	20.0	576,000	576	
300ml	30.0	864,000	864	
400ml	40.0	1,152,000		11.152

500ml	50.0	1,440,000	14.40
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Each kilolitre equals one cubic metre.

In the event of a downpour period of 200mls the holding capacity for this single event is 576m<sup>3</sup>. An example would be a basin 3 metres deep, 20 metres long and 8 metres wide or 2 metres deep, 20 metres long and 14.5 metres wide.

This only accounts for the proposed structures requirements and does not include the existing sheds and paved areas.

A containment basin needs to be in excess of this figure to allow for accumulation of rainfall over an extended period given the heavy soils and the poor infiltration rate.

Discharge onto neighbouring properties is not an option, as this may cause liability problems. Given the quantity of water that needs to be disposed of, the export of it is a good idea if storage and re-use is not a viable option.

The above only applies to the proposed building.

Nearly the whole site is either covered by buildings or sealed surfaces. The coefficient of runoff must approach 100%. There is evidence of runoff intruding and it appears that the majority of runoff runs northwards being captured on-side and channelled through culverts towards Bland Creek. The remainder appears to discharge onto railway land quite close to the railway line.

It is strongly recommended that CBH engage an engineer to fully assess the impact of runoff and the size of a retention basin and overflow into the Bland Creek catchment and how surface water is to be managed in a sustainable manner.

**Comment:**

This approval is for expansion on CBH owned land or land under their control. The use is consistent with the zoning and therefore is recommended for approval with conditions in place.

There is an urgent need to minimise traffic flows through Blandstown and the Gwambygine River Crossing will be integral in managing traffic from the east and south east.

The Minister for Planning and Infrastructure has directed Main Roads WA to look at funding options for the river crossing upgrading.

Knotts Road should be re-located to the south of Bygraves Cottage to alleviate problems with the intersection.

The fast load rail facility should minimise train disruptions at Knotts Road and adjacent areas.

In relation to the CBH rationalisation of receival points York has been selected as a primary centre along with Brookton, Quairading and Cunderdin. Bins at Beverley, Kokeby and Mawson may close within three (3) years.

Disposal of stormwater is an issue when considering the discharge of water at a storm event. Care is needed to protect downstream properties from adverse affect.

Cr Delich, Cr Boyle, and Cr Lawrance declared interests in this item however an exemption has been approved allowing them to participate in the debate and to vote on the motion.

#### **OFFICER RECOMMENDATION**

*“That Council advise the applicant that it supports the proposal as per Appendix A, as Stage 1 of the development of York as a primary grain receival centre subject to the following:*

- 1. A building licence being issued;*
- 2. Surface water management retention and reuse;*
- 3. Documentation that all land required for development is owned or under the control of Co-Operative Bulk Handling Pty Ltd;*
- 4. Show future southern road access and drainage on plans;*
- 5. 50% contribution to the realignment of Knotts Road to protect heritage values of adjoining property and to provide a safe and efficient intersection with the Great Southern Highway;*
- 6. Landscaping to be undertaken to the western boundary to the satisfaction of the Chief Executive Officer;*
- 7. Provide details relating to emergency management and evacuation plans for the expanded facility;*
- 8. All staff parking shall be provided internally on the site and to a standard determined by the Chief Executive Officer;*
- 9. The storage of chemicals, fuel and other products to meet all Hazchem and Occupational Health and Safety Standards; and*
- 10. Any relevant noise regulations to be adhered to.*

*Advice Note:*

- a. Condition 2 – Please liaise with Shire of York staff in relation to the capture and reuse of water onsite.*
- b. Condition 3 - This may refer to lease arrangements.*



- c. *Condition 4 – Further stages of development will require an approved rail crossing and access to Great Southern Highway including slip lanes, stacking distances and other traffic management requirements.*
- d. *Management of light spill needs to be considered when in operation eg. night.*
- e. *It would be beneficial for CBH to make contact with the Avon Catchment Council regarding the discharge of water into the Avon River.*
- f. *No further accommodation is to be provided onsite without appropriate planning and building approvals in place.*
- g. *No further expansion will be approved on the site unless appropriate traffic management is in place with a southern entry point.”*

Resolution

100207

MOVED Cr Randell

Seconded Cr Delich

***“That Council advise the applicant that it supports the proposal as per Appendix A, as Stage 1 of the development of York as a primary grain receival centre subject to the following:***

- 1. A building licence being issued;***
- 2. Surface water management retention and reuse;***
- 3. Documentation that all land required for development is owned or under the control of Co-Operative Bulk Handling Pty Ltd;***
- 4. Show future southern road access and drainage on plans;***
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- 10. Any relevant noise regulations to be adhered to.***

**Advice Note:**

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- b. Condition 3 - This may refer to lease arrangements.**
- c. Condition 4 – Further stages of development will require an approved rail crossing and access to Great Southern Highway including slip lanes, stacking distances and other traffic management requirements.**
- d. Management of light spill needs to be considered when in operation eg. night.**
- e. It would be beneficial for CBH to make contact with the Avon Catchment Council regarding the discharge of water into the Avon River.**
- f. No further accommodation is to be provided onsite without appropriate planning and building approvals in place.**
- g. No further expansion will be approved on the site unless appropriate traffic management is in place with a southern entry point.”**
- h. The Proponent to advise Council within 6 months of how a southern entry system is to be implemented which relates to points c & g.**

**CARRIED (5-0)**

Reason

The Officer Recommendation was amended to include advice note “h” as a southern entry is vital to the long term development of the site.

9. OFFICER'S REPORTS  
9.1 DEVELOPMENT REPORTS  
9.1.9 PROPOSED DEVELOPMENT LOTS 1, 2 AND  
26 AVON TERRACE, YORK

FILE NO: AV 1.9411/9412 & MO 2.9413  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 12 FEBRUARY 2007  
LOCATION/ADDRESS: LOTS 1 & 2 AVON TERRACE & LOT 26  
MONGER STREET, YORK  
APPLICANT MR W POLIWKA  
SENIOR OFFICER R HOOPER - CEO  
REPORTING OFFICER T WOOLCOCK - SAO  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: NO  
DOCUMENTS TABLED: PLANS TO BE TABLED.

*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.*

**Summary:**

The applicant has requested that Council consider his Outline Development Plan for Lots 1, 2 and 26 Avon Terrace and Monger Streets, York.

**Background:**

Letter received from Mr Poliwka dated 2 February 2007

*"I submit the following in response to submissions received regards the above.*

*Background:*

- My family have been ratepayers in York for over twenty years. We have also lived in York during the mid to late seventies.*
- The particular block was purchased in the eighties.*
- Every year we revisit the site and examine if it is economically feasible to develop it.*
- In the last twelve months the economics of developing it to its full potential has improved to the extent that we believe that whilst it is marginal and with considerable risk, it is worthwhile.*
- We have already committed significant funds to the development by undertaking a full market analysis, and engaging the architect.*
- We have consulted with the relevant authorities in a preliminary services survey.*

*Response to submissions received:*

- Ficus tree – Whilst this is a large tree with extensive canopy and related large root structure it cannot be considered for retention.*

- *The tree is not indigenous to York and whilst there are numerous submissions on its 'iconic' status, these are not based in fact.*
- *I am not a tree destroyer and in fact plant numerous trees on my farm annually.*
- *I am not as has been suggested lodging the application with no intention to build. If the DA is approved, I will move with haste to have the necessary working drawings finalized and apply for a building licence.*
- *York's water level is not reliant on this ficus alone and if it is, the town is in dire need to address the fragility as it will die of old age at some point in time.*
- *The tree has served its purpose and is incompatible with the development of the site in a sensible way.*
- *There are a couple of planning issues raised from the neighbouring property. These are valid and the final working drawings will address the privacy issue raised.*

*General Supporting Observations:*

- *The style and quality of what is proposed is totally in keeping with the York theme.*
- *The specification and construction materials will compliment the street scope and existing buildings. It will become a significant feature of the Avon Terrace experience.*
- *We have designed and specified above the norm because I want to be proud of what is produced and it fulfils my passion for the site.*
- *It will provide an increase to the York Shire budget and assist with the economic base in a meaningful way.*
- *York must embrace sensible sustainable development.*

*Summary:*

- *We are genuine in our commitment to build a complex that sets a new high standard for York and one all ratepayers will upon its completion be proud of.*
- *We regret that a tree so admired must be removed, but without its removal the site cannot sustain a viable development. We have examined the option and cannot accommodate this tree's retention.*
- *I am confident that if the development is approved it will have the majority of the town's support upon its completion.*
- *I humbly request Council consider the application based upon sound planning, socio economic and commercial grounds."*

**Submission 1:**

*"I would like to highly commend Mr Poliwka for his development proposal for the old Royal Hotel site. Has he been encouraged to include the tree which is partly within his land title or informed of the huge groundswell of public opinion against the destruction of the tree?"*

*The tree that Mr Poliwka proposes to remove for his development has been a part of the historic streetscape of Avon Terrace for more than 50 years. It is not a Morton Bay Fig but a Ficus Hillii Macrocarpa, which does not have the same untidy habit and does not have the same root system as the Morton Bay Fig.*

*The removal of this tree will contravene Objective 5 – To ensure economic development does not conflict with York’s heritage, lifestyle and environment.*

*I ask the Shire Council to encourage Mr Poliwka to view the tree as an asset so that people of York will look favourably on his development. The Shire Council must be aware of the distress caused by the destruction of trees near Jah Roc. The destruction of the tree on Avon Terrace will cause more distress and reflect very badly on the Shire of York, in this era of great environmental concern...”*

*In response Council advised the following:*

*“Thank you for your correspondence of the 6<sup>th</sup> January 2007 which has been circulated to all Councillors.*

*The points raised in your correspondence are noted for the retention of the tree however these must be balanced against a persons right to develop freehold title privately owned land in accordance with the relevant land use zoning and the provisions of the Town Planning Scheme.*

*Council will need to consider the proposal strictly in accordance with planning law and the long term benefit to the community of a large scale investment which enhances the streetscape and supports economic sustainability.*

*The tree in question and those on privately owned land opposite Jah-Roc needs to be balanced between property and development rights, conservation values and planning laws and these will not always be compatible or complimentary.*

*Section 3.15 of the Shire of York Local Laws for Parking and Parking Facilities which came into effect on the 22<sup>nd</sup> February 2000 after relevant public consultation prohibits parking on private land without the consent of the owner.*

*The owner of lots 1, 2 & 26 will be advised of all submissions received on the development proposal however he has the right to develop the land to his best commercial advantage within the provisions of the Town Planning Scheme.*

*I have no doubt that Council will give this matter very serious consideration in the development application and approval / refusal process.*

*As advised to you previously if a local government refuses an application on other than planning grounds or sets conditions which are considered harsh or onerous the owner has a right of appeal to the State Administration Tribunal whose decision shall be binding on all parties.*

*Council acknowledges and appreciates your concerns about the potential loss of this tree which has been part of the Avon Terrace streetscape for a significant time.*

*The community has and will have a right to make submissions on the stages of this proposed development and all submissions will receive full and proper consideration.*

*I trust that this explains the position of Council...*

**Submission 2:**

*"We wish to request very strongly that all possible moves be taken to retain the large Ficus tree situation on the edge of the drain in Avon Terrace. The tree gives much needed shade over that part of the footpath and is a splash of much needed green to give a feeling of coolness to that end of the streetscape in summer.*

*Surely any decent architect could design shops and dwellings on the site that would incorporate the tree. I understand that the tree does not have an invasive root system and is not prone to shed branches.*

*The drain on which it stands, which would presumably have to be covered over before any development, could already provide a partial barrier to the roots getting into the current carpark site.*

*Does York need lots more shops and coffee houses? We already have some eateries that cannot afford to remain open every day of the week, and several empty shops in Avon Terrace...*

**Submission 3:**

*"I understand that the proposed development of these lots is so large that destruction of the trees will be necessary. Please do not permit this. Particularly do not permit destruction of the beautiful Ficus (fig) tree.*

*I ask that you order the development to be reduced to a size that will allow the trees especially the fig tree to continue to grow undisturbed."*

**Submission 4:**

*"Have just heard of the development proposed for Royal Hotel site (Cnr Avon Tce/South St). Wonderful – but please reconsider keeping the tree which is an important part of the streetscape and York's heritage."*

**Submission 5:**

*"In defence of the tree, we would like to say that it would be a tremendous loss to the town of York as a whole if it were removed. We would like to see the tree remain. It is very old and deserves respect as a living thing.*

*Avon Terrace has such tiny Tippuanas down the main street, it would be an utter shame to see the biggest and most wonderful tree on the main street (and in the whole town) removed for the sake of about 3 metres of dirt space.*

*What about the people who live in this town, must we live in a town where trees are removed for profit? There will be no large trees within a few years at the rate they are falling. (Take the large tree next to the kookaburra backpackers, the three large trees next to Jar-Roc and the row of large trees on Ford Street.) If the Town Planning Scheme allows landmark trees to be knocked down for financial gain – perhaps it is time for the scheme to be updated.*

*It's not fair to the trees or us who live in this town.*

*We have Heritage Listing for buildings, because you've got to respect and preserve them, but what about the old trees, older than any of us. This tree is on the boundary, it's not even in the middle of the block, surely it can be worked around and incorporated into the design, such as an under tree restaurant, or in a court yard. Imagine this new building with a beautiful big tree enhancing it, it will be the icing on the cake.*

*In the latest newspaper the Council is encouraging the residents to recycle Christmas cards, which would save thousands of trees, but they are about to okay the removal of one.*

*What about the environmental issues we are all facing: global warming, water restrictions, droughts, extreme weather, and a rise in Australia's temperature by .9 degrees which scientifically proves beyond all doubt we all need to back-pedal as fast as we can. Lets start with one tree, this one.*

*The following is a quote from "The Lorax" written by Dr. Suess in 1971*

*"At the very moment, we hear a loud whack!  
From outside in the fields came a sickening smack  
Of an axe on a tree. Then we heard the tree fall.  
The very last Truffula tree of them all!"*

*Please do everything in your power to encourage the developer to let the dear old tree stay."*

**Submission 6:**

*"It is of concern that I hear the above mentioned icon in Avon Terrace is at this time at risk of being cut down by developers.*

*Tree felling of old trees seems to be becoming a monotonous issue in York these days - it is about time a Tree Protection Policy was put in place and in a hurry.*

*This tree must reduce the water levels in that area dramatically – has anyone considered the consequence of the rising water table bringing with it the salt, or do we wait until it is too late. As salt is an issue within the Town and the Avon River I would have thought it would be more sensible to retain trees not chop them down, particularly one of this age.*

*The people of York love this tree – it has been part of the landscape in the main street for over 100 years.*

*I am aware that there are obviously people who want the development to go ahead, have these people signed a petition, if so, how many are there?*

*There should be no question - this tree should not be destroyed. I certainly do not want the tree puller arriving at 5 am to wrench the tree out unceremoniously, as has happened recently behind Jah Roc when three very old very large gum trees were rooted out for no apparent reason at 5 am.*

*As a member of the Commissioner Gavan Troy Environment group formed after the demise of the York Council, I recall we recommended that a Tree Preservation Policy be implemented for the Shire of York – it fell on deaf ears! In fact I feel with great sadness that very little of what our group worked so hard for has ever been taken into account - our time was in hindsight wasted.*

*It is somewhat ironical that in the latest edition of the York & Districts Community Matters paper the Shire of York in fact promoted that rate payers should re cycle Christmas Cards to help save trees.*

*It is perhaps pertinent for the Shire Councilors to step in and set an example here. Give the ratepayers a firm guarantee this tree has protection now and into the future before it is too late.*

*According to the Y & D C. M. plans are before Council for a development of the area that includes all or part of the land that the tree is on. Surely the Council can place conditions on the approval to ensure the owners incorporate the tree in the plans. If there are to be Restaurants, Cafes or shops the plans can be changed to have an alfresco type area under the tree, utilizing the shade and preserving this old tree.*

*I plead with all Councilors to ensure this tree is not destroyed have it heritage listed if necessary to give the tree protection.*

*Current Councilors were voted in with I believe enormous trust and faith being bestowed upon them by the largest turn out of voters ever. This trust and faith given because the ratepayers believed you would listen to the people of York.*

*I would ask again that the Shire of York Councilors urgently implement a Tree Protection Policy for the whole of the Shire of York, prior to final approval being given to the developers of this project.*

*Recall the Environment Group if you need assistance.*

*The Councilors of York have the power to ensure this tree is not destroyed, a tree that has taken one hundred or more years to grow – does that not count for something?*

*Just what do we tell the children of York when they see adults cutting down trees that have taken decades to grow? These children will inherit our mistakes.*



*Let's not leave them a concrete and tar town, because we failed to protect our trees.*

*As the Voice of York indicated that no Council meeting would be held during January 2007, unless some urgent matters arise - I would ask that this issue be deemed as "urgent" - make it the catalyst for a Shire Council meeting for this month January 2007, prior to any development plans being passed.*

*I would request being listed to address Council on this issue for January and at the Ratepayers Meeting."*

**Submission 7:**

*"I was shocked to hear of your decision that the ficus tree in Avon Terrace is to be cut down. I strongly object to this move. Please reconsider your decision before it is too late.*

*I felt ashamed to admit to living in York when talking to a tourist last week when they commented on how dirty our town is. Also the fact that a lot of attractions advertised are either shut or open late. They suggested our Councillors should go and check out ineligible.*

*Did you know on the Saturday before Xmas 2 tourist buses were in town and could not find a public toilet open neither the Town Hall or Avon Park.*

*The footpaths are a problem in York. I wrote to the Shire – enclosed are copies of my letters and also copies of the Shires response – Since then I have gone into the Shire and complained about the cars on footpaths and if the Councillors would walk – Wheelchair or gopher around the town they will see nothing has changed since writing my letters. The small sign of "No Parking" in front of the swimming pool is mostly ignored by car drivers. Smales Lane between the Castle and Chemist Shop is very unsafe to use."*

**Submission 8:**

*"The details supplied by the developer are very sketchy and the plan is on such a small scale as to make it difficult to objectively assess the proposal.*

*The removal of the Morton Bay Fig Tree is of great concern, not only to the Society but also to a number of residents that have contacted the committee. In today's social environment, where there is an emphasis on the preservation (or at the very least, the re-establishment) of vegetation, it would be a sad state of affairs if the tree was not retained.*

*There is no mention of how the drain is to be enclosed and what provisions are to be made for access for repairs and maintenance. The drain has been there for a long period of time and is an essential part of the Town's drainage network. If it has not been gazetted as an easement, it should have been and the Shire should immediately proceed to have it gazetted.*

*The York Society is not adverse to the development in Heritage Precincts and would judge any proposal on its merits, but it objects to this current proposal. As this proposal is so poorly presented, The Society considers it should be readvertised for public comment when the Building Application is received."*

**Submission 9:**

*"I wish to object to the above development being approved by the York Shire Council in its current form because of the plan requires the removal of the historic ficus tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus tree which is bordering the proposed development site.*

*This tree although on private property is without any doubt an icon of the Town and should be morally preserved for that fact alone.*

*The amount of water this tree would draw from the ground will cease if the tree is removed and this will cause the water table under the CBD to rise bringing with it salt that will affect many buildings in that immediate area – including the York Town Hall, which belongs to the people of York.*

*As a rate payer I do not want the Town Hall or any other historic buildings placed at risk because of bad planning.*

*I would ask that this tree be protected by the Shire Council. This can be done if Council stipulate approval on condition the plan be modified to incorporate the tree."*

**Submission 10:**

*" I understand that the large ficus in Avon Terrace, adjacent to the Smith's Shell Service is to be removed to allow building development. Is there a particularly good reason for this? The tree is very attractive, apparently does not drop its limbs and provides shade while adding a certain charm to that part of the street.*

*If it is possible, lets save this lovely tree, which I believe is indigenous to Australia and would be much admired and valued by most people, including tourist to our town."*

**Submission 11:**

*"I wish to object to the above development being approved by the York Shire Council in its current form because of the plan requires the removal of the historic ficus tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus tree which is bordering the proposed development site.*

*This tree although on private property is without any doubt an icon of the Town and should be morally preserved for that fact alone.*

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*I would ask that this tree be protected by the Shire Council. This can be done if Council stipulate approval on condition the plan be modified to incorporate the tree.”*

### **Submission 12**

*“I wish to object to the above development being approved by the York Shire Council in it’s current form because of the plan requires the removal of the historic ficus tree on the boundary line of the above development property.*

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*The amount of water this tree would draw from the ground will cease if the tree is removed and this will cause the water table under the CBD to rise bringing with it salt that will affect many buildings in that immediate area – including the York Town Hall, which belongs to the people of York.*

*As a ratepayer I do not want the Town Hall or any other historic buildings placed at risk because of bad planning.*

*I would ask that this tree be protected by the Shire Council. This can be done if Council stipulate approval on condition the plan be modified to incorporate the tree.”*

### **Submission 13:**

*“There are several good reasons for preserving this tree.*

- 1. Removal would very likely result in a rise in water table levels, which could have serious ramifications.*
- 2. There should be trees being planted not removed – any trees.*
- 3. This particular tree is an icon. It is very old, it is very beautiful and it is much admired, commented upon and photographed by visitors not to mention loved by the people of this town who, after all are your ratepayers.*

*Why not make a feature of it in any development plans – eg fig tree lane in Busselton.”*

**Submission 14:**

*“I wish to inform you of my objection to this proposed development due to the apparent need to remove the magnificent Ficus tree on the property.*

*I am not in any way against proper and sensible development in the Shire, but to remove such a beautiful, shady and icon feature of the Avon Terrace landscape would be shameful.*

*I ask that Council rejects the current proposal and negotiates a similar development that incorporates the tree.”*

**Submission 15:**

*“I wish to inform you of my objection to this proposed development due to the apparent need to remove the magnificent Ficus tree on the property.*

*I am not in any way against proper and sensible development in the Shire, but to remove such a beautiful, shady and icon feature of the Avon Terrace landscape would be shameful.*

*I ask that Council rejects the current proposal and negotiates a similar development that incorporates the tree.”*

**Submission 16:**

*“We, the undersigned, object very strongly to any removal of the ficus tree on the land adjoining the Shell Garage in Avon Tce. This is a landmark tree, 75 years old. It provides shade and beauty in the main street. Its removal, we believe, would amount to environmental vandalism and a sad loss to York. Any development on that property must ensure that the tree remains.”*

**Submission 17:**

*“We refer to the above proposed development considered by the York Shire Council at it’s 18 December 2006 meeting.*

*We note with alarm that the proposed development includes the removal of the fig tree on the south side of the creek that runs through the property. Whilst this tree may not be heritage listed or protected in any other way, it is, nether the less, a magnificent example of that particular species (which is not stated in the application, a Morton Bay Fig) and a significant part of the streetscape of Avon Terrace.*

*The South coast tourist town of Denmark has a shopping precinct built around a similar fig tree that is very attractive part of their main street.*

*As a general principle, the Wildflower Society considers development of the town must aim to retain as much of the existing vegetation as possible. We have all seen the "concrete jungle" style development in other towns. It is simply not the style of development that either residents or visitors want and expect in York. Indeed, many visitors have commented specifically on the fig tree in question.*

*We therefore oppose the development as proposed."*

**Submission 18:**

*"This is a letter to ask you to please save the ficus tree on Avon Tce. If it doesn't fit into a heritage situation, please save it any way for it's beauty alone. When we moved here 10 years ago it was one of the lovely attractions to York.*

*Thank you ahead of time."*

**Submission 19:**

*"Just to let you know as a ratepayer and citizen of York, I am very upset with the decision of Council on their decision to give permission to the developer of the Royal Hotel site to remove the significant tree near Smith's garage is a very bad decision. I think you will have a backlash from the community as a whole, as this tree is part of York's heritage and is a tourist attraction, it should as a significant tree be protected and put on the significant tree list.*

*Another thing, in the community paper in Council notes it said that the shops will be at ground level how can this be when the said is in the flood plain it should be built up to 600mm. In the eighties there was another proposal to develop the site but because of the height it had to be, it did not go ahead. The same applied with the block where the old toilets once stood, I believe one of the banks gave up the idea of building under the same circumstances. Royal Hotel site should abide by the same rules."*

**Submission 20:**

*"I have no objection to the proposed development for the Royal Hotel site on the corner of Avon Terrace and South Street.*

*I do have a very strong objection to the plan for destruction of the ficus tree on the edge of the site.*

*The Ficus Hillii is an Australian tree native to Queensland, a long established landmark, a magnificent tree and a thing of beauty in it's own right.*

*One of the icons in Avon Tce, well loved and admired by the residents of York and by visitors.*

*A good architect should be able to incorporate the ficus tree into the development plan.*

*Some years ago on Murray Street, Perth, a very large Morton Bay Fig tree was retained and incorporated into the plan for a new building on a site where an old building had been demolished. I ask each one of you to think again on this matter and reverse the decision to remove the tree. Please save our tree."*

**Submission 21:**

*"The townspeople had a very interesting meeting last night and we all have grave concerns over the fact that we might lose this incredible tree.*

*When you meet with the developer I do hope he can be persuaded to get his Architect to draw up new plans so the tree can be saved.*

*The tree is such a focal point of the town and would be sadly missed."*

**Submission 22:**

*"After hearing of Council's approval of the removal of the Ficus hillii (macrocarpa) to make way for a development, we would like to voice our opinion and strongly object to the removal of this tree on the following grounds:-*

- Council's blatant disregard of Objective 5 with regard to our Heritage lifestyle and environment.*
- This tree is a heritage icon. We should be preserving trees of this age and stature as so few of them are left.*
- It's ascetic beauty has been loved and admired by tourists and residents alike; many stopping to take photos of it.*
- It is a magnificent, healthy, shade giving oxygen-producing tree and has given pleasure to everyone for generations.*

*Also we would like to add,*

- We already have too many empty retail premises in the town centre which detract greatly from the good appearance of a small country town's main street.*
- What guarantee do we have that this development is not just a money making venture for the owner/investor to borrow against, leaving more empty buildings!*

*We are outraged that Council could even consider the removal of this tree.*

*We believe that Council should ensure that any development includes provision for the inclusion of the tree in its entirety. A suggestion could be to make it a feature in a courtyard."*

**Submission 23:**

*"It is with regret, that I am compelled to have to put pen to paper, to raise my objections to the fact that someone could be even thinking of felling the ficus tree in Avon Terrace.*

*York is the oldest inland town in Western Australia. That tree is York's living heritage, I consider it as big an icon as the Town Hall.*

*The person concerned must have taken leave of his senses. It would be a total act of vandalism."*

**Submission 24:**

*"We are disgusted at the thought of this beautiful tree being erased from the scenery. It is one of the things growing in a sightly fashion in York. This town needs positive publicity for tourist not negative."*

**Submission 25:**

*"I consider the large Ficus in Avon Terrace to be a most important part of our historic streetscape. I hope that Council will do everything in its power to protect it."*

**Submission 26:**

*"I wrote this letter because of concern I have over development planned for the corner of Avon Tce and South St.*

*My understanding is that for the development to ahead it's present form the Fig Tree on the Southern side would have to be removed.*

*I would not like to see the development lost as I think it is the start great things for York and Avon Tce. I also do not wish to see the Fig Tree removed as it has over the years become part of York. Obviously a compromise is needed, sometimes not easy to attain.*

*I am told that if the developer reduced the building by one unit the problem would go away, something he may not want to do. It this is the case then I would think some incentive would have to be negotiated. How this could be organised I don't know except that I see it would have to include some financial gain for the developer. This could only be achieved by the Shire, maybe even if it did create a precedent, by a reduction in development application fees or a reduction in Rates for a set number of years.*

*Another alternative may be to not build the end unit and to conceder it a "Phantom Unit" which the Shire would rent again for a set number of years. This way the Developer would not loose out as must and Avon Tce would not loose the fig tree.*

*I hope you are able to find some level playing field."*

**Submission 27:**

*"I wish to inform you of my objection to the removal of the Ficus Tree. The proposed development will be an to York and is in keeping with the historic town. Why cant the row of shops stop where the creek bed starts. Having part of the café out door area built over the creek and incorporate THE MAGNIFICENT FICAS TREE leaving the roots intact and drainage of that area intact.*

*The Council could buy the block owned by Mr Fisher for parking 'As parking will be needed with all the new buildings' and keep all the wonderful Gum Trees etc on the creek bed. It is an asset to York the creek and the trees.*

*I am not in any way against the development in the Shire, but to remove such a beautiful, shady and iconic feature of the Avon Terrace landscape would be shameful. The magnificent tree and creek bed and gum trees could easily be part of the development.*

*I ask that Council rejects the current proposal and negotiates a similar development that incorporates the tree and the creek and gum trees."*

**Submission 28:**

*"Regarding the above proposal, will the Council be giving special consideration to ensuring the large Ficus on the block?*

*It would surely be possible for the developer to design an attractive building and retain the tree.*

*I know this issue is of concern to many people in York and I hope you will give the matter your consideration."*

**Submission 29:**

*"I was unable to attend the meeting last night re: "The Tree".*

*I wish for you people not to even think about its removal for developments (one's putting money before local history). This tree is over 100 years of age, how dare one even think of its removal.*

*I work 3 days for N.T. and the number of both state, interstate and overseas visitors that ask quite frequently about its age and history. I take great pride in being able to tell them what history I know about this beautiful tree that I can remember and has been passed down through my family. So gentlemen, my vote NO leave it be as god has \_\_\_\_\_ this beautiful tree."*

**Submission 30:**

*"We fully object to the above development taking place in it's current form because the plan requires the removal of the "historic" ficus tree, which grows on the boundary line of the above development.*



*We ask that this approval be deferred so as to reach an agreement to ensure that this historic icon of York be kept from harm.*

*With the removal of the lovely old trees outside Jar Roc, surely suggests that anyone can do anything.*

*York is truly the cradle of Western Australian Agriculture” the Shires own words (your calendar 2006-2007). We ask that you respect this statement and work to keep the oldest inland town in Western Australia alive and preserved.*

*The grand old trees of York are paramount to our heritage and are not to be removed at any cost to enable a common concrete jungle to take place.”*

**Submission 31:**

*“Please receive via this letter my strong objection to the above proposal in its current form as it requires the removal of a large Ficus tree, which has historic value and as such has a significantly prominent place in our main streetscape.*

*Also I believe the location of the above tree may play a relative part in stabilizing the water table in this area, which contains a number of vulnerable historic buildings as they may suffer adverse affects by changing soil conditions, rising salt etc.*

*While fully realising that heritage and development/progress will always be a difficult partnership, I respectfully urge both parties involved to give careful consideration to an alternative solution. Hoping for a successful outcome to this current dilemma.”*

**Submission 32:**

*“I wish to congratulate all the Shire Councillors of York for having such a vibrant, educated, and motivated population to lead and be inspired by your decisions.*

*While speaking to a former councillor \_\_\_\_ this week she mentioned that at one time the Shire of York owned the parcel of land adjacent to the present proposed development is to take place on and sold it to a company for a development which did not eventuate. This particular development called for the removal of the ficus hillii Macrocarpa.*

*She said that the residents of the time did not object to the demise of the tree.*

*It should be noted that now; nearly all of the present residents who live in the district have chosen to live here and raise their families in a safe, secure and friendly atmosphere. Most residents are aware that State and Federal government are corrupt by omissions and they have very little control over who governs them in this area unless they live in a marginal seat.*

*However they do have control directly in their own Local Government and these new residents have no loyalty to pioneer names or who was big in their town 20 to 50 years ago. They expect their representatives to be well educated, have experience in business and be approachable within reason. They also expect their representatives*

*to have detailed knowledge of current environmental issues, a vision for their town and the willingness to share it with the residents, and the will to carry it out. They do know what they will accept from their local council and what they will reject at the ballot box.*

*I have contacted Mr. Kingsley Dixon Director of Science at Kings Park to seek a knowledgeable opinion on the amount of ground water this particular tree would consume over a day or for a measured period. This was to find out the amount of ground water that would be free to rise in the immediate vicinity which would certainly bring a salt solution to, or near the surface which in other towns does affect the foundations of their buildings.*

*The email to Kingsley Dixon follows on a separate page.*

*Dear Mr. Dixon,*

*I am enquiring if you would know how much water a mature ficus tree would take up from the ground in a day; or period of time. The ficus tree in York is about to be taken away and I thought that some facts about the good it does to the ground water levels would be a useful scientific fact to be in favour of retaining it. I have included a photo of the tree which we took yesterday to give you an idea of it's size. I obtained your email address from Walter and Adelphe King, I hope you do not mind this intrusion.*

*Reply  
Hi*

*I would guess that a tree of that size and with its tropical ancestry is probably using quite a deal of water - I would guess in the vicinity of 200 litres per day - a tonne each five days. But a guess I am afraid but probably not far off.*

*Hope you succeed in saving a useful piece of green space!*

*SAVE THE TREE MEETING January 17<sup>th</sup>. 2007*

*Notes taken and written and responsibility taken for them by David Paton*

*The meeting was opened by Mrs. Jan Casey who outlined the way the meeting was to be conducted and the aim of the meeting is to pool ideas and not to separate out any identity or organization to comments or ridicule.*

*All comments should be positive and only to relate to the tree in question.*

### **ATTENDANCE**

*Head count of more than 150 people in the hall and more spilling out onto the forecourt.*

*Mrs. Fleay*

*Spoke about the type of tree (ficus hillii Macrocarpa)*

*The roots of this type of tree are not invasive and they do not drop branches or leaves. They are used a street trees in other towns and some of them are planted on the Midland-Perth - Perth to Fremantle railway lines.*

## PETITIONS PRESENTED

*Roma Paton read out email correspondence from Kingsley Dixon from Kings Park who was consulted about the amount of water this particular tree would take out of the ground water table over a period of time. His reply was that because of the trees tropical origin it would be using up to 200 litres per day or 1 tonne per five days and the removal would be to the detriment of the surrounding buildings which could suffer from salt water taken up into the brickwork when the water table rose.*

*A second petition was presented to the meeting protesting about the development if it included the removal of this tree. Copies of two generic letters were left at the back of the hall for residents to sign and lodge with the Shire council.*

*Mention was made of approaches from residents bringing the matter to the Heritage Council. It was urged that concerned residents contact the council themselves to add weight to the argument of listing the tree as significant heritage value.*

## 100 YEAR FLOOD PLAIN

*Has the council taken into account of the development when built being engulfed by water from any extreme flooding from the Avon River as the land is on the flood plain?*

*A photograph was shown to Lee Carmichael of LJ's Café this morning showing a boy standing next to this tree which at that time was two metres high and the date on the photograph was 1904. (A conclusion was drawn that possibly the tree was planted as a gesture to mark the Federation of Australia.)*

*We know the tree is over 100 years old and can prove it.*

## COUNCIL VIEWS

*Cr. Tony Boyle spoke about retaining the tree and mentioned that he wanted this meeting to know that some councillors now agree the tree should stay.*

*He indicated that the Council would attempt to meet with the developer to try to have the plans modified so the tree can be retained.*

*Tony Boyle stated that the council must have a majority of four votes to challenge the removal of the tree or push for plans to be altered.*

*He requested all those present write to each Councillor asking them to protect the tree at all cost.*

*Cr. Fisher cannot vote because of his family's interest in the property adjoining.*

## COMMENTS FROM THE RESIDENTS.

- 1. Perhaps the developer may remove the tree and not go ahead with any development as has already happened in the block of land opposite JAH ROC. (not the same developer)*
- 2. Whether it is one tree or five trees we must stop any tree in the Shire of York being destroyed no matter what the cost.*
- 3. If any building is erected in the vicinity of the tree the roots must be protected from damage by trucks and fork lifts during the building process.*

4. To restrict the tree from being removed the land could be purchased by another person more sympathetic to this tree.
5. A previous Council refused an application by the co-owners of the tree to build an alfresco restaurant incorporating this tree. Why now is the present council approving a development which would result in the removal of the tree?
6. The Shire of York councillors now have a clear message from the people of York that they were elected to represent the views of the ratepayers and we want them to save the tree.
7. It was suggested a caveat be placed on the developer's property until the issue is resolved and the trees safety is guaranteed.

*I object to the present development as presently presented to the York Shire Council for the removal of the tree for the following reasons:-*

1. *Because of the degradation of the Avon Terrace streetscape;*
2. *The loss of this tree when it is used every day by residents and visitors for shade and shelter.*
3. *That removing this tree would add to the rise of salt laden water which would seep into nearby buildings.*
4. *This tree was planted before 1904,(when it was two metres high) this suggests that it was planted to mark the York residents Commemoration of the Federation of Australia and as such is an icon of National interest.*
5. *This tree has a life of more than 250 years so it is only half way through its life cycle.*
6. *Although the residents of York do not physically own this tree they regard it as their own and would condemn any body which decided the tree's demise.*
7. *There are better ways to use this mammoth of the forest for the benefit of everybody who views it or uses it for recreation than eliminating it.*
8. *The removal of this tree does not give the children of York any hope for their future if the people in power at this time do not resist adding to the greenhouse effect.*

*Thank you for giving me the opportunity to express my views about his matter, I would hope that all residents see a positive outcome to this development and are able to retain this tree complete in new plans that would take this concern of the residents into consideration."*

**Submission 33:**

*"The ficus macrocarpa Hillii tree on Avon Terrace is an important part of the York Streetscape.*

*It is indigenous to Australia, has been there for many decades, is beautiful and does not have invasive roots or drop limbs. Surely any proposed development adjacent to the tree would be enhanced by it's presence, therefore the safeguarding of its existence for all time is vital."*

**Submission 34:**

*"I read with interest in the local press the proposal to develop the above land into shops and residential units, with the proposed removal of the large Ficus tree next to Smith's Service Station. Whilst I am supportive of development in York, it seems to me that such a magnificent tree, which adds to the character of the town centre, would be sacrificed. This old tree is both a meeting place for tourists and generations of locals alike.*

*I would encourage the Shire to negotiate with the developers of the site to somehow incorporate the tree into their proposed development plan. Inclusion of this tree into their plans would, I think, be worth untold thousands of dollars in replacement landscaping and it's retention would ensure popular local support for this project.*

*I would not like to see in the main street of York an unsightly mess like that which has occurred in Railway Street opposite the rear of Jar Roc Cafe."*

**Submission 35:**

*"I refer to the controversy over the fate of the Ficus tree in York. This is a difficult issue for the community and Council because (i) the developer feels that if he owns the block he can decide about the tree, but the tree is not wholly his; and (ii) the community wants economic development in York, but many members believe passionately that environmental and heritage values should not be sacrificed to achieve this.*

*I am no bleating wrist-slitting environmentalist. Quite the contrary, I support planned, intelligent development, not the least because a more prosperous community is better able to look after the environment.*

*To my mind there are three key issues, which Council needs to consider in relation to the tree controversy:*

- 1. It is a large and lovely tree which adds to the beauty of the York Townsite and casts welcome summer shade in the York climate, cool dark shade must be assigned a premium value.*
- 2. The tree has historic and heritage value, which is irreplaceable in the short term. I estimate it to be >100 years old. York promotes itself as an historic precinct with a proud history in preserving its heritage, a philosophy which needs to be protected.*
- 3. It is proposed to develop the site into shops and residential apartments, however*
  - York does not need new shops. In the main street at the moment there are several empty shops and others that look seriously run-down, suggestive of unthrifty businesses; and*
  - York Has many undeveloped lots and more to come onto the market shortly. There is no pressing demand for more land for residential development.*

*My Recommendations are:*

1. Council should require the developer to adjust his plans so that the tree is retained and conserved. In other words, negotiate from the premise that the tree stays.
2. If he disagrees, Council should not approve the development. If it means an empty lot remains, we are no worse off than we are at the moment, and later a more appropriate development may be proposed.
3. The tree should be named (eg Balladong Tree) and its historic value recognised and the site (as far as possible) made attractive and interesting. A plaque should be erected celebrating the far reaching vision of Council in preserving the tree for the pleasure of future generations.
4. Some way of excising the tree and its immediate surrounds from both lots should be found and implemented, so that the tree falls under community ownership and management.

*I further recommend Council develop a register of Notable trees for the York Townsite, so that future controversies of this nature can be dealt with before things get so far down the track. This register could be appended to the existing register of built heritage. I am happy to volunteer to assist in the survey and development of a heritage tree list (trees are my professional expertise)."*

**Submission 36:**

*"I \_\_\_\_ of \_\_\_\_ would like to express my objection to the removal of the Ficus Hillii located at the above site.*

*This tree is an important part of the Avon Terrace streetscape and is one of the most beautiful, shady trees in the Shire of York with many locals and tourists stopping to take shelter under this tree whilst walking down the terrace.*

*York is an historical town; and the town precinct streetscape has been listed with the National Trust. How then can one of the oldest trees in the town site be cut down for the sake of development? I am not asking the Council to stop the development proceeding, just that the developer resubmit plans that incorporate the retention of this beautiful tree."*

**Submission 37:**

*"As a resident and ratepayer of the Shire of York I feel that the destruction of the Ficus tree in Avon Terrace should not proceed.*

*Whilst I am not against York going ahead I feel that the development of the town needs to proceed very carefully and in a way that does not take away the charm and character of a truly historical town so close to Perth.*

*Tourism plays a large part in the lives of many York Residents from volunteers at the Residency Museum and Visitors Centre to the many shops, restaurants and B & B's that cater to the tourist trade and also provide much needed employment for local residents.*

*The decisions that Council make will ultimately make or break us as a tourist destination and impact on the lives of those people who live here and who have invested time and money in this wonderful town. Without making York a user friendly place for tourists and day trippers to visit we could quite easily go the way of Beverly which is now just a shadow of its former glory.*

*Instead of decreasing trees in the main street I feel the council should be planting more to give Avon Terrace and the surrounding areas a cool leafy vista, which would add much to the streetscape and provide shade for both tourists and locals alike during our long hot summers.*

*Please reconsider your approval for the removal of the Ficus tree in Avon Terrace.”*

**Submission 38:**

*“As a ratepayer and resident of York I would like to register my disappointment that the Ficus Tree in Avon Terrace is to be removed as part of a development.*

*Much research has been carried out in the past few years regarding a vision for the town’s future. The Hames Sharley report gave a very interesting view of York’s future and obviously the site involved will play an important part in any development of the town centre.*

*Incorporating the tree in the design would seem to be in keeping with our vision for York. It is difficult modernising existing heritage buildings but a new development can get it right the first time and has the chance to add to York’s unique appeal.*

*I believe that incorporation not destruction is the way to proceed.”*

**Submission 39:**

*“I am writing to show my concern about recent development plans for the vacant land on the corner of Avon Tce and South St. The current plans would mean the loss of a most significant York icon, it’s beautiful, historic ficus tree.*

*Surely a feature could be made of its beauty by a clever architect and a suitable smaller development could still go ahead. As the tour buses park close by, some seating beneath the tree and a small park, so as to not disturb the root system of the tree, may be another alternative. Certainly there must be a compromise between “development at all cost” and York showing how we can keep our history, beauty and integrity in such matters. In closing I just beg that the Councillors we voted in will take note of the strong opinions expressed by the community and myself and see our wishes granted.”*

**Submission 40:**

*“The National Trust of Australia (WA) understands that the Shire of Ytork is considering a new commercial and residential development at lots 1 and 2 on Avon Terrace. The development application includes the removal of an historic tree which is partly on Lot 2 and the neighbouring Lot 3.*

*The Ficus Hillii, is believed to be over 100 years old and is highly valued by the local community.*

*York has been classified as an Historic Town by the National Trust and the conservation of trees and built structures which contribute to its rich cultural heritage should be a priority.*

*The National Trust supports the retention of this tree and asks that the Council consider all options to conserve it.*

*Naturally we can provide a tax deductibility should prospective donations be found.”*

**Submission 41:**

*“On behalf of the 95 members of the York Garden Club INC, I would like to voice our concern at the proposed removal of the Ficus Hillii macrocarpa to make room for a development on blocks 1, 2 and 26 Avon Terrace.*

*Why in this day and age of pollution and green house gas emission, depleted wildlife and birds, when we are actively encouraged to plant more trees and to preserve all existing ones, do developers and it would seem Councils have this slash and burn mentality. Look at the fate of the three trees adjacent to Jah Roc now lying uprooted and partially burned. A constant reminder to all who go past f there past magnificence.*

*The tree in question is in fact not a Morton bay fig as stated in the letter dated December 6<sup>th</sup> from the developer Mr W Poliwka, but a Ficus Hillii macrocarpa that does not have invasive roots, does not shed limbs and does not make a mess.*

*There seems to me to be no need for the removal of this beautiful specimen. We believe the tree is bisected by the boundary of the land to be developed and the adjacent land. This being the case it is not in a location that will affect any building plans for either site. The drain, also on the edge on edge of the land to be developed must surely impede Mr Poliwka plans for building to the boundary. In fact there must be some step back from the boundary that the law requires.*

*We fail to see why Mr Poliwka, at this early stage in planning cannot accommodate the tree, this way serving both his development, preserving the tree and keeping the residents of York happy.*

*This magnificent tree has been part of the York heritage streetscape for a very long time (since the turn of the 20<sup>th</sup> century). As our chosen representative and voice in Council we ask you that you study the proposal very seriously and vote to save the tree.”*

**Submission 42:**

*“There was a similar situation over a fig tree at Denmark WA, They solved it by building around it hence there is a fig tree café there with buildings in a square*



*around it, surely both owners could come to an agreement to beautify that corner with the tree left alone. You will never replace anything as beautiful as that tree.”*

**Submission 43:**

*“Thankyou for your reply, after further lengthy and detailed online searches into the benefits of keeping large trees, and the consequences of their removal, I have found the following very relevant (and non- emotive) points that apply to this tree in York. It is on all of these points that we object to the removal of the tree.*

- 1. Trees actively reduce annual cooling costs of surrounding buildings. They can make buildings up to 15 degrees cooler in summer. They do this not only by providing shade but by evaporating water in their leaves which lowers atmospheric temperature of that particular microclimate. The trees removal will increase average temperature of its area affecting not only the possible new development but all of the surrounding businesses air conditioning costs.*
- 2. Trees reduce noise pollution by acting as sound barriers – unlike buildings they are soft and detailed, they absorb the noise – buildings are hard and reflect noise bouncing it and amplifying it. Trees are much needed in any town site to reduce noise pollution. Removal of the tree could increase “noise” complaints for that area.*
- 3. Trees provide impact protection from downward fall of rain, and reduce storm run-off and the possibility of flooding. This particular tree probably also actively contributes to the control of flooding in that area of the town.*
- 4. Trees located along streets act as glare and reflection control for drivers making roads safer. When large trees are removed, glare increases, which can lead to an increase in traffic incidences. Please remember the tour buses park nearby.*
- 5. The death of one 70-year-old tree would return over three tons of carbon to the atmosphere further contributing to global warming. This tree, estimated at 100 years of age combined with its three large neighbours behind it are holding over 13.5 tonnes of carbon. It could be seen as an environmental obligation to protect the trees. To help you visualize this 13.5 tonnes, according to Victorian Govt. initiative ([www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au)) One party balloon can hold up to 50 grams of green house gasses. So these four trees (if destroyed) will release over 270,000 party balloons of carbon dioxide into the air.*
- 6. Trees improve water quality by slowing and filtering rain water before it reaches rivers – such as the Avon River, this trees removal could lead to pollutants entering the Avon River that the tree had been filtering out. (eg some farmers actually plant trees to clean the soil of toxins.)*
- 7. Tree roots stabilize soil and prevent erosion. Removing a tree of that size may very well create instability in the soil structure of the surrounding area. The roots not only hold the soil together, but in a tree of this size, they take up*

*a lot of space, or volume within ground space. If these roots are removed, not only will the soil become unstable because there is volume missing, but the roots that remain will rot or be eaten by termites decreasing their volume over a period of years, leading to hollows in the soil, which if compacted by development may shift and possibly lead to damage of foundations and roads.*

- 8. There may be an underground water course or pocket of water in the trees vicinity. If the tree is removed, the water may increase by the approximate 200 litres a day and also be able to move faster (if it is moving) causing sub surface erosion. If it is a pocket of water, the roots may be supporting the soil structure that is surrounding the water, so it does not collapse. Where is the tree getting 200 litres per day? There must be water near it.*
- 9. Huge and healthy trees like this one, with such massive root systems, may send hundreds of suckers up after its removal in an attempt to stay alive. These suckers could come up anywhere that there are roots, they could even come up in the road. Which would lead to costly repairs.*

*Please don't underestimate the possible severe impact that removal of such large trees in a built up area can have on the soil, the ground water, surrounding buildings and humans.*

*All of these points are more than enough reasons to keep the tree, and on more of a heritage reason:*

*It was mentioned at the meeting in the Anglican Church on the 17<sup>th</sup> January that there is a photo of a man standing next to the tree in 1904 and that the tree is six feet tall. My question is WHY would a man have his photo taken next to a tree a photo in 1904 was not an easy thing to take or develop, they were costly and not many people had cameras, so people only took them on special occasions or for special reasons. What was so special about this tree that a man had his photo taken standing beside it. I have researched and found that in 1901, the Duke and Duchess of Cornwall and York toured All major settlements in Australia (except NT). The Duke later became King George the 5<sup>th</sup>. I feel it is important to research further as the tree may have in fact been planted in honour of his visit – possibly even during a ceremony. So before the tree is destroyed, place immediate temporary protection on it, and research the history of this tree, it is of obvious heritage importance.*

*If all of these reasons aren't enough – it is our understanding that the York town site, and therefore this tree, are protected by the National Trust, and that it's the York Shire's responsibility to approach the National Trust on such issues when development plans ( that incorporate the removal of trees) are first presented.*

*We believe that the York Shire has more than enough non-emotive reasons to keep this tree (and all town site trees for that matter).*

*Here is our suggestion on how to keep the tree and the development, why not simply redo the property boundaries around the tree – making it a small 100 m sq*

*block (approx) and buy back that newly marked small bit of land from the developer and the other 'half owner' of the tree. Then make the new small tree area into a park for the people of York who very clearly feel this tree belongs to the town. Or better yet – buy back the entire strip of trees for shady angled parking \_which is always desired).*

*Please work around the trees. Incorporating them into the development's design can keep everyone satisfied."*

**Submission 44:**

*"I \_\_\_\_\_ of \_\_\_\_\_ would like to express my objection to the removal of the Ficu Hillii located at the above site.*

*This tree is an important part of the Avon Terrace streetscape and is one of the most beautiful, shady trees in the Shire of York with many locals and tourist stopping to take shelter under this tree whilst walking down the terrace.*

*York is an historical town; and the town precinct streetscape has been listed with the National Trust. How then can one of the oldest trees in the town site be cut down for the sake of development? I am not asking Council to stop the development p[roceeding, just that the developer resubmit plans that incorporate the retention of this tree."*

**Submission 45:**

*"It is my understanding that a building proposal at present before Council, if approved, will include the felling of the ficus tree on the site in question. It would appear that this tree was planted in the first decade of the last century, and as such, in a town aspiring to be of "Historical Significance", should have automatic protection from destruction.*

*At the tree exists, and is of such unique nature, there is an implied reason for the architect to take advantage of its presence.*

*The Heritage Council is at present considering registering the CBD of Avon Terrace as an "Historic Precinct". Thus this tree should be considered as an integral part of the streetscape under consideration.*

*There are many precedents where building design has accommodated a tree of historical or aesthetic importance. One that comes to mind is in the heart of Perth CBD. Perhaps thirty years ago a tree besides the "Cloisters" building was incorporated into the design of the adjacent office building.*

*A wise sage once said "the best architecture is often boume from overcoming a restraint".*

**Submission 46:**

*"We are glad to hear of the proposed development on the corner lots of Avon Tce and South St, but feel regret that Mr Poliwka, had no regard for the environment,*

*when instructing those who were to draw up the plans. We along with many others from the community of York feel this is not the example to be setting to the younger generation. As the coordinator of the Garden Festival I feel sickened to see the trees coming down around us. When we are working so hard to beautify York and others in power are working against us for the sake of development. Why our Council doesn't fight for our trees is beyond us. We have travelled all over Australia, (One trip recently) and have discovered many towns standing up for what is most Australian, Our trees and our heritage.*

*The Towns that are doing this are getting many more tourists because we feel we have to support them, as a community for their foresight.*

*On Sunday we visited Toodyay with 4 South Australians who said the difference was amazing and it was the greenery that did it. York looked hotter. They were shocked to hear of the plight of our tree.*

*We ask Council to approach Mr Poliwka with the view to use this tree, as an asset to his development, There are other Councils who have found solutions to this same problem and we hope you also seek to do so."*

**Submission 47:**

*"I am writing to ask that the Shire Council do all it can in its power to stop the removal of the big Ficus Tree at Lots 1, 2 and 26 Avon Terrace, York.*

*This tree is an icon of our town and whereas such a large tree might not be suitable in the Main Street of a town, York is not just your average town.*

*York is unique in being the oldest inland town in WA and an historical town with the town precinct streetscape being listed with the National Trust.*

*I hope the Shire Council does not lose sight of the "uniqueness" of York especially in the light of the "develop at all cost" climate, which seems to be prevailing at present.*

*The heritage of York is being eroded at an alarming rate. Please help to halt this. Save the Tree."*

**Submission 48:**

*"Please, please use your best efforts to save the Ficus tree on Avon Terrace. Visitors to town look up to it and wonder at its beauty. What will they see if it is killed? Shiny new flats, shops and offices. Tourists don't come to York to see that. Investors and developers can make new buildings but only god can make a tree."*

**Submission 49:**

*"Please save the Ficus tree. Is the Council so out of touch with the community that they don't know how we love that wonderous old tree. And who wants more shops in town. A survey of shopkeepers shows that they are struggling to keep afloat and*

*there are several empty shops in Avon Tce anyway. Don't bow to developers; insist their architects incorporate the tree in their landscaping."*

**Submission 50:**

*"Please use your best efforts to save the Ficus tree on Avon Tce. I can't understand anyone voting to kill that beautiful tree. What is its crime? If you go ahead with its destruction please make sure it at least gets a fair trial. If you don't save it, you and fellow Council members will go down in history as killers of an iconic wondrous landmark. After all you rule the town. Insist on the tree being incorporated in any landscaping by developers."*

**Submission 51:**

*"Please use your best efforts to save the Ficus tree on Avon Tce. I can't understand anyone voting to kill that beautiful tree. What is its crime? If you go ahead with its destruction please make sure it at least gets a fair trial. If you don't save it, you and fellow Council members will go down in history as killers of an iconic wondrous landmark. After all you rule the town. Insist on the tree being incorporated in any landscaping by developers."*

**Submission 52:**

*"I wish to object to the above development being approved by the York Shire Council in its current form because the plan requires the removal of the historic ficus tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus tree which is bordering the proposed development site.*

*This tree although on private property is without any doubt an icon of the town and should be morally preserved for that fact alone.*

*The amount of water this tree would draw from the ground will cease if the tree is removed and will cause the water table under the CBD to rise bringing with it salt that will affect many buildings in that immediate area. Including the York Town Hall which belongs to the people of York.*

*As a rate payer I do not see the Town Hall or any other historic buildings placed at risk because of bad planning.*

*I would ask that this tree be protected by the Shire Council. This can be done if Council stipulate approval on condition the plan be modified to incorporate the tree."*

**Submission 53:**

*"Please be advised that I \_\_\_\_\_ and my family, wish to strongly protest the plan to pull down the large Ficus Hillii in Avon Terrace, York."*

**Submission 54:**

*"I am going to make a suggestion that will satisfy everyone concerned in this hot debate.*

- 1. Council does not issue a building permit for the present plans submitted.*
- 2. Council recommends that the present plans be redrawn to accommodate the Ficus Tree in the overall beautifying of the premises.*

*This way the tree stays and the proposed premises has a built in Tourist attraction."*

**Submission 55:**

*"Reference Schedule 2, York Town Planning Scheme No. 2, Notice of Public Advertisement of Development Proposal – Lots 1, 2 and 26; we raise the following objections-*

- The tree in question (a Moreton Bay Fig), is a significant landmark in the main street of York that has historical, environmental and aesthetic value.*
- We would support any move to have it heritage listed and would oppose removal or heavy pruning.*
- We believe it is possible for the proponent to modify the design so that the tree could not only be saved but could enhance the landscaping of the proposal.*
- In fact if the setback was large enough to include the tree, then there is an opportunity for Alfresco dining etc. Trees are always cooler to sit under than any form of artificial shading.*
- Perhaps Council could negotiate on the matter of parking in order to show good faith with the proponent.*
- Council could also possibly purchase the adjoining block (that has half of the tree) and then ensure its preservation.*

*There has been significant interest from our members and we have been contacted by many non members who are residents of the York Shire. Unfortunately our efforts to contact the proponent have been unsuccessful. We are hoping that after discussion with him, a win-win proposal would emerge.*

*It is not our intention to oppose any development as this is a commercial decision for the proponent(s). Any development however must be in keeping with the historical and environmental values of the citizens of York."*

**Submission 56: - Standard Letter Signed by 142 Residents**

*"I wish to object to the above development being approved by the York Shire Council in its current form because the plan requires the removal of the historic ficus tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus tree which is bordering the proposed development site.*

*This tree although on private property is without any doubt an icon of the town and should be morally preserved for that fact alone.*

*The amount of water this tree would draw from the ground will cease if the tree is removed and will cause the water table under the CBD to rise bringing with it salt that will affect many buildings in that immediate area. Including the York Town Hall which belongs to the people of York.*

*As a rate payer I do not the Town Hall or any other historic buildings placed at risk because of bad planning.*

*I would ask that this tree be protected by the Shire Council. This can be done if Council stipulate approval on condition the plan be modified to incorporate the tree.”*

The following comments were made in addition at the bottom of the standard letter.

1. Aged 9 years
2. Unbelievable that our Councillors would even consider doing this.
3. It would be a shame to cut down this tree, try and develop around it.
4. Hi I'm 12 years old. I used to live here and when I think of York I think of that tree. Towns are growing and it needs to stay there for younger ages.
5. Need more trees, not less and more shade.
6. We need more trees, not knocking them down.
7. We need more trees, not empty buildings.
8. This tree is history and should stay where it is.
9. It will be disastrous to lose our beautiful tree, a total disaster.
10. because it has been there for years
11. –
12. Listen to Tony Boyle.
13. Leave our tree alone; it was here long before you.
14. I agree with Tony Boyle.
15. Why cut down a lovely tree that has taken so long to grow.
16. It's morally wrong to cut down such a beautiful tree if it can be retained.
17. A tree that is so beautiful and so old should be considered a national treasure and treated as such.
18. We have already lost the big gums near Jah Roc – We don't need to lose any more.
19. We need all the shade we can get, and it doesn't grow instantly.
20. Leave, these belong to us.
21. –
22. Only tree in town that provides so much shade and is frequently used.
23. Don't touch the tree it is big and green.
24. Development is possible around the tree and most people would agree that the tree would be a benefit and a positive to any development.
25. Respect our environment, especially our trees.
26. An important part of York Heritage.
27. A compromise can surely be agreed upon, look after what we've got.

28. Leave the tree, it is beautiful.
29. The tree must remain.
30. Save them, we need them.
31. Clever building planning could save this tree, i.e. curved walls, one-way traffic.
32. A beautiful shady old tree should be kept.
33. Beautiful tree and save that tree for York people.
34. The tree is an icon and should be built around.
35. There is no reason to knock this old tree down. Amend the plans to build around it.
36. Too lovely to destroy.
37. Its been there ages and it is as old as York itself.
38. Save this beautiful historic tree at any cost, I'm not old.
39. You can build a building, you can't build a tree.
40. Save the tree, we need the shade.
41. Tree is historical and is such a beautiful tree, I care
42. Please save tree.
43. Silly to destroy such a old tree.
44. Don't touch that tree.
45. It would be such a shame.
46. How devastating if the tree goes. It is just beautiful and makes a huge impact for the beauty of the main street and this gorgeous town.
47. Save the tree.
48. Don't cut down our tree.
49. No need to remove such a beautiful tree.
50. Do not cut this tree down.
51. If this tree is not saved it will be an appalling disgrace to the Council and the whole of York – back to the future.
52. There is no good reason to lose this tree.
53. To big, to beautiful and to old to be lopped.
54. Trees take to long to grown, work around it.
55. Trees are not protected enough – please save more trees.
56. This tree has a right to be there.
57. What else are you going to do to upset us Yorky's
58. No submission listed – Number left out
59. –
60. Please don't destroy this beautiful tree.
61. Keep it.
62. You cant possible seriously be intending to do this, Save the tree.
63. Change building plans so tree can stay.
64. Trees are priceless, protect the tree, protect the town scenery.
65. It can be done as they saved a big fig tree in Busselton and build around it which a great tourist attraction.
66. Play in band here.
67. –
68. Too many trees are being destroyed, this tree is the only decent tree in Avon Terrace. Doesn't the Council read the newspapers on environmental disasters.
69. –
70. Why destroy such a beautiful tree.



71. This tree is an important part of York's heritage with current global warming, trees like this one will not grow again. The tree is irreplaceable.
72. Only tree for shade and so old it's a landmark, we need trees.
73. Leave the tree to grow as the town shall grow.
74. It's a beautiful tree, it deserves to live.
75. A beautiful tree should not be cut down.
76. Leave alone and keep some semblance of a country atmosphere, its York's great asset.
77. Please consider the importance of keeping York's heritage protected and long term impact of establishing this as a precedent for future destruction of what makes York and it's historic value to WA and Australia so precious.
78. This tree should stay it is a beautiful tree and a streetscape beauty to York.
79. The tree has been there too long and deserves to stay.
80. Save this tree.
81. This tree is the first icon you see as you come into York, if you knock it down it would be very hollow in the street.
82. The tree must definitely be saved.
83. –
84. An Icon
85. I do not believe that a tree of such heritage should be destroyed in the name of development.
86. This tree is an "Icon" of York, it needs to stay.
87. Please save our trees.
88. It is unbelievable that it is even being considered to remove the tree.
89. Please save this beautiful tree, which greets all visitors as they enter York.
90. This tree was the reason I moved to York, what it represented about York swayed me to move here. To chop it down will make York just like all the other small towns who get taken over by developers who don't care. We care.
91. To remove or destroy this wonderful tree would be an act of "vandalism and heritage destroyed" Shame to all who vote yes.
92. Please leave the tree alone I beg you.
93. My wife and her sister and brothers played on this tree. Be a shame to cut it down.
94. This tree is a icon to our Balladong Noongar people our old people used to sit under this tree as a shade this tree is special to our Balladong Noongar people. We even parked our horses there.
95. Plenty of empty buildings in York main street.
96. Be a shame to lose such an old growth tree.
97. This tree has been a landmark for York for approximately the past 100 years and would be a huge loss for the historical town of York.
98. A decision taken by Council without community consultation.
99. My 8 yo daughters comment: They can't cut it down – that's my favourite tree in York! All the kids love that tree!! Does the developer live in York? Put local Communities interest before profit.
100. Prune tree to keep roots under control from foundations.

101. Lots of other area, and it is a bit of history and that's what York is all about.
102. –
103. Leave it.
104. –
105. Please give the owners of the land some dispensation and reward to keep the tree.
106. Leave our history alone!!!! Another icon threatened!!!
107. Tree must stay. York icon.

The following comments were made in addition at the bottom of the standard letter by visitors.

1. Keep our trees for our kids. Look at something else to destroy not trees!
2. I love to shade under this tree.
3. Keep the tree.
4. I'm sure the bottom limbs can be cut to allow development of the private property occur remaining the tree and heritage.
5. –
6. Such a beautiful tree should be saved from development.
7. I believe in progress, but not to the exclusion of all else. Leave the tree alone.
8. –
9. The bigger the tree, the better kept the old style look in York.
10. It is much a part of York as the Court House. We all want to live as long and healthy as possible, the tree should be the same.
11. Because you are all stupid!
12. Leave as is.
13. Trees like this should be kept where they are.
14. We need all trees for clean air.
15. Environmentally it is a tragedy.
16. Leave the tree be.
17. This tree has earned its citizenship!!! Is this how you treat the locals!!! Its not just people who are Australian!!!
18. "Leave the tree".
19. Need to save the tree.
20. Lets save our trees not cut them down.
21. –
22. Tree should be kept – no tree = no Business? Chop at your peril.
23. Trees are considerable part of our heritage please consider the community value of this tree and develop on consideration.
24. It will be a huge shame if York was to lose such a beautiful tree.
25. This Ficus does not belong to any individual, it belongs to the town of York. It is living history and obviously unique. Your land, our world. Incredibly short sighted if it is destroyed.
26. As a frequent visitor to York I am greatly disappointed that the development of pseudo early buildings at the expense of reminder of the towns history.
27. As a visitor the tree is heritage and as possible residents would prefer the tree to stay.
28. After 100 or so years let it rest in peace (please).

29. This ficus hillii tree and all other trees in the area should be retained as they seem to be on a flood way to protect the streets and town. I may only be a visitor these days but I was born in York 70 years go and still have family living here.
30. Please leave the tree.
31. Keep it. Part of the town.
32. –
33. To nice to remove.
34. Definitely too magnificent a tree to cut down.
35. If you Heritage list a building, why not a tree that's been here longer. I lived in M/R for many years and seen what so called progress can do to a small town. It used to be a stunning pretty town, York still is. Don't be fooled. This tree is a asset to this town.

**Submission 57:**

*"I would like to point out to you that having a Ficus Tree more than 100 years of age as a feature in a development is an advantage to you, not a hindrance. As the scriptures say when your having a war, a tree is not your enemy. It's a pity the Americans didn't read a book that so many of them claim to follow.*

*The Scum heap that raped this country when they first came here did one decent thing. They grew a Ficus tree, why destroy the only decent thing they left behind for real people. It is to your advantage to keep it as a feature and possibly make the creek as a feature too. What more can I say. You'll sell units easier with it than without it."*

**Submission 58:**

*"I \_\_\_\_\_ of \_\_\_\_\_ would like to express my objection to the removal of the Ficus Hillii located at the above site.*

*I am not saying stop the development, but please request the developer to resubmit plans that incorporate the tree, as previously submitted plans did. Even though the then Council rejected them.*

*York is an historical town and the tree in question is considered by the Heritage Council of WA to be part of the York Town Centre Precinct.*

*How can it be even contemplated hat one of the oldest trees in the town site should be removed, just for the sake of development and monetary gain?*

*This tree is an important part of the Avon Terrace streetscape and is a most beautiful, shady tree. It makes a great impression from whatever angle you approach it. It stands out from its surroundings. It would be an asset if incorporated as part of the new proposed development. It should be preserved.*

*Perhaps by doing endeavouring to do this, the current council would then earn themselves some brownie points with York residents and ratepayers."*

**Submission 59:**

*"I \_\_\_\_\_ would like to express my objection to the above development being approved by the York Shire Council in its current form, because the plan requires the removal of the historic ficus tree that is located on the boundary line of the above development property.*

*I would ask that approval be deferred until an alternative/ compromise can perhaps be found that would ensure that the tree in question would not be removed.*

*Although the tree is on private property it is without doubt a landmark in the town, to both residents and visitors alike. There must be thousands of photographs around the world that have been taken of this tree.*

*Removing this tree and others in the Town Centre Precinct would affect the water table beneath the CBD. This would be to the detriment of all old buildings in that area, particularly York Town Hall, which belongs to the People of York.*

*As a rate payer and fairly long time resident of York I do not want the York Town Hall or anyother historic buildings to be liable to deterioration because of the removal of this grand old tree.*

*If it is preserved and incorporated into an alternative plan it would be an asset and something for the people of York to be proud of. It should be preserved."*

**Submission 60:**

*"Please protect our favourite tree. It is the biggest and shadiest tree in York. There is not enough shade as it is. We are serious, so please don't cut down the tree."*

**Submission 61:**

*"I wish to object to the above development being approved by the York Shire Council in it's current form because the plan requires the removal of the 100 + year old ficus Hillii tree on the boundary line of the above mentioned property lines.*

*As representatives of the voting ratepayers of the Shire I ask, no plead, that you reject the proposal by the developer as it stands and ask him to adjust the plans so as to include this icon of the town to suit his proposed plans and give some natural aesthetic value to the proposed buildings.*

*I have lived in York for 10 years now and have seen 14 mature trees destroyed in the name of progress, 11 of which were felled in the light industrial area all within 150 metres of each other, when a little change to building plans could have saved them and retained shade, coolness, keeping salinity in check and above all, roosting trees for the wild birdlife in the district.*

*It sickens me to see on the GWN news this developer dictate to Councillors and ratepayers of York that they need an injection of business in the town to sustain it and then say It's only a tree. There are at least 4 vacant shops in the main street of town for any future business so why not utilise what we have already got.*

*I realise that this is private property and it is his tree, but to me and others in this town its part of the historical streetscape and a place for the townspeople and tourists alike to sit and park under on hot days and shelter from rain when we get it, so morally the tree should be preserved and registered as a tree of significance as it is 104 years old. I would ask that this tree be protected by the Shire Council and that the Shire stipulate 'approval on condition the plan be modified to incorporate the tree'."*

**Submission 62:**

*"I am writing out of deep concern for the future of York's Heritage, the heritage that gives the town so much of its value.*

*A step in which there is no going back would be to destroy the beautiful old ficus tree in Avon Terrace. The tree adds a lot of charm of the main street and this old charm is what tourists and residents seek.*

*Consider the gradual drying out of our land that is happening now from the effects of global warming. Shade giving trees like the Ficus will not grow again. The tree is irreplaceable.*

*It is sad when unbridled greed and ignorance of or complete disregard of the value of heritage are coupled with power. The power to destroy the character of a town, even against the wishes of its inhabitants and ratepayers.*

*Please think again before acting to destroy York's tree."*

**Submission 63:**

*"I wish to point out glaring errors and omissions on File No Av1.9411-9413 in the agenda items which the Shire Councillors voted on to proceed to development of Lots 1, 2 and 26 Avon Terrace, York.*

*I believe that this vote to proceed to advertising is therefore invalid for the following reasons.*

*1. Social Implications*

*The Report states nil implications when in the short time since the proposal has been advertised many hundreds of residents and tourist believe that their life will be poorer if the development goes ahead as presented.*

*2. Environmental Implications.*

*The Morton Bay Fig Tree is completely wrongly named as it is a ficus Hillii Macrocarpa. As the Council was not informed of the correct species at the meeting then they were voting on a wrong assumption. The ficus Hillii Macrocarpa straddles two properties: one is the developers and the other is owned by a resident ratepayer. There was no documentation from the resident ratepayer presented at this particular meeting to the Shire of York to give permission to remove or interfere with this particular tree. You would be aware that if one half of the tree is taken away on the*

*development side then in all probability the other half on the resident ratepayers property will die.*

*The Shire Council has no permission in writing presented to the councillors at this meeting that the resident ratepayer gave any such permission to interfere with this half of the tree.*

*The agenda states under Environmental Implications that environmental implications will e further expanded when the development is advertised. No environmental implications were published in the advertisement.*

### *3.Economic Implications*

*The report states that commercial and residential development in the Town will enhance CBD development. This is a pie in the sky statement and has no basis in fact as it applies to York without intense and further study as to the repercussions of more shops selling almost the same things as existing shops in the town.*

*We have an example recently of the closure of the Mini Mart. Although the proprietors worked extremely hard at trying to make a success of their business they were forced to close because of competition not only from shops in the town but our population also shops out of town and drains our local economy this way. We now have another empty shop in our town which is extremely hard to fill; just ask the owner of this property.*

### *4.*

*There is no mention in the agenda of the amount of capital cost of the development to inform councillors and citizens of York what the Total investment would be; or for that matter how much rates the property is expected to bring when completed. This would be vital information to all Councillors and the community, to be completely informed.*

### *5. Strategic Implications*

*The agenda states: The preliminary advertising results in an informed community. This was clearly not carried out to the spirit of the meaning of this statement and left most of the community struggling with all of the ramifications of this development.*

*So it is for these reasons I present the case that the vote to advertise this particular development was flawed and the vote taken was invalid and should be set aside and rescheduled for a later Council Meeting.”*

### **Submission 64:**

*“I have enclosed a copy of an email that came my way, this information appears to contradict what we are being told. That is the Shire has no control over the ficus Hillii because it is on private land.*

*This information clearly advises that the Shire can enforce the retention of the tree if it is found to be of great significance to the town, this will only happen if you are prepared to commission a heritage assessment on the tree from experts.*

*As the final paragraph states – The Shire appears to have the power to ensure the tree is conserved – it is more a case of willpower and support for Heritage Values.*

*It should be noted for those who do not know. We would not have a residency museum in the Shire of York had a very dignified local lady who put up a fight many years ago. She in fact stood in front of bulldozers to prevent them moving to destroy the building. That was a Miss Esmæ Marwick, the then owner of Laurelvile.*

*An ill informed group back then would have seen that historic buildings go, all in the name of progress. Development does not necessarily mean progress. York has the Residency Museum, thanks to Miss Marwick defying and fighting those in power who felt the building had no historic value for the people of Western Australia. Those in power at the time were clearly wrong in their assessment.*

*I would formally ask Council to commission the National Trust Australia (WA), to come and assess this Ficus Hillii tree fairly. Let an expert look at the tree and report to the people of York Publicly.*

*I would ask that this be done before any further decisions are made that could seal the fate of this tree. If you all are so very sure that this tree has no historic value, then there is nothing for you to be worried about. Simply have it confirmed to the people of York by experts in this field from the National Trust of Australia.*

*Would it not be better to do this, than have a Chief Executive Officer and six Councillors run the risk of going down in the History of York as being seen by the residents as directly responsible for destroying something of great historic value to the area. Believe me that is what will happen, you will not be remembered for the positive aspect of the lovely new buildings in town, but rather as those who destroyed the 104 year old Ficus Hillii tree in Avon Terrace the people of York love.*

*It is a tragedy that in the year 2007, with global warming already impacting on us all, the human race still finds it more difficult to save a tree than to rip one out. Global warming is not some one else's problem, it is ours, the effects are already being felt here in York.*

*Why not make a stand just like our Miss Esmæ Marwick, save this tree for the people of York and Western Australia. Generations to come will thank you for it.*

*I again reiterate, I have no objection to the development, in fact I think it is very nice, I just ask that the plans be altered to ensure the tree in question is protected.”*

**Submission 65:**

*“I strongly object to the tree planted by the pioneers of York to be destroyed by a development facing Avon Tce.*

*Surely the development can incorporate this tree by redesigning their development. The Town of York is an historic precinct that should be preserved at all cost even if it means developers in their submission are controlled by Council to preserve historical heritage, on behalf of the people. Furthermore this is why we have tourists visit York*

*in the first place. The Council of York need to have a good hard look at what is going on and to preserve what little is left of this town for future generations.*

*(ie) eye sore unit development next to Council Offices. Future two storey development Macartney Street looks like down town Joondalup.”*

**Submission 66:**

*“I am writing to lodge my objection to stop building development from happening or at the very least conditions placed upon the developer to stop the National Trust Ficus tree on Avon Terrace being removed.*

*I object to the Shire of York and the York Councillors supporting the new development proposal in Avon Terrace, York of 8 retail and 9 residential units from being built at the cost of removing this historical and Nation Trust Listed Ficus Tree in York.*

*Whilst I have no objection to development going ahead in York I do object that it is at the cost to the National Trust Heritage listed tree.*

*Submitted for you to reconsider this development proposal.”*

**Submission 67:**

*“The above development was an agenda item at the 18 December 2006 Council meeting and passed without amendment. Also tabled at the same meeting was a development plan (9.5.2) for 2 stone Terrace Houses at 2 Broome Street, York. Both developments are within a Heritage, but there are inconsistencies not only in the way that the applications have been processed but the documentation available to ratepayers.*

*There are three main areas of concern: firstly the total lack of consultation; secondly the omission of relevant information and thirdly the assumption the project will be of benefit to the town. In 2006 the Shire accepted the Hames Sharley, Town Centre Outline Development Plan and Report (tabled at the Ordinary Council Meeting on 6 March 2006). This report advises that any development within a Heritage precinct are should be referred to the Heritage Council of WA and more importantly, any development within the Avon River flood fringe are to be referred to the Waters and Rivers Commission and they shall not be approved unless in accordance with the recommendations of the Commission (Hames Sharman report p. 59). The agenda and minutes of the November meeting state under comments and Consultation that only Mr Poliwka, who has a vested interest in the development proceeding was contacted. In comparison development plan 9.5.2 gives a list of contacts including the Heritage Council.*

*Members of the public attending the November Council meeting advise that no amendments were made, and the Minutes of the above meeting make no mention of any amendment. However Objective 5. To ensure economic development does not conflict with York’s heritage, Lifestyle and Environment, does not appear in the minutes. Why was it removed, and why does it not appear on documentation*



*provided to the public for comment. It is reasonable to assume that a development of this magnitude could have a significant impact on the viability of the Town. The triple bottom line assessment offers the following information; Commercial and Residential development in the town will enhance CBD viability and offer job's. Social Implication; Nil. Environmental Implications; The applicants only concern is that the retention of the Morton Bay Fig (Should be Ficus Hillii Macrocarpa) is not commercially viable. However the Hames Sharman report (p26) does not support this supposition. It states that until the population increases dramatically any further development will dilute the viability of existing businesses in Avon Terrace. To assume that nine new shops will provide employment opportunities ignores the fact that the buildings would probably be purchased by an owner/ occupier from outside the town.*

*In addition to the above I find it difficult to believe Mr Poliwka intends to build the business/ residential project within a year whilst at the same negotiating a three year lease of the ground to the Council for car parking."*

**Submission 68:**

*"We are writing to ask you not to let the developer remove the Ficu Hillii tree on Lot 2 Avon Terrace, York.*

*This tree is used by our friends ad us as a shady area to sit under on a hot day as it is the only large shady tree left in Avon Terrace.*

*We believe the tree has been in York for over 100 years and is part of the history of the town.*

*Please do not let the tree be removed."*

**Submission 69:**

*"I ask the York Shire Council to reconsider its decision to remove the Ficus Macrocarpa Hillii.*

*Very little adjustment to Mr Poliwka's building plan needs to be made to accommodate the half tree on his property.*

*Almost all the people discussing this topic are in favour of the tree staying, in fact they feel very strongly about this.*

*A number of teenagers are riled at the thought of losing the ficus. It means a lot to the people of York."*

**Submission 70:**

*"I wish to object to the above development being approved by the York Shire Council in its current form because the plan requires the removal of the historic Ficus tree on the boundary line of the above development property. We must not let this tree go.*

*I am also concerned that the trees roots system may be damaged by the heavy machinery and vehicle movement around the tree. It is not enough that we save this tree from being cut down. We must protect the root system area as well and not allow it to die a premature death. If the development is allowed to go forward.*

*Surely the developer knows the significance of this wonderful tree in our historic Town streetscape. Could the developer submit alternative plans that would incorporate the retention and protection of this tree.*

*This tree has a lasting and meaningful place in my heart. I have fond memories of the tales my parents have told me over the years. My mother Irene Prunster (Bevis) arrived in York in 1930 with her parents Tom and Ruby Bevis, and younger sister Betty, to establish the Palace Tea Rooms. My father Joe Prunster, who was born in York and would have been 100 years old in February this year, also talked about that tree. I wish now that I had recorded these tales, but suffice it to say, it will be a very sad day for York if we let that tree disappear.*

*Please reconsider the approval of the current submission by the developer and listen, not just to me, but to the rate payers who want the tree to stay. Thankyou."*

**Submission 71:**

*"I wish to advise that it is my opinion that if you approve the development in Avon Terrace then the tree should go, if the owner wishes to remove it. If the people of York are so concerned about it they should be prepared to put their money where their mouths are and pay a levy on the rates and the Shire purchase the land. The Shire should not purchase the land if possible, as parking is going to be a premium in the not too distant future.*

*A quick question, 'who will pay the developer compensation when and if the roots of the tree start to damage their building?'*

*Please don't get me wrong on this matter, as there is no one more than me who would like to see the tree stay, as it is a good specimen. We have been organically growing for forty years and have nurtured trees both on the river and on our property, however the individuals rights should be maintained."*

**Submission 72:**

*"I wish to add my voice to the members of the York Community who are endeavouring to save the massive ficus tree in Avon Terrace.*

*I understand that it is on private property and acknowledge the owners right to develop the area.*

*If it is at all possible to come to a compromise with the developer and retain the tree I'm sure that many of us in York would be relieved."*

**Submission 73:**

*"I am the owner of \_\_\_\_\_ Monger Street and received on Thursday a copy of the development (file number Av1.9411-9413) that is being considered by Council.*

*I am aware that there are few residents who own property in proximity to this proposed development who can give a response as to social amenity and lifestyle issues, although the larger community has an interest in the use of this centrally placed land that will affect the heritage values of York.*

*I would like the attached submission to be fully considered in the context of my property, which I have owned for 20 years, but also the long term issues of the use of that land.*

*I trust that as a neighbouring property owner the Council will officially contact me if this development proceeds to the next stage.*

*I am writing to you as the owner of \_\_\_\_\_ Monger Street. On Thursday I received a copy of the proposed development (file number Av1.9411-9413) that is being considered by Council. I note that Council is interested in submission about the proposal.*

*I would like the Council to give due consideration to the following points. These points reflect three alternative approaches to the proposed development.*

**FIRST POSITION:**

*The land in question lies in the heart of town. The Council should therefore keep in mind the possibility of the land being developed in a way that will improve the look of the main street in the longer term, and add to the attraction of York for residents and tourists. Accordingly my first comment is that the Council should give thought to purchasing the site and developing the land as public open space; perhaps as a town square and related gardens retaining the watercourse as a feature. The Council should inquire about possible grants from government to facilitate the above. Planning of this kind would be consistent with the heritage objectives reflected in the existing Town Planning Scheme.*

**SCOND POSITION:**

*The proposed development is too dominant and conflicts with the heritage precinct objective of the Council. The architecture of the proposed buildings compromises the heritage buildings on the other corners of Avon Terrace, especially the Castle Hotel. Hence, if the proposal is to proceed, it should be redesigned entirely.*

**THIRD POSITION:**

*If the proposed development is to be considered as presently formulated then the following objections should be addressed:*

- 1. The development covers three lots one of which (Lot 26 Monger Street) is zoned residential. The zoning reflects the planning objectives underlying the existing Town planning Scheme and thus the residential zoning must be preserved.*
- 2. It follows from paragraph 1 above that parking spaces on the rear lot to serve the proposed commercial purposes do not comply with the terms of the scheme.*

3. *All of this suggests that the proposed development should be reduced in size by one unit at each end to permit vehicle entry/ exit from Avon Terrace and South Street and with restricted on site parking. Hence, the development should be for only Lot 1 and 2 Avon Terrace.*
4. *The benefits following from paragraph 3 above will be to preserve the splendid Morton Bay fig Ficus tree on the southern boundary of Lot 2 and prevent the over shadowing of the McCormish property at Lot 72 South street on the eastern boundary of the site.*
5. *The present development will inevitably require modification of the existing watercourse on the site. This is likely to increase the volume of water being channelled into the Hasluck property at 22 Monger Street creating a risk of consequential flooding, Hence, protective conditions are required to ensure that the developer and Council do not create a nuisance of this kind.*
6. *The proposed vehicle entry/ exit (bot using Monger Street) will inevitably create increased traffic in Monger Street. This will be to the detriment of our lifestyle particularly at night when headlights would shine into the front rooms of our cottage. Hence, if the development is not altered as per paragraph 3 above, protective conditions are required to ensure that parking is restricted to private residential and for tenants of the commercial units to comply with the zoning. There should also be speed humps in the street to protect the walking public who use this street for leisure purposes.*

*In summary, I submit that the proposed development should not be approved (at least in its existing form) as it does not comply with the policy and provisions of the Councils Town Planning Scheme. Moreover, it is not suitable having regard to heritage, social, amenity and environmental considerations.”*

**Submission 74:**

*“We are writing regarding the historic Ficus tree in Avon Terrace to request that you, as our elected representatives, prevent the loss of this beautiful tree to our town. As the tree sits on the border of the proposed development we are dumbfounded that any development that does not allow not allow the tree to remain should be given consideration by the Council.*

*At the recent Australia Day celebration in Avon Park the Hon Judy Moylan described York as “one of the best preserved 19<sup>th</sup> century town in Australia”. She noted that this applied to our natural environment as well as the physical structures. Surely it is our responsibility as the current residents of York to ensure that this continues to be the case. Surely as our Shire Council and custodians continue the good work that has been done by our forebears and to protect and maintain York as the picturesque town that it is today.”*

**Submission 75:**

*“My letter of concern is for the loss the ficus tree on Avon Terrace to development. This tree when planted was planted with vision in mind, in a different time and with a different idea of vision but none the less still a vision by the people who helped in planting it. What a terrible world we have developing around us all with only money or the pursuit of progress in mind with less and less thought to how and why we have*

*what we have and how we got to having the things that are beautiful or how long it took to achieve them. We don't seem to consider or don't even want to take the thought process to why in the first place just that we are here right now and all that is behind us has no value.*

*Please I implore you to consider the true value and worth of this old and beautiful living icon to York. Not just for the monetary value to the people who wish to develop but for the animals, birds and any other creature that may find refuge in its presence lets face it there are not many places left anymore for any of us and if somehow it was able to be utilized with the development it would be a most wondrous gift to the town of York and you would be the holder of many happy hearts."*

**Submission 76:**

*"I am writing in union with many others to swell the public chorus of unease concerning the possible destruction of the venerable and much admired ficus which so generously graces York main thoroughfare.*

*My understanding is that tree is imperilled by a proposed development on the corner of Avon Terrace and South Street where it has proudly stood for perhaps over a century.*

*Accordingly, I write to encourage you to embolden the Councillors to embrace an urgent new initiative whereby the developer's plans might be modified thus offering him generous concessions which would result in the trees retention.*

*In so doing, his commercial interests would be satisfied and the tree retained for the common good and future generations.*

*And all this attained without sacrificing the splendid ficus upon the altar of perceived "progress".*

*Surely the Council can find a way to fend off its demise."*

**Submission 77:**

*"1. We are opposed to such a dense development on the blocks adjacent to our property, both side and rear boundaries, and are very concerned that our quiet enjoyment and use of our property will be severely diminished.*

*We believe that the best use of those blocks would be to turn them into public open space/town square and convert the whole area into an attractive waterside amenity, which would be much improved by beautifying the existing water course and preserving all the trees.*

*2. If the above proposal is not accepted by the council, then we further submit that if the development is to be permitted to proceed it should be significantly reduced in size.*

*3. The overall appearance of the development as proposed will dominate the corner and overpower the streetscape and the existing unique heritage buildings.*

4. The proposed Unit 1 is far too close to our boundary, and would cause unacceptable shadowing and noise, and the privacy of our property would be significantly compromised by the overlooking from the second storey windows and balconies. We request that Unit1 be removed from the plan.

5. Lot 26 is currently zoned as Residential. We do not believe that a carpark which services commercial premises, or even solely residential premises, conforms to that zoning. We believe that Lot 26 should remain as Residential and be used for single residential housing.

6. We would like all the rear balconies to be removed as they overlook our property.

7. We are very concerned about the driveway behind our property because it will significantly increase the traffic and noise around our property. Further we are very concerned that members of the public will use it after hours for drinking and parties. If there has to be a driveway there we request that its use be restricted to residents of the units by a barrier bar.

**Submission 78:**

*"As a ex resident of York, and someone still passionate about the wonderful heritage assets of the town, I was horrified to hear that that unique main street tree is under threat from so called "development"...York simply stands out from other Wheatbelt towns due to its heritage and tourism pull....and simply most of that is Avon Terrace. I do hope you will see the immense significance, economically and culturally, to maintain its unique features. That tree is part of the heritage assets of the town. Please show sustainable development wisdom in your decision-making."*

**Submission 79:**

*"We understand that the developer of the block on the corner of South Street and Avon Terrace proposes to remove the existing large tree that is adjacent to the block.*

*The tree in our view makes a significant contribution to the appeal of the streetscape in the area. The tree also enhances the aesthetic and historical appeal of the main street in a manner that underlines the unique nature and attraction of this historical area.*

*The erection of a building cannot compensate for the removal of a beautiful piece of nature.*

*Surely it is not beyond the wit and imagination of the developer to develop the site in a manner that enables the tree to be retained."*

**Submission 80:**

*"With reference to the above tree in Avon Tce . I was in York recently and dismayed to hear talk of the removal of that most beautiful tree. I believe there are plans suggested for the building of shops and accommodation on the site. Surely this*

*could go ahead and leave the tree and in this day and age plans could be drawn up which could see the tree survive.”*

**Submission 81:**

*“Having attended the meeting in York in defence of our magnificent tree, I have also read with interest the article in the local paper by Mr Lindsay McNeil and the views contained in the letter in same by Mrs Vick Bertrand.*

*While I am completely in agreement with the consensus of the meeting I am also in sympathy with Mr Poliwka in making the most of his investment.*

*I would like to point out that while the main street of York contains the basic architecture which will, when restored to their former glory, make for a town of historical significance and beauty, it is also devoid of any natural beauty save for a glimpse of Mt Bakewell and this historic tree.*

*With the former views in mind, I do believe there is a case for the shire to negotiate with the owners of both blocks, which may result in room for a small feature park based in the proximity of the tree, a modified plan for Mr Poliwka’s development, and some room for the plans of Mr Fisher.*

*The above would involve a complete rezoning of boundaries and some considerable time and expense for the Shire in acquiring the portion of land required.*

*This town does not need the division of a ‘dog fight’, but rather the wise negotiation with the entities involved. The result could one of lasting irreplaceable value.”*

**Submission 82:**

*“I have been a ratepayer of York since before 1983. In all that time I have had only a few communications from the shire referring to York. Excepting rates of course. Because of my erratic times of visiting York, I miss out on so much of the activities of York. I do not have mail delivered to my home in Cardwell Road.*

*Consequently I was extremely unhappy to hear about that ficus tree matter from a small article in the West Australian, which may or may not give a true picture of the problem. The meeting of the York people indicates how strongly the people feel about lack of information about the decision to allow the tree to be cut down. I thought we had a Conservation/ Environment Officer in the Shire Council to advise the others about the problems.*

*As I understand what I have learned from talking to residents, an individual has bought the land intending to build eight businesses on the area, unknown types of businesses, but apparently ones that will provide much employment for local people in the building and staffing, and of course rates for the Shire. But nothing is said about the types of businesses.*

*All sounds very altruistic and hopefully the owner will make his profit. But why is it necessary to chop down a special, historic tree to do so.*

*I will ask your members to sit in Avon Terrace street side eatery at Jules, enjoying the food and coffee and companionship and the passing parade and look along Avon Terrace to the pleasing site of the huge tree, something aesthetic and of such value, Why destroy it.*

*This sight has not to my opinion been given the Tourist attention it deserves, as well as that of the little stream at which it stands. Is this a matter that might interest the Tourist Bureau and the Conservation/ Environment officer of the Shire.*

*Apparently the Shire has considered information given to it by the owner of how it will so advance York that it readily agreed to the felling of the tree. Surely there is some compromise, which could have been reached. An alternate site perhaps or some plan to enable businesses and the tree to co exist.*

*But there is always a compromise. Heres one I could suggest on the basis of my travels in Europe and America. Instead of businesses on one level, how about 6 on ground level, and 2 on the first floor level. With space among the treetops and birds for an outdoor eatery and/ or music arena.*

*Where are the parking facilities for these 8 businesses to be sited. What sort of access will there be for delivery vehicles, maintenance vehicles and for Rubbish collections.*

*Our Libraries contain many books of fiction based on those who abuse our natural resources for their own ends, like damming a stream, clearing land for housing, removing natural vegetation from marginal land, altering the natural environment by introducing grazing animals or cultivating unsuitable land.*

*One huge ancient tree may not seem a problem, but removing it is a problem and the problem will not go away. I feel in a few years there will be another problem concerning the environment if the two large trees in the section next to my home in Cardwell Road are removed. Please could I ask that the opinions of some concerned ratepayers in York be listened to.”*

**Submission 83:**

*“We are writing regarding the Ficus tree on the block adjacent to the Smith’s shell station.*

*We believe this old and shady tree should not be removed under the redevelopment plan for the corner block of Avon Terrace and South Street. We would appreciate if you could take every step to ensure that the tree not be removed and also to ensure that the developer is aware of this opinion, which is shared by many York residents.*

*The tree is a very important and beautiful part of the streetscape of Avon Tce and should be incorporated in any development plan and not obliterated.*

**Submission 84:**



*"I implore you and the York Shire Council, to protect this beautiful icon of York. Its destruction could spell the beginning of the end for this charming town. Buildings are just so much cement but a tree is a living, growing thing of beauty in a world that is sadly dying under the weight of progress."*

**Submission 85:**

*"No doubt this will be one of many letters you have, or are about to receive in protest at the proposed intention to have 'the tree' cut down or mutilated because of Mr Poliwka.*

*I am one of many adding my name to the list of protestors.*

*I feel sure, you as a Councillor do not want to see this happen to the tree. Look at it, its beautiful, I often draw tourists attention to it. Let us all say the tree stays.*

**Submission 86:**

*"I \_\_\_\_\_ of \_\_\_\_\_ Strongly object to the removal of the Ficus Hillii, located in Avon Terrace, Lots 1, 2 and 26."*

**Submission 87:**

*"After reading the Community Matters articles, I am writing to express my disappointment at your approval to remove the Ficus Tree on Avon Terrace.*

*Mr Poliwka may wish to develop his block, but I question the need for more retail in York when many of the existing businesses do not appear to be sustainable: both the Imperial and York Hotels are closed, Settlers last Saturday 2 Feb closed its doors by 9.30pm and I note in recent years does not open for Sunday evening trading, The book Café has closed in the last few years, Spooky Hall café is currently closed, the Ragged Robin is no longer trading and there are vacant premises in the main street. Perhaps we could find a way for existing businesses to thrive before considering building new premises.*

*I believe York's primary attraction is its history and natural beauty, the tree fitting both of these categories.*

*I don't believe a development built in the 21<sup>st</sup> Century will ever match the character of those buildings built in years gone by, no matter what materials are used in its construction.*

*If Mr Poliwka has \$4 to \$5 million to spend on development in York, perhaps he could have invested the funds in the renovation and maintenance of the Imperial Hotel. Whilst his development may provide employment for the local community (or maybe just profit for engineers and architects) can you guarantee it will provide long-term benefits to the community.*

*You have stated that rejection of the application for removal of the tree could set a precedent for future plans lodged with the Council, but as this block is in the central*

*town precinct which is listed with the National Trust; this should be an extraordinary case.*

*I bought a property in York over four years ago, not as an investment, but because I loved the feel of the town and its history. My family and friends do not primarily come to York to shop, but to enjoy a more relaxed lifestyle and leave the city behind for a while.*

*There is some discussion that only the older generation is opposed to the destruction of the ficus. I assure you I am not old and neither are my friends or their young families. I would love to see York prosper and am certainly not against the idea of development providing it does not conflict with York's heritage, lifestyle and environment. The felling of a tree that is over 100 years old and provides shade, shelter and home for many birds as well as welcome relief from the heat for us humans doesn't sound like a good trade off for another row of shops and apartments.*

*I urge you to rethink your decision and look forward to discussing at the next Council meeting on 19 February."*

**Submission 88:**

*"I object in the strongest possible terms to the proposal to cut down the Morton Bay tree (Ficus Hillii) as part of a development for that site. The character of York is created through its streetscapes. The tree is part of the main streetscape and due to its age, size, healthy condition, boundary location and dominant visual presence it is an iconic part of the streetscape.*

*Any developer that values the character of York's main streetscape could easily decide to incorporate the tree as part of the development and to use it to enhance both the development and its future marketing. The architect working for the developer only needs the developer to provide the instruction to do so. Sympathetic development is about both the building's character and the treatment of the site - not just the building alone.*

*Any threat by a developer to pack his bags and go somewhere else if he doesn't get a decision he wants should be seen as of little use to our community. Such bully tactics, if they surface, have no place in our community and such development should be strongly rejected. Some other developer with more appropriate values for York's heritage character will eventually develop the site.*

*This is yet another development proposal that will reveal to the community Council's commitment about the value of York's heritage for the whole of York. Development at any cost is inappropriate development and totally detrimental to the future of York."*

**Submission 89:**

*"Once again I am aghast at the recurring theme of 'I have a cheque book therefore I must be obeyed' sentiment as reported regarding the removal of the Ficus Tree in Avon Terrace. It goes without saying it is an integral part of the CBD streetscape. For*

*the architects to lack the sensibility of including the tree in the plans is really very sad and ignorant.*

*Trees are the lifeblood of our community and every tree is important”*

**Submission 90:**

*“I am expressing my opposition to the destruction/removal of the very old fig tree growing on the vacant block of land on the corner of Avon Terrace and South Street, York.*

*I appreciate the fact that the block is to be developed and thereby provide the town with an improved shopping area. But surely the building can be designed without damage to this very old tree.*

*After all, we are a heritage town and there has been considerable destruction and planned destruction of aged trees within the Shire recently.”*

**Submission 91:**

*“We would like to bring the following concerns re the above development to your attention.*

- 1. The development appears to have no access from Avon Terrace. Consideration should be given to providing access from Avon Terrace to reduce pressure on the other entrances, especially Monger Street. We have written previously to Council about the unsuitability of Thorn and Stephen Streets (linked to Monger Street) for use by trucks and delivery vehicles, due to safety concerns.*
- 2. The size of the building means that the large old tree, close to the southern boundary of the site, will need to be removed. This tree has been a unique and long-standing feature of the York Streetscape, providing shade and helping to beautify the area. Any developments in the vicinity should be required to include the tree as a feature. This could be done by reducing the size of the building by one unit (recent development proposals seem to indicate that there will be a surplus of commercial units in the area) It is possible that this would also provide room for vehicle access from Avon Terrace, as mentioned above.*

*We hope you will take these comments into consideration during further deliberations about this development proposal.”*

**Submission 92: Standard Letter Signed by 21 Residents with comments**

*“As a resident of York our beautiful town I would like to lodge my objection to the above development being approved by the York Shire council in its current form because I believe the plan requires the removal of the historic ficus Hillii tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus Hillii tree which is on the very edge of the proposed development site.*

*This tree is a landmark in the main street of our town and the tree should be preserved it is just as important as your town hall because the tree is in fact older than the York Town Hall.*

*I would ask that the tree be protected by the Shire Council.*

*Comments Provided:*

1. *Tree too good to knock down*
2. *It is \_\_\_\_\_ to cut down a tree of over 100 years and think that you can replace it satisfactory with a \_\_\_\_\_*
3. *Trees are good for climbing and good for nature*
4. *This tree is a part of York and must not be removed under any circumstances. How could it have been allowed to go this far to be under threat? How dare you imagine that this would be possible*
5. *You should not chop the tree down because it is a part of York.*
6. *It is a nice tree that surely doesn't need to go.*
7. *Why take such a beautiful landmark away from our town, please don't.*
8. *Too beautiful to lose this tree.*
9. *Leave it be.*
10. *Am a resident of York.*
11. *We live here. The developer doesn't.*
12. *The tree is so old that no one living now could see it this age, if another tree was planted and it gives everyone shade in hot days when parking.*
13. *This tree is well over 100 years old and it will never be replaced in our and our children's lifetime by a developer who will not care as he moves off to his next conquest.*
14. *Many a beer and cigarette I've had under this tree, Don't cut it down.*
15. *In our hot climate a beautiful large tree which gives so much shade is an asset apart from the history attached, save our tree.*
16. *Get our architect Landscaper.*
17. *This tree must stay*
18. *Do not destroy such a lovely well-established tree, which is admired by many.*
19. *Please preserve our beautiful trees especially the 100-year-old one and make a good feature of it with seats around the tree.*
20. *We need shade, In York's heat. Do we need more building there are empty shops now. The street will look worse if everyone moves to the new shops (if built). There will be more empty up the street, we request the elected shire members support the save the tree committee.*
21. *Please leave this a beautiful tree. Alter other plans.*

**Submission 93: Standard Letter Signed by 12 Residents**

*"I wish to object to the above development being approved by the York Shire Council in its current form because the plan requires the removal of the historic ficus tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus tree which is bordering the proposed development site.*

*This tree although on private property is without any doubt an icon of the town and should be morally preserved for that fact alone.*

*The amount of water this tree would draw from the ground will cease if the tree is removed and will cause the water table under the CBD to rise bringing with it salt that will affect many buildings in that immediate area. Including the York Town Hall which belongs to the people of York.*

*As a rate payer I do not the Town Hall or any other historic buildings placed at risk because of bad planning.*

*I would ask that this tree be protected by the Shire Council. This can be done if Council stipulate approval on condition the plan be modified to incorporate the tree.”*

**Submission 94: Standard Letter Signed by 48 Visitors**

*“As a regular visitor to your beautiful town I would like to lodge my objection to the above development being approved by the York Shire Council in its current form because I believe the plan requires the removal f the historic ficus Hillii tree on the boundary line of the above development property.*

*I would ask that Council defer the approval until a compromise can be achieved that will ensure the safety and preservation of the historic ficus Hillii tree which is on the very edge of the proposed development site.*

*This tree is a landmark in the main street of your town and the tree should be preserved – it is just as important as your town hall because the tree is in fact older than the York Town Hall.*

*I would ask that this tree be protected by the Shire Council.*

Comments Provided:

1. *Wake up to yourselves, nature comes before money.*
2. *–*
3. *As a part of the environment and history, the tree should remain where it is.*
4. *Beautiful tree and history and “roots”. There’s not enough history in Australia as it is. Why chop down what little you have. From an English girl who appreciates a little heritage.*
5. *The environment needs to be protected not destroyed. Plenty of space to develop so tell the developer to move his ideas else where.*
6. *This tree is a beautiful landmark for York it would be a tragedy to lose it.*
7. *If we are to save the planet then we need to learn to incorporate our living with nature. We need more trees not less. Become constructive, not destructive.*
8. *Don’t take away such beauty.*

9. *Keep your hands of our trees – developers you'll spoil the outlook of the town.*
10. *Keep the tree so we younger people can see them.*
11. *Keeping historic sites – trees included for younger people to enjoy.*
12. *Save the tree. It's too easy just to get rid of it. It's a Federation thing.*
13. *The Council work for the people not the other way around.*
14. *Beautiful tree. Not worth sacrificing for new development, Why can't we compromise.*
15. *Trees provide Shade, Beauty and are environmentally friendly. This is an important tree. In the UK such trees would be subject to a preservation order, this should be the case with this tree.*
16. *WHY? Leave the tree for future generations to enjoy. Plus do you not realise that the more trees removed, the worse the greenhouse effect.*
17. *Trees are precious and this one is especially beautiful, to replace with bricks and mortar or concrete would be a crying shame.*
18. *Don't do it.*
19. *–*
20. *The tree should be kept for the heritage of York.*
21. *This tree should be kept for the people of this town and WA. In England this would be cherished.*
22. *A wonderful tree. Eye catching as you enter York Township*
23. *It is the biggest tree in the main street and should remain.*
24. *Save the tree. It is a part of the history in York.*
25. *Don't lose the past.*
26. *It is such an icon of this town. It will be a shame to destroy such a beautiful piece of nature.*
27. *We need every tree. This one is very special to see such a big tree these days in a main street.*
28. *Removing this tree would be sacrilegious.*
29. *Enough destruction, When will we understand the damage that has already been done. Leave nature alone, especially heritage.*
30. *The usual way, just cut everything down.*
31. *This tree is beautiful, should not be touched.*
32. *The tree is historic and should not be cut down.*
33. *Please save the tree.*
34. *I believe this tree is a great asset to your community. I call on you to consider favourably the request to preserve the tree.*
35. *Leave the trees. They are of historic value to the town.*
36. *This tree has been here since I was a child and I have two children that has seen these trees here to. And we park here to see York.*
37. *This tree is a beautiful tree and York without it wouldn't be the same without the tree. Keep the history of this old picturesque tree. I have been coming here since a child and now I bring my 4 year old here to.*
38. *Save this tree. I've had great memories of this. I have been coming here every weekend and park under here.*
39. *It's a shame to chop down this beautiful tree.*
40. *I love the tree, it really adds to the character of the town.*
41. *The tree has been there forever and its part of the history of York.*
42. *We should all be looking after the heritage buildings plants, Trees etc as they are irreplaceable. Save this wonderful old tree and work around it.*

43. *Why destroy something of such beauty and irreplaceable icon. Hope to see it next time I'm here.*
44. *Its such a lovely tree.*
45. *Love this tree on our visits to York. Save it.*
46. *What a shame that in this day and age that development cannot work around landmarks especially living landmarks. I only wish that hundreds of years from now someone will know how to treasure "trees" that had survived as long as some buildings here. I wonder if that tree was planted at settlement.*
47. *This tree is a landmark that deserves the right of protection against ill considered proposals of developing this site.*
48. -

**Consultation:**

Advert in paper.

Petition received with 339 signatures

**Statutory Environment:**

Planning and Development Act 2005.

Shire of York Town Planning Scheme No. 2.

**Financial Implications:**

The applicant is subject to all relevant planning and building fees and associated advertising costs.

The development will incur planning fees estimated and building licence fees.

If approved the development will increase rate income under the Gross Rental Value system from \$2,200 per annum to a minimum of \$12,500 per annum.

If the land remains vacant and Council has an agreement in place to use it for parking it will cost \$2,200 per annum in foregone rates plus the costs of upgrading and ongoing maintenance of the area.

**Strategic Implications:**

**Strategic Implications:**

History & Heritage – Key Result Area 5:

1. To safeguard York's history and heritage.
4. To encourage development which is appropriate to York's history and heritage.
5. *To ensure economic development does not conflict with York's heritage, lifestyle and environment.*

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes

**Triple bottom Line Assessment:**

**Economic Implications:**

If approved additional commercial floor space will be provided in the CBD giving greater choice to potential small business investors. New businesses may improve local employment opportunities.

A large-scale investment of this nature would improve investor confidence in York as it grows and develops.

**Social Implications:**

If the ficus tree is removed there will be a high degree of community disappointment as the tree has been a street feature for a considerable time.

An enhanced streetscape rather than vacant land may be of long-term social benefit through local business choice, employment opportunities and new residents for the town.

The loss of a de facto parking area will impact on the community until other facilities are provided.

**Environmental Implications:**

As a non-native tree variety the tree on the boundary of Lots 2 and 3 is not covered by Environmental Protection legislation or Heritage legislation.

Any design approved will need to take into account finished floor levels in relation to the flood zone and drainage system.

**Comment:**

This development proposal has raised a high level of community concern in relation to the retention or loss of the Ficus Hillii.

The tree appears to be between 70 and 100 years old with no definitive records of when or why it was planted.

The tree straddles the boundary of lots 2 and 3 Avon Terrace and it imposes development constraints on these properties and adjoining land.

Both properties involved are privately owned freehold titles and are zoned commercial under the Shire of York Town Planning Scheme No. 2.

Proposals have been put forward for Council to purchase the lots to protect the tree and to develop the land as a park or other community facility.

As up to five (5) lots are potentially effected by the tree, which restricts development opportunities the following cost impacts have been calculated:



### Scenario 1

Purchase Lots 2 and 4 and develop as parkland. Loan \$1,000,000 over 10 or 20 years at 7%

Period	Annual Repayment	Total Interest	Total Repayment	Rate Increase
10 Years	142,377	423,775	1,423,775	5.8%
20 Years	94,393	887,858	1,887,858	3.9%

### **Scenario 2**

Loan \$2,000,000 over 10 or 20 years at 7%

Period	Annual Repayment	Total Interest	Total Repayment	Rate Increase
10 Years	284,755	847,550	2,847,550	11.6%
20 Years	188,785	1,775,717	3,775,717	7.7%

Council has a specific timeframe in which to deal with development applications before there is deemed to be a refusal with the final determination being made in the State Administrative Appeals Tribunal.

If Council refuses an application or imposes conditions outside the relevant laws or which are considered harsh or onerous the applicant has a right of appeal to the State Administrative Tribunal.

If the matter is referred to the Tribunal Council could incur legal and other costs and may have costs awarded against it.

If the development application is refused and it is not overturned in the State Administrative Tribunal the following matters must be considered:

- What development would be accepted on the lots?
- Would this be commercially viable?
- If the lots were security fenced to prevent illegal parking on private property what will this do to the streetscape?
- Who should or will be responsible for future maintenance and management costs for the tree? Ratepayers or landowners.
- What precedent will be set for any development on any land regardless of legal zoning?
- What is the life of this particular tree and under what conditions?
- Is there a measurable economic benefit to the community for the retention of the tree over and above the known return from rating if the development proceeds?
- What level of investor confidence will there be in York if legally zoned land cannot be developed in accordance with the Shire of York Town Planning Scheme?

- What indemnities should be given to the current and future landowners that the tree will not damage their property through root invasion, canopy spread or other matters?

The aesthetic and streetscape value of the tree is not questioned. If it was financially viable to develop the land incorporating the tree why is that nothing has happened for 38 plus years.

A previous Council rejected a development application incorporating the tree in the design.

There is no protection for the tree under environmental law, which relates to native vegetation and not imported species.

There is no heritage protection for the tree, as it is not recorded as having historical significance.

As part of the building application Council will request an engineer to provide details regarding the proposal to ensure that there is no adverse affects on the drainage or sewerage systems.

Planning law requires Council to consider development applications in the context of planning law and zoning taking into consideration, economic, social and environmental impacts relating to the good governance of the district as a whole.

## OFFICER RECOMMENDATION

### Resolution

110207

MOVED Cr Lawrance

Seconded Cr Delich

***“That Council advise the applicant that it supports the Outline Development Plan for Lots 1 & 2 Avon Terrace and Lot 26 Monger Street, York subject to the following:***

- 1. A building licence being issued in accordance with the Building Codes of Australia;***
- 2. The submission and approval of colour schemes to be approved by Council’s Regional Heritage Advisor;***
- 3. Carparking bays for use by patrons and residents will need to be provided as per the Shire of York Town Planning Scheme No. 2. If the required number of bays cannot be provided onsite, the Council will accept a cash in lieu payment per bay;***
- 4. Stormwater being disposed of within the confines of the property or alternatively arrangements being made with the Council to utilise the Council’s stormwater system. Fees may be payable to the Council to utilise the Council’s system;***
- 5. Approval from Fire and Emergency Services prior to a building licence being issued;***
- 6. Finished Floor level is to be 500mm above the designated flood level;***
- 7. Crossover entries to be to the satisfaction of the Chief Executive Officer;***
- 8. Landscaping to complement the appearance of the proposed development to the satisfaction of the Chief Executive Officer;***
- 9. All development shall be connected to the Water Corporation’s deep sewer system.***
- 10. The Proponent to contribute 100% of the cost of imprinted concrete or brickpaved footpath for the full frontage of the development;***
- 11. A formal development application being submitted and all appropriate planning fees to be paid prior to the issue of the planning consent;***
- 12. The Ficus Hillii on the boundary of Lots 2 and 3 is not to be pruned, removed or otherwise interfered with until and unless a building licence***

*has been issued for an approved development and a building contract has been entered into;*

- 13. The open drain on Lots 2 and Lot 26 is to be piped or culverted to a capacity to handle surface water flows from the west. This matter is to be addressed in the engineering design for the proposed buildings;*
- 14. This planning approval is issued subject to substantial development occurring within two (2) years;*
- 15. Construction work to be in accordance with the Environmental Protection (Noise) Regulations 1997; and*
- 16. Design and construction is to incorporate noise attenuation measures as detailed in AS2107.*

**Advice Note:**

- a. Finished floor level to cater for disabled access.*
- b. The approval of the Outline Development Plan does not negate the requirement to submit a development application and this does not constitute a building licence.”*

**CARRIED (3-2)**

**For the Motion**

*Cr Delich  
Cr Hooper  
Cr Lawrance*

**Against the Motion**

*Cr Boyle  
Cr Randell*

**Resolution**

120207

MOVED Cr Delich

Seconded Cr Boyle

***Council adjourned the Council Meeting at 4.40pm for afternoon tea.***

**CARRIED (5-0)**

**9.2 Administration Reports**

Cr Fisher arrived for the Council Meeting at 4.51pm

Resolution

130207

MOVED Cr Lawrance

Seconded Cr Fisher

***Council resumed the Council Meeting at 4.51pm.***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.1 RURAL ROAD ACCESS

FILE NO: TR.RDT.1  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 9 JANUARY 2007  
LOCATION/ADDRESS: N/A  
APPLICANT: LIVESTOCK TRANSPORTERS AND COUNTRY BULK CARRIERS ASSOCIATION  
SENIOR OFFICER: NIL  
REPORTING OFFICER: RAY HOOPER  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: CORRESPONDENCES FROM L.T.A.C.B.C  
DOCUMENTS TABLED: NIL

**Summary:**

The Livestock Transporters and Country Bulk Carriers Association (L.T.A.C.B.C) requests a contribution of up to \$1,000 for a study of Modified Route assessment guidelines for the use of permit vehicles on local roads.

**Background:**

The Heavy Vehicle Operations section of Main Roads WA currently assesses roads and issues permits for heavy haulage vehicles under very specific criteria, which are applied to all routes regardless of traffic volumes and local needs.

**Consultation:**

Nil at present

**Statutory Environment:**

Main Roads Act.

**Policy Implications:**

Nil

**Financial Implications:**

The contribution cost can be met from existing allocations in the 2006/07 budget.

**Strategic Implications:**

Strategic Plan KRA7

- 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: N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

An assessment system which recognised traffic volumes and use demand will be beneficial in providing a safe, effective and efficient transport network for rural production and other purposes.

**Social Implications:**

The transport task is relevant to the whole community and a clear and concise system needs to be developed and implemented for community awareness.

**Environmental Implications:**

These will need to be quantified in any assessment and guidelines.

**Comment:**

The one size fits all approach to standards for permit vehicles operations currently in use is not effective and greater acknowledgement needs to be given to local needs or low traffic volumes roads.

The Australian Road Research Group is very well credentialed to undertake the Study.

**OFFICER RECOMMENDATION**

Resolution

140207

MOVED Cr Lawrance

Seconded Cr Delich

***“That Council:***

***Advise the Livestock Transporters and Country Bulk Carriers Association of its support for the project and approve a contribution of a maximum of \$1,000 to the study if other avenues to address transport needs are not available.”***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.2 WA CENTRE FOR REMOTE RURAL  
MEDICINE

FILE NO: CS.CCS.7  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 9 JANUARY 2007  
LOCATION/ADDRESS: N/A  
APPLICANT: WA CENTRE FOR REMOTE RURAL  
MEDICINE  
SENIOR OFFICER: RAY HOOPER  
REPORTING OFFICER: NIL  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: WACRRM CORRESPONDENCE AND  
MEMBERSHIP DETAILS  
DOCUMENTS TABLED: NIL

**Summary:**

The WA Centre for Remote and Rural Medicine inviting Council to become an organisational member at a subscription fee of \$100 per annum.

**Background:**

WACRRM as worked for a number of years to promote rural health needs and to provide scholarships and other systems to attract and retain medical services in rural and remote areas.

**Consultation:**

N/A

**Statutory Environment:**

Not applicable

**Policy Implications:**

Nil

**Financial Implications:**

The contribution of \$100 per annum can be met from the existing budget allocation for subscriptions and memberships.

**Strategic Implications:**

Strategic Plan KRA7

3. *To meet community needs in terms of physical infrastructure and overall community services.*
4. *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:** N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

The attraction and retention of health and Medical staff and services in rural areas is of great benefit to the local economy.

**Social Implications:**

The provision of high quality health and medical services is important for the well being of all rural communities.

**Environmental Implications:**

N/A

**Comment:**

The provision of medical services and practitioners is vital for community wellbeing and quality of life and organisations, which promote rural and remote areas, should be suggested.

**OFFICER RECOMMENDATION**

Resolution

150207

MOVED Cr Fisher

Seconded Cr Delich

***“That Council:***

***Approve the Shire of York becoming an Organisational Member of the WA Centre for Remote and Rural Medicine at a subscription level of \$100.00 per annum”.***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.3 AUTHORITY TO USE TRAFFIC SIGNS AND DEVICES FOR EVENTS

FILE NO: CS.CEV.4  
COUNCIL DATE: 19 FEBRUARY 2006  
REPORT DATE: 9 JANUARY 2007  
LOCATION/ADDRESS: SHIRE OF YORK  
APPLICANT: MAIN ROADS WA  
SENIOR OFFICER: N/A  
REPORTING OFFICER: RAY HOOPER  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: MRWA CORRESPONDENCE AND INSTRUMENT OF AUTHORISATION  
DOCUMENTS TABLED: NIL

**Summary:**

Main Roads WA provides an Instrument of Authorisation to empower local governments to use temporary road signs and devices for the management and control of events.

**Background:**

Local governments do not have the power to erect traffic signs, traffic control signals and other traffic devices either permanent or temporary unless the power has been delegated by the Commissioner for Main Roads.

**Consultation:**

N/A

**Statutory Environment:**

Main Roads Act and Regulations

**Policy Implications:**

Nil

**Financial Implications:**

Nil at this stage.

**Strategic Implications:**

Strategic Plan KRA7

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

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

Site Inspection Undertaken: N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

Events management is integral to tourism and other local activities and it will be of benefit to event coordinators.

**Social Implications:**

Event Management can impact on communities either positively or negatively and a standard local process is seen to be of benefit.

**Environmental Implications:**

N/A

**Comment:**

The Instrument of Authorisation and Code of Practice for Traffic Management for Events will simplify the processes and provide for greater local control.

**OFFICER RECOMMENDATION**

Resolution

160206

MOVED Cr Randell

Seconded Cr Boyle

***“That Council:***

- 1. Accept the Instrument of Authorisation for Traffic Management of Events and authorise the signing of the document under seal.***
- 2. Utilise the Traffic Management for Events Code of Practice as part of the approval process for local events”.***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.4 YORK FREIGHT & TRAFFIC STUDY

FILE NO: TR.RDT.2  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 12 FEBRUARY 2007  
LOCATION/ADDRESS: N/A  
APPLICANT: DEPARTMENT OF PLANNING AND INFRASTRUCTURE  
SENIOR OFFICER: N/A  
REPORTING OFFICER: RAY HOOPER  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: (1) OVERVIEW REPORT (2) FRIENDS OF BLANDSTOWN COMPARISON REPORT  
DOCUMENTS TABLED: WORLEY PARSONS – YORK FREIGHT AND TRAFFIC STUDY

**Summary:**

As part of the York Local Planning Strategy the Department of Planning and Infrastructure Commissioned this study to assess transport issues for York.

**Background:**

There have been ongoing issues with heavy traffic volumes through Blandstown and the lack of an alternative river crossing for traffic from the east and the southeast with the Gwambyne River Crossing being substandard.

**Consultation:**

The Department for Planning and Infrastructure undertook the community and industry consultation for this project.

**Statutory Environment:**

Not applicable at this stage.

**Policy Implications:**

Nil

**Financial Implications:**

All costs to date have been met by the Department of Planning and Infrastructure.

**Strategic Implications:**

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

- (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:** N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

An integrated transport system has obvious economic benefit across the community.

**Social Implications:**

All options to reduce heavy traffic in and through the townsite particularly Blandstown, will be of high social benefit.

**Environmental Implications:**

Environmental issues will need to be addressed in any construction or upgrading projects

**Comment:**

The Study and Overview Report capture most of the transport issues for York with the actions and conclusions able to be worked through with government departments to achieve beneficial outcomes. Methods of funding the Gwambygine River crossing were discussed with the Minister on the 7<sup>th</sup> February 2007 with further advice to be provided by Main Roads WA.

**OFFICER RECOMMENDATION**

Resolution

170207

MOVED Delich

Seconded Cr Randell

***“That Council:***

- (1) Receive the York Freight and Traffic Study and Overview Report.***
- (2) Liaise with the Department of Planning and Infrastructure Main Roads WA and other agencies to implement the actions and conclusions.***
- (3) Thank the Minister for Planning and Infrastructure for commissioning and funding the project.***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.2.5 APPLICATION TO KEEP FOUR DOGS

FILE	RS.ANC.1
COUNCIL DATE:	19 FEBRUARY 2007
REPORT DATE:	15 JANUARY 2007
LOCATION/ADDRESS:	21 LINCOLN STREET
APPLICANT:	MS E SWALLOW
SENIOR OFFICER:	RAY HOOPER
REPORTING OFFICER:	ANGELA PLICHOTA
DISCLOSURE OF INTEREST:	NIL
APPENDICES:	LETTER FROM MRS SWALLOW
DOCUMENTS TABLED:	NIL

**Summary:**

An application has been received from Ms Elizabeth Swallow requesting permission to keep four (4) dogs on her property at 21 Lincoln Street, York.

**Background:**

It is a requirement of the York Shire Council's Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premise within a townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

Council has approved similar applications in the past where all adjoining neighbours have agreed to the request and the Shire Ranger or other authorised Council Officer has considered that there are no valid reasons for withholding such approval.

**Consultation:**

The applicant has advised all adjoining neighbours of the request to Council who have provided correspondence that they have no objections to the proposal.

**Statutory Environment:**

Dog Act 1976 (As Amended)  
York Shire Council Dogs Local Law (2000)

**Policy Implications:**

Not Applicable

**Financial Implications:**

Not Applicable

**Strategic Implications:**

Not Applicable

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

The Shire Ranger has inspected the properties and had advised that there has been no complaints received of the said dogs. The property is at 21 Lincoln Street and is on 3152m<sup>2</sup>.

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Keeping of dogs in a townsite may impact on the social cohesion of a community if the dogs create a nuisance.

**Environmental Implications:**

Nil

**Comment:**

The Applicant keeps three (3) of the dogs for showing and breeding purposes.

**OFFICER RECOMMENDATION**

Resolution

180207

MOVED Cr Delich

Seconded Cr Fisher

***“That Council allows an exemption for the keeping of four dogs at 21 Lincoln St:***

***(1) Approves the application to keep four (4) dogs at 21 Lincoln Street.***

***Subject to the following conditions:***

- ***Dogs do not cause a nuisance or approval may be withdrawn without notice.***
- ***Dogs are to be registered with the Shire of York.***
- ***Fences are to be retained in good condition to contain the dogs.***
- ***The approval relates to 1 male Toy Poodle, 1 miniature male dachshund and 2 miniature female dachshunds only”.***

***CARRIED (6-0)***

9.  
9.2  
9.2.6

**OFFICER'S REPORTS  
ADMINISTRATION REPORTS  
YORK LAND CONSERVATION DISTRICT  
COMMITTEE (L.C.D.C)**

**FILE NO:** CS.NCS.3  
**COUNCIL DATE:** 19 FEBRUARY 2007  
**REPORT DATE:** 22 JANUARY 2007  
**LOCATION/ADDRESS:** WHOLE OF THE SHIRE  
**APPLICANT:** YORK LCDC  
**SENIOR OFFICER:** -  
**REPORTING OFFICER:** CEO  
**DISCLOSURE OF INTEREST:** NIL  
**APPENDICES:** YES  
**DOCUMENTS TABLED:** NIL

**Summary:**

The Acting Secretary of the York Land Conservation District Committee has recommended to the Minister for Agriculture and the York Shire Council that the organization be wound up.

**Background:**

The Shire of York stopped its financial contributions and support services to the York Land Conservation District Committee in 2002-03.

**Consultation:**

The proposal to wind up has been advertised in the February edition of the Community Matters by the York LCDC.

**Statutory Environment:**

Soil Conservation Act.

**Policy Implications:**

Nil

**Financial Implications:**

Nil at this stage

**Strategic Implications:**

KR6. Points 3,4 and 5

- 3 *To encourage and support community involvement in environmental protection.*
- 4 *To assist landowners Conservation and catchment groups to undertake sustainable land management practices and projects.*
- 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:** N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

Grant funding to landowners through Landcare projects may be reduced.

**Social Implications:**

No positive or negative social impacts are anticipated.

**Environmental Implications:**

Landcare and land management may be impacted on through the absence of a local Landcare Committee to provide advice and support.

**Comment:**

It is not known if any other Landcare District Committee in this region has folded due to a lack of community support and commitment.

**OFFICER RECOMMENDATION**

*“That Council:*

*Support the application by the York Landcare District Committee to be wound up as there is no recent evidence of community support or need for a York District Committee”.*

Resolution

190207

MOVED Cr Boyle

Seconded Cr Lawrance

***That Council***

***defer this item to the April Council Meeting until a Public Meeting is held to gauge community interest.***

***CARRIED (6-0)***

9.

**OFFICER’S REPORTS**

9

9.2

9.2.7

**ADMINISTRATION REPORTS  
LOCAL GOVERNMENT AMENDMENT BILL  
PROPORTIONAL PREFERENTIAL VOTING**

**FILE NO:** LE.ACT.1  
**COUNCIL DATE:** 19 FEBRUARY 2007  
**REPORT DATE:** 12 FEBRUARY 2007  
**LOCATION/ADDRESS:** WHOLE OF SHIRE  
**APPLICANT:** N/A  
**SENIOR OFFICER:** N/A  
**REPORTING OFFICER:** CEO  
**DISCLOSURE OF INTEREST:** NIL  
**APPENDICES:** (1) Standing Committee Notice (2) WALGA Submission Amendment (3) LGMA Submission Amendments (No 2) Bill  
**DOCUMENTS TABLED:** Local Government Amendment (No. 2) Bill

**Summary:**

The Standing Committee on Environment and Public Affairs invites all local governments to make written submissions on the Local Government Amendment Bill (No. 2) 2006.

The submission period closes on 23 February 2007.

**Background:**

The Bill to amend the Local Government Act was broken into two parts to separate the voting methods from other needed amendments due to industry concerns as to the methodology.

**Consultation:**

Statewide consultation co-coordinated by the government.

**Statutory Environment:**

Parliamentary processes to amend legislation

**Policy Implications:**

Nil

**Financial Implications:**

There will be significant potential costs impacts of a proportional preferential voting system as postal voting costs are estimated at three (3) higher.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** N/A

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

**Social Implications:**

Voter turnout is a significant measure of governance factors and any system which resulted in lower voter turnout would detract from social cohesion.

**Environmental Implications:**

Nil

**Comment:**

The submissions prepared by the WA Local Government Association and the Local Government Managers Australia captures the issues associated with the proposed changes.

The change to an October election system and other amendments to the legislation support the retention of the status quo (first past the post voting) as a simple effective easily understood method of voting.

**OFFICER RECOMMENDATION**

Resolution  
200207

MOVED Cr Lawrance

Seconded Cr Delich

***“That Council:***

1. ***Supports and endorses the content and recommendations of the WA Local Government Association and Local Government Managers Australia submissions on the issue of voting methods for local government elections.***
2. ***Submit to the Standing Committee on Environment and Public Affairs that first past the post voting be retained for local government elections at least for the next three election cycles from 2007 onwards***

***CARRIED (6-0)***

### 9.3 Finance Reports

9. OFFICER'S REPORTS  
9.3 FINANCE REPORTS  
9.3.1 MONTHLY FINANCIAL REPORTS  
9.3.1 FINANCIAL REPORT DECEMBER 2006

**FILE:** FI.FRP  
**COUNCIL DATE:** 19 February 2007  
**REPORT DATE:** 7 January 2007  
**LOCATION/ADDRESS:** N/A  
**ACTION OFFICER:** Annette Hunt, FO  
**SENIOR OFFICER:** Graham Stanley Deputy CEO  
**DISCLOSURE OF INTEREST:** No  
**APPENDICES:** Yes  
**DOCUMENTS TABLED:** Nil

**Summary:**

The Financial Report for the period ending 31 December 2006 is hereby presented for the consideration of the Council.

The Financial Statement is based on a similar format to that used in the Municipal Budget to aid interpretation and allow consistent comparison and analysis.

The Financial Income and Expenditure Report is attached in Appendix A. No Variation Report has been produced for December 2006 as it is superseded by the January 2007 Variation Report.

Also included in Appendix A are the following:

- Bank Account Reconciliations
- Income and Expenditure Variation Report
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Capital Works / Major Projects Report
- Reserve Accounts Balances Summary

The Capital Works and Major Projects Report was not produced for December 2006 as it is superseded by the January 2007 Capital Works and Major Projects Report.

**Consultation:**

Department of Local Government and Regional Development

**Statutory Environment:**

Local Government Act 1996 (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 2006

Municipal Account balance as per General Ledger	\$ 1,520,618.50
Municipal Account balance as per Bank Statement No82	\$ 521,557.44
Municipal NCD Account balance Statement 440815	\$ 1,010,765.50
Reserve Account balance as per General Ledger	\$ 1,680,319.02
Reserve NCD Account balance Statement No:439210	\$ 1,335,210.58
Reserve NCD Account balance Statement No 430307	\$ 306,502.10
Reserve Account balance as per Bank Statement No: :041	\$ 38,606.34
Trust Account balance as per General Ledger	\$ 278,281.31
Trust Account balance as per Bank Statement No 954	\$ 112,939.77
Trust NCD Account balance Statement 444304	\$ 60,307.47
Trust NCD Account balance Statement 444305	\$ 107,782.71
Sundry Creditors as per General Ledger	\$ 240,623.53
Sundry Debtors as per General Ledger	\$ 58,210.47
Unpaid rates and services current year (incl ESL)	\$ 737,855.95
Unpaid rates and services previous years (incl ESL)	\$ 178,442.90

**Strategic Implications:**

Not Applicable.

**Voting Requirements:**

Simple Majority

**Site Inspection:**

Site Inspection Undertaken: Not applicable

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

The 2006/2007 budget is subject to a mid year review in accordance with the Local Government Act 1995. The economic implications will be assessed at that time.

**Social 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 2006/07 and future years.

**Environmental Implications:**

Not applicable.

**Comment:**

1. Attached as an Appendix to this item is a variance report on the Shire's financial activity. The comments provided are based on a comparison of year to date budgets and actuals by line item. This is in accordance Financial Management Regulation 34.
2. The Local Government Act requires a Mid Year Budget Review be conducted between 1 January and 31 March of each year and submitted to Council within 30 days of the review's completion.

**OFFICER RECOMMENDATION**

Resolution  
210207

MOVED Cr Delich

Seconded Cr Lawrance

**“That Council:**

***Receive the Monthly Financial Report and payments drawn from the Municipal and Trust accounts for the period ending 31 December, 2006***

	<u>VOUCHER</u>	<u>AMOUNT</u>
<b>MUNICIPAL FUND</b>		
<b><i>Cheque Payments</i></b>	<b>26981-27012</b>	<b>\$ 69,750.07</b>
<b><i>Electronic Funds Payments</i></b>	<b>2861-2944</b>	<b>\$ 129,453.20</b>
<b><i>Direct Debits Payroll</i></b>		<b>\$ 78,050.61</b>
<b><i>Bank Fees</i></b>		<b>\$ 761.69</b>
<b><i>Corporate Cards</i></b>		<b>\$ 2,670.90</b>
<b><i>Photocopier Lease</i></b>		<b>\$ 1,045.00</b>
<b><i>Shell Cards</i></b>		<b>\$ 673.87</b>
<b>TOTAL</b>		<b><u>\$ 282,405.34</u></b>
<b>TRUST FUND</b>		
<b><i>Cheque Payments</i></b>	<b>3357</b>	<b>\$ 220.00</b>
<b><i>Electronic Funds Payment</i></b>	<b>2899</b>	<b>\$ 474.04</b>
<b><i>Direct Debits Licensing</i></b>		<b>\$ 114,174.70</b>
<b>TOTAL</b>		<b><u>\$ 114,868.74</u></b>
<b>TOTAL DISBURSEMENTS</b>		<b><u>\$ 397,274.08</u></b>

**CARRIED (6-0)**

**Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 10 August 2006) to make payments from the Municipal and Trust accounts.

9. OFFICER'S REPORTS  
9.3 FINANCE REPORTS  
9.3.2 MONTHLY FINANCIAL REPORT  
9.3.1.1 FINANCIAL REPORT JANUARY 2007

**FILE:** FI.FRP  
**COUNCIL DATE:** 19 February 2007  
**REPORT DATE:** 7 February 2007  
**LOCATION/ADDRESS:** N/A  
**ACTION OFFICER:** Annette Hunt, FO  
**SENIOR OFFICER:** Graham Stanley Deputy CEO  
**DISCLOSURE OF INTEREST:** No  
**APPENDICES:** Yes  
**DOCUMENTS TABLED:** Nil

**Summary:**

The Financial Report for the period ending 31 January 2007 is hereby presented for the consideration of the Council.

The Financial Statement is based on a similar format to that used in the Municipal Budget to aid interpretation and allow consistent comparison and analysis.

The Financial Income and Expenditure Report is attached in Appendix A. Variation reporting is predicated on Council adopting a materiality variance of 10% and / or \$10,000 as adopted in the October 2006 ordinary meeting of Council.

Also included in Appendix A are the following:

- Bank Account Reconciliations
- Income and Expenditure Variation Report
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Capital Works / Major Projects Report
- Reserve Accounts Balances Summary

The Capital Works and Major Projects Report is presented to monitor the ongoing progress towards Councils budgeted Capital Works and non-recurrent type projects. It provides a summary of costs incurred to date and a brief summary of the current status of the project.

**Consultation:**

Department of Local Government and Regional Development

**Statutory Environment:**

Local Government Act 1996 (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 2006

Municipal Account balance as per General Ledger	\$ 1,220,638.21
Municipal Account balance as per Bank Statement No107	\$ 214,913.47
Municipal NCD Account balance Statement 451888	\$ 1,016,744.25
Reserve Account balance as per General Ledger	\$ 1,693,996.24
Reserve NCD Account balance Statement No 456474	\$ 1,347,076.03
Reserve NCD Account balance Statement No 454979	\$ 308,312.23
Reserve Account balance as per Bank Statement	\$ 38,607.98
Trust Account balance as per General Ledger	\$ 327,627.33
Trust Account balance as per Bank Statement No 975	\$ 172,387.79
Trust NCD Account balance Statement 454977	\$ 60,663.63
Trust NCD Account balance Statement 454978	\$ 108,419.25
Sundry Creditors as per General Ledger	\$ 49,764.66
Sundry Debtors as per General Ledger	\$ 98,645.73
Unpaid rates and services current year (incl ESL)	\$ 511,196.32
Unpaid rates and services previous years (incl ESL)	\$ 160,696.56

**Strategic Implications:**

Not Applicable.

**Voting Requirements:**

Simple Majority

**Site Inspection:**

Site Inspection Undertaken: Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

The 2006/2007 budget is subject to a mid year review in accordance with the Local Government Act 1995. The economic implications will be assessed at that time.

**Social 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 2006/07 and future years.

**Environmental Implications:**

Not applicable.

**Comment:**

3. Attached as an Appendix to this item is a variance report on the Shire's financial activity. The comments provided are based on a comparison of year to date budgets and actuals by line item. This is in accordance Financial Management Regulation 34.

4. The Local Government Act requires a Mid Year Budget Review be conducted between 1 January and 31 March of each year and submitted to Council within 30 days of the review's completion.

**OFFICER RECOMMENDATION**

Resolution  
220207

MOVED Cr Randell

Seconded Cr Fisher

**“That Council:**

***Receive the Monthly Financial Report and payments drawn from the Municipal and Trust accounts for the period ending 31 January, 2007***

	<b>VOUCHER</b>	<b>AMOUNT</b>
<b>MUNICIPAL FUND</b>		
<b><i>Cheque Payments</i></b>	<b><i>27013-27043</i></b>	<b><i>\$ 75,247.24</i></b>
<b><i>Electronic Funds Payments</i></b>	<b><i>2945-3012</i></b>	<b><i>\$ 333,453.10</i></b>
<b><i>Direct Debits Payroll</i></b>		<b><i>\$ 79,100.65</i></b>
<b><i>Bank Fees</i></b>		<b><i>\$ 573.96</i></b>
<b><i>Corporate Cards</i></b>		<b><i>\$ 1,572.54</i></b>
<b><i>Photocopier Lease</i></b>		<b><i>\$ 1,037.22</i></b>
<b><i>Shell Cards</i></b>		<b><i>\$ 820.17</i></b>
<b>TOTAL</b>		<b><u>\$ 491,804.88</u></b>
<b>TRUST FUND</b>		
<b><i>Cheque Payments</i></b>	<b><i>3358-3362</i></b>	<b><i>\$ 6,055.99</i></b>
<b><i>Direct Debits Licensing</i></b>		<b><i>\$ 153,164.75</i></b>
<b>TOTAL</b>		<b><u>\$ 159,220.74</u></b>
<b>TOTAL DISBURSEMENTS</b>		<b><u>\$ 651,025.62</u></b>
		<b><i>CARRIED (6-0)</i></b>

**Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 10 August 2006) to make payments from the Municipal and Trust accounts.

9. OFFICER'S REPORTS  
9.3 FINANCE REPORTS  
9.3.2 TENDER 04-0607 CONSTRUCTION OF STAFF HOUSING

FILE NO: AS.TEN.09  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 9 FEBRUARY 2007  
LOCATION/ADDRESS: LOT 229 OSNABURG ROAD, YORK  
APPLICANT: SHIRE OF YORK  
SENIOR OFFICER: RAY HOOPER  
REPORTING OFFICER: GRAHAM STANLEY  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: YES  
DOCUMENTS TABLED: YES

**Summary:**

Tender 04-0607 for the construction of staff housing closed on 31<sup>st</sup> January 2007. This report gives details on the tenders received and recommendations on how to proceed.

**Background:**

At the November 2006 meeting, Council decided to call tenders for the design and construction of two (2) staff residences at Lot 229 Roe and Osnaburg Roads, York. The provision of quality housing is important in attracting specialised staff in a highly competitive labor market. Currently the Shire is seeking to attract a Town Planner and an Engineer/Manager of Works. The provision of housing for these employees will form part of the Salary Packages.

**Consultation:**

Public Tender Process

**Statutory Environment:**

Local Government Act (1995) Section 3.57, Local Government (Functions and General) Regulations Part 4.

**Policy Implications:**

Nil

**Financial Implications:**

Council authorised the use of funds from the sale of Council land at Redmile Road and Avon Terrace to meet the cost of construction, site preparation and associated matters.

The proceeds of the land sales are as follows:

Lots 11 –13 Redmile Road	\$195,000
Lots 299 & 301 Avon Terrace	<u>\$395,000</u>
TOTAL	\$590,000

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

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

The asset base of the Shire of York will be increased by the construction of housing and capital growth will increase the value over the years.

**Social Implications:**

There is a level of community expectation that senior staff will reside in the community.

**Environmental Implications:**

Serious of consideration should be given to installing 20,000 Litre rain water tanks at each house and utilizing the water allocated for flushing toilets, possibly showers and gardens. This will set a positive example for the community. It will also reduce storm water discharge into the streets reducing pressure on local drainage.

**Comment:**

Tenders were submitted by two building companies - WA Country Builders and Sevent Pty Ltd of York. Five different designs were submitted by WA Country Builders and four by Sevent Pty Ltd.

The tender called for the design and construction of two 4 bedroom, 2 bathroom open living residences of approximately 185sqm habitable area.

Housing standards outlined were:

- Colour bond (non-reflective) roofing materials.
- Walk in wardrobe to master bedroom.
- Built in robes to other bedrooms.
- Walk in linen cupboard.
- Walk in pantry.
- Fridge/freezer recess (preferable but not compulsory).
- Underground power supplies.
- Reverse cycle air-conditioning (zoned).
- Carport or roller door garage (minimum 2 vehicles).
- Concrete or paving block driveway.
- Security screens to doors and windows.
- ATU or leach drain septic system.
- Downpipes discharged to Shire requirements.

Basic details of the tenders submitted were as follows:

<b><u>NO</u></b>	<b>DESIGN</b>	<b>COMPANY</b>	<b>UNIT PRICE</b>
<b>1</b>	Franklin #4971	WA Country Builders	\$204,779 *
	Matrix Maxi -Family		\$189,129 *
	Matrix Maxi – Activity		\$189,595 *
	Preston – Family		\$182,037 *
	Broadwater		\$199,699 *
	*Does not include: Earthworks, engineering site report, engineers seismic details, septic and leach drains, power run, water run and service trench. *Also require Council to provide a detailed survey of the block.		
<b>2</b>	<u>1, 2, &amp; 3</u>	<u>Sevent Pty Ltd</u>	<u>\$306,750 *</u>
	<u>4</u>	<u>Sevent Pty Ltd</u>	<u>\$340,665 *</u>
	*Does not include: Provision of crossover, compacted sand pad, landscaping and fencing		

### **WA Country Builders**

Evaluation sheets on the following designs by WA Country Builders have been included in the attachments to this report

Franklin #4971  
Matrix Maxi – Family  
Preston Family

In their pricing WA Country Builders did not include the following costs however I have since obtained estimates based on their recent work in York.

• Detailed site survey/ Engineering site report	\$1,500
• Engineers Seismic Details	\$20,000
• Septic and Leach Drains	\$9,600
• Air-conditioning allowance	\$10,000
• Floor Coverings allowance	\$10,000
• Internal wall painting	\$7,000
• Earthworks, power run, water run and service trench	<u>\$10,000 *</u>
TOTAL	\$68,100

\*The earthworks estimate also includes the cost of the sand pad which the shire indicated that it would be responsible for.

Based on the estimates the cost of the various WA Country Builders designs range from approximately \$250,000 for the Preston – Family to \$273,000 for the Franklin #4971

Of the WA Country Builders designs, the Preston Family appears to offer the best value as it includes a double garage with remote control panel lift doors, a practical kitchen with built-in pantry and built in and walk in wardrobes and a storage cupboard

in addition to a linen cupboard and it is also the lowest priced of the designs submitted.

### **Sevent Pty Ltd**

The plans and specifications submitted by Sevent Pty Ltd are not as detailed as those provided by WA Country Builders however they are sufficient for the purposes of making comparisons. Designs 1, 2 and 3 are all approximately 185 sqm in habitable area and have been priced at \$306,750 each. The price quoted is finished to a standard ready to move into.

Design 4, having a habitable area of 213.5sqm, has been included as another option and demonstrates the lower price per square metre of a larger home. It's priced at \$340,665. All 4 designs include a double garage and a follow up enquiry has revealed that the proposed hot water system is gas instantaneous. The proprietor has also indicated that he may be able to include double glazed windows within the price quoted. An evaluation sheet has been included for Sevent Design #1.

### **Value for Money**

The design that appears to offer the best value for money is the Preston Family by WA Country Builders. Even allowing an additional \$2,000 for TV aerials and points, telephone points, letter box and clothes line it is still in excess of \$50,000 less than any of the designs offered by Sevent Pty Ltd and it would meet the requirements of the Shire to provide suitable housing for the attraction and retention of professional staff.

As part of the process of finalizing the designs of the house prior to signing of the contract Shire staff would meet with the builder to make minor changes to the plans and ensure that houses will meet the needs of future tenants and minimise maintenance requirements and the need to return to make plumbing and electrical improvements such as additional power points and telephone/modem connection points.

### **OFFICER RECOMMENDATION**

Resolution  
230207

MOVED Cr Lawrance

Seconded Cr Boyle

***"That Council:***

- 1. Agrees to accept the tender from WA Country Builders to build two houses of the "Preston Family" design on lot 229 Osnaburg Road, York and that Shire staff be authorised to finalise designs, colour and fixtures and fittings selections and building contract; and***
- 2. That Council authorise the provision of a 20,000 litre rain water tank to each of the proposed residences to utilise rain water in the residences, reducing storm water discharge from the property and providing a positive example to the residents of York demonstrating the Shires commitment to good environmental practices".***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.3 FINANCE REPORTS  
9.3.3 TENDER 05-0607 RIDE ON MOWER

FILE NO: AS.TEN.11  
COUNCIL DATE: 19<sup>TH</sup> FEBRUARY 2007  
REPORT DATE: 12 FEBRUARY 2007  
LOCATION/ADDRESS: N/A  
APPLICANT: T-QUIP  
SENIOR OFFICER: RAY HOOPER , CEO  
REPORTING OFFICER: GRAHAM STANLEY, DCEO  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: NIL  
DOCUMENTS TABLED: RIDE ON MOWER – T-QUIP OFFER

**Summary:**

Tenders closing 31<sup>st</sup> January 2007 were called for the supply of a ride on mower with pick up front and an optional road sweeping attachment with a trade of Council's existing Ride on Mower being offered. This report considers the tenders received and makes recommendation.

**Background:**

Council has budgeted to replace its existing John Deere Ride on Mower and to replace its road sweeper.

**Consultation:**

Councils' Work Supervisor, Peter Atkins has researched alternatives available and became aware of the availability of dual use machines. Further research indicated that the cost of such machines would exceed \$50,000 necessitating the calling of tenders.

**Statutory Environment:**

Local Government Act 1995 S.3.57 Local Government (Functions and General) Regulations Part 4.

**Policy Implications:**

Nil

**Financial Implications:**

Budget for Replacement of Ride On Mower	\$55,000
Less Trade –in	<u>\$10,000</u>
Balance available	\$45,000
Budget for Replacement of Road Sweeper	\$85,000
Less Trade – in	<u>\$10,000</u>
Balance available	\$75,000

Funds available \$120,000

Plus and proceeds from sale of existing sweeper – if any.

**Strategic Implications:**

KRA 7: Point 2

2. *To provide and maintain high quality services and infrastructure in an efficient and cost effective way*

KRA 8 : Point 1

1. *To provide services in the most cost effective way.*

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Purchasing a dual use machine will result in a better utilisation of assets due to the greater flexibility of the machine. A considerable saving over the cost of providing the two machines budgeted for, will enable a higher plant reserve balance to be maintained resulting in greater availability of funds for future assets purchases.

**Social Implications:**

The improved capacity of the sweeper will make it easier for Work Staff to sweep the streets in the Central Business District enhancing the visual amenity of the town.

**Environmental Implications:**

Nil

**Comment:**

The only company to tender was a Perth based Company, T-Quip who claim to be WA's largest dedicated commercial mowing equipment outlet. The most widely known equipment is the range of Toro mowers however in this case they have tendered two machines and manufactured by Gianni Ferrari of Italy. Positive feedback has been received from other Councils on the service provided by T-Quip.

**OPTION 1**

ITEM DESCRIPTION	MANUFACTURES NAME/ITEM CODE/MODEL NO	PRICE TENDERED (EX GST)	GST COMPONENT	PRICE TENDERED (INC GST)
Ride on Mower	Gianni Ferrari T2 (see attached quote for details)	\$49,726.00	\$4,972.60	\$54,698.60
Sweeper attachment	Sweeper with water spray	\$8,288.00	\$828.80	\$9,116.80
Total	GFT 2 complete with sweeper	\$58,014.00	\$5,801.40	\$63,815.40
Less Trade	John Deer 1445 with collection attachment	\$13,000.00	\$1,3000.00	\$14,300.00
<b>Net Price Delivered</b>		<b>\$45,014.00</b>	<b>\$4,501.40</b>	<b>\$49,515.40</b>



## OPTION 2

<b>ITEM DESCRIPTION</b>	<b>MANUFACTURES NAME/ITEM CODE/MODEL NO</b>	<b>PRICE TENDERED (EX GST)</b>	<b>GST COMPONENT</b>	<b>PRICE TENDERED (INC GST)</b>
Ride on Mower	Gianni Ferrari T4 (see attached quote for details)	\$56,268.00	\$5,626.80	\$61,894.80
Sweeper attachment	Sweeper with water spray	\$8,288.00	\$828.80	\$9,116.80
Total	GFT 4 complete with sweeper	\$64,556.00	\$6,455.60	71,011.60
Less Trade	John Deer 1445 with collection attachment	\$13,000.00	\$1,300.00	\$14,300.00
<b>Net Price Delivered</b>		<b>\$51,556.00</b>	<b>\$5,155.60</b>	<b>\$56,711.60</b>

Technical Details are as follows:

- (1) Gianni Ferrari Turbo 2
- 33Hp liquid cooled 4 cylinder Kubota diesel engine (D1505)
  - 40 litre fuel capacity
  - Two (2) wheel drive with diff lock
  - Hydraulic Grammar seat
  - Ergonomically designed operator station
  - RC 150cm (60in) Mower –deck
  - 1100 litre Grass catcher with audible alarm
  - Hydraulic elevator to 210cm
  - ROPS and canopy
  - Tool Box
  - Orange Beacon
  - Fire Extinguisher
  - Full Road Lighting
  - Operator Training on delivery
  - Warranty – twelve months on prime mover and two years on engine and transmission.
- (2) Gianni Ferrari Turbo 4
- 33Hp liquid cooled 4 cylinder Kubota diesel engine (D1505)
  - 40 litre fuel capacity
  - Two (2) wheel drive with diff lock
  - Hydraulic Grammar seat
  - Ergonomically designed operator station
  - RC 150cm (60in) Mower –deck
  - 1100 litre Grass catcher with audible alarm
  - Hydraulic elevator to 210cm
  - ROPS and canopy

- Tool Box
- Orange Beacon
- Fire Extinguisher
- Full Road Lighting
- Operator Training on delivery
- Warranty – twelve months on prime mover and two years on engine and transmission.

Whilst Council's Works Supervisor has seen the mower demonstrated and was impressed with its performance, he has yet to see the road sweeper attachment in action. The dealer has offered to take Peter to an "in the field" demonstration of the machine being used as a sweeper. It is this officer's recommendation that any offer to purchase a machine be "subject" to council staff satisfaction that the machine can perform adequately as a road sweeper to meet the requirements of the Shire.

The recommendation of the supplier is that the T4 (4 wheel drive) version has additional traction, which would enhance the machine's performance whilst sweeping.

#### **OFFICER RECOMMENDATION**

Resolution  
240207

MOVED Cr Delich

Seconded Cr Boyle

***"That Council:***

- (1) ***Accepts the tender from T-Quip to supply one only Gianni Ferrari Turbo 4 mower with sweeper attachment at the tendered price of \$71,011.60 incl GST less the trade in of Council's John Deere 1445 mower with collection system for \$14,300 Inc GST resulting in a changeover of \$56,711.60 including GST subject to the following condition:***
  - (a) ***that Council staff are satisfied that the machine can perform adequately as a road sweeper to meet the requirements of the Shire.***
- (2) ***Should the performance of the machine not meet Council's requirements for a road sweeper that separate new tenders be called for the provision of a suitable road sweeper and a suitable mower.***

***CARRIED (6-0)***

9. OFFICER'S REPORTS  
9.2 ADMINISTRATION REPORTS  
9.3.4 TENDER 03-0607 SUPPLY AND DELIVER OF FUEL

FILE NO: AS.QTN  
COUNCIL DATE: 19 FEBRUARY 2007  
REPORT DATE: 10 JANUARY  
LOCATION/ADDRESS: NIL  
APPLICANT: FUEL DISTRIBUTORS OF WESTERN AUSTRALIA  
SENIOR OFFICER: GRAHAM STANLEY  
REPORTING OFFICER: NIL  
DISCLOSURE OF INTEREST: NIL  
APPENDICES: YES  
DOCUMENTS TABLED: NIL

**Summary:**

Council is to consider accepting the tender from Fuel Distributors of Western Australia Pty Ltd for the supply and delivery of fuels for the period 1 January 2007 to 31 December 2009.

**Background:**

Council called tenders for the supply and delivery of diesel and unleaded petrol. Only one tender was received

All products delivered will be at 1.1 cents per litre or the Daily Posted List Price. The 06/12/06, the price would have been:

Unleaded Petrol	115.83 cpl (including GST) + 1.1 cents per litre
Diesel	120.36 cpl (including GST) + 1.1 cents per litre

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995 S3.57

**Policy Implications:**

Policy 4.3 Local Purchasing (Appendix B)

**Financial Implications:**

Fuel acquisitions are incorporated in the 4 year Plan for the Future.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Absolute Majority Required:** Yes

**Site Inspection:**

Site Inspection Undertaken: N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil

**Social Implications:**

Nil

**Environmental Implications:**

Nil

**Comment:**

As only one tender was received and that Fuel Distributors WA is represented in York, it is recommended that the tender form Fuel Distributors be accepted.

**OFFICER RECOMMENDATION**

Resolution

250207

MOVED Cr Lawrance

Seconded Cr Fisher

***“That Council:***

- 1. Accept the tender from Fuel Distributors of Western Australia Pty Ltd for the supply and delivery of fuels for a period of three (3) years commencing on 1 January 2007 to 31 December 2009 Inclusive at a tender price of 1.1 cents per litre above the Daily Posted List Price. Subject to Fuel Distributors WA continuing to maintain the equipment located at the Shire Depot.***
- 2. Apply for a Gull card to take advantage of reduced bowser prices for unleaded petrol if applicable.***

***CARRIED (6-0)***

**9.4 Confidential Reports**

Nil.

**9.5 Late Reports**

9. OFFICER'S REPORTS  
9.5 LATE REPORTS  
9.5.1 RESITED HOUSE

FILE NO: TO1.2612  
COUNCIL DATE: 19 February 2007  
REPORT DATE: 14 February 2007  
LOCATION/ADDRESS: Lot 103 Top Beverley Road, York  
APPLICANT: Mr H Haslam  
SENIOR OFFICER: Ray Hooper, CEO  
REPORTING OFFICER: Tyhscha Woolcock, SAO  
DISCLOSURE OF INTEREST: No  
APPENDICES: Appendix A – Proposed Lot Layout  
Appendix B – R & R Fletcher Report  
Appendix C – House Layout  
Appendix D – Policy – Resited Houses  
DOCUMENTS TABLED: Photos

*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 from Council to place a resited dwelling on the property at Lot 103 Top Beverley Road, York

**Background:**

The land is zoned Rural Residential under the Shire of York Town Planning Scheme No. 2 and the total area is approximately 3.9615ha.

The property is the subject of a subdivision application and the dwelling is proposed for relocation on proposed Lot 1.

**Consultation:**

Adjoining neighbours were notified of the proposal and no submissions were received within the submission period.

**Statutory Environment:**

Shire of York Town Planning Scheme No.2.

**Policy Implications:**

Resited Houses Policy .

**Financial Implications:**

Nil to Council.

**Strategic Implications:**

Nil.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** No

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil.

**Social Implications:**

Provide further housing and infill development for York, which may prove beneficial for its growth.

**Environmental Implications:**

The property backs onto the Avon River. To keep with the rural amenity of the land the recommendation has been conditioned to retain the rural landscape as much as possible.

**Comment:**

The dwelling whilst requiring quite some attention may be restored and established to an acceptable standard with bond payments being released when the acceptable standard has been reached.

**OFFICER RECOMMENDATION**

*“That Council:*

1. *advise the applicant that the proposed resited dwelling to be located at the property at Lot 103 (proposed Lot 1), York is approved subject to the following:*
  - a. *A building licence and septic system licence being issued prior to relocation;*
  - b. *Payment of a \$5,000.00 bond is required at the time of lodging a building licence, which will be released as the development reaches different stages;*
  - c. *An engineer's report to certify that the dwelling is suitable for transportation and relocation in a seismic zone;*
  - d. *All damaged sections of external cladding to be replaced by new full sheets to match existing;*
  - e. *If more than 10% of roofing sheets, gutters, ridgescaps or flashings are affected by rust then all must be replaced with new roofing materials;*



- f. *Any damaged or rusted gutters or downpipes are to be replaced with new materials;*
  - g. *All windows and openings are to comply with the Building Code of Australia. All broken glass in the dwelling is to be replaced, all windows and doors to open and close freely, and all locks and catches are to be easily operable;*
  - h. *If asbestos is detected it is a requirement to comply with the Health (Asbestos) Regulations 1992 and Council's Information Note – Removal and Disposal of Asbestos Cement Building Products;*
  - i. *To conserve the rural environment or features of natural beauty all trees shall be retained except those approved by the Chief Executive Officer for the positioning of a dwelling.*
  - j. *Entering into a contract prepared by Council's Solicitor at the expense of the applicant in accordance with Council' Planning Policy relating to Resited Houses Section 10;*
  - k. *The dwelling is to be complete within a 12 month period; and*
  - l. *Compliance with Council's Planning Policy relating to Resited Houses.*
2. *Advise the applicant that prior to a building being resited on the property that a Certificate of Title needs to be provided to Council to ensure that the property has been subdivided and all conditions cleared.*

Resolution  
260207

MOVED Cr Delich

Seconded Cr Fisher

***"That Council:***

1. ***advise the applicant that the proposed resited dwelling to be located at the property at Lot 103 (proposed Lot 1), York is approved subject to the following:***
  - a. ***A building licence and septic system licence being issued prior to relocation;***
  - b. ***Payment of a \$5,000.00 bond is required at the time of lodging a building licence, which will be released as the development reaches different stages;***
  - c. ***An engineer's report to certify that the dwelling is suitable for transportation and relocation at the above address;***

- d. All damaged sections of external cladding to be replaced by new full sheets to match existing;*
  - e. If more than 10% of roofing sheets, gutters, ridge caps or flashings are affected by rust then all must be replaced with new roofing materials;*
  - f. Any damaged or rusted gutters or downpipes are to be replaced with new materials;*
  - g. All windows and openings are to comply with the Building Code of Australia. All broken glass in the dwelling is to be replaced, all windows and doors to open and close freely, and all locks and catches are to be easily operable;*
  - h. If asbestos is detected it is a requirement to comply with the Health (Asbestos) Regulations 1992 and Council's Information Note – Removal and Disposal of Asbestos Cement Building Products;*
  - i. To conserve the rural environment or features of natural beauty all trees shall be retained except those approved by the Chief Executive Officer for the positioning of a dwelling.*
  - j. Entering into a contract prepared by Council's Solicitor at the expense of the applicant in accordance with Council's Planning Policy relating to Resited Houses Section 10;*
  - k. The dwelling is to be complete within a 12 month period; and*
  - l. Compliance with Council's Planning Policy relating to Resited Houses.*
- 2. Advise the applicant that prior to a building being resited on the property that a Certificate of Title needs to be provided to Council to ensure that the property has been subdivided and all conditions cleared.*
- CARRIED (6-0)**

Reason

Item C in the Officers Recommendation was amended to cover all engineering aspects and not just earthquake zone requirements.

9. OFFICER'S REPORTS  
9.5 LATE REPORTS  
9.5.2 ANNUAL ELECTORS' MEETING

FILE NO: OR.MTG.2  
COUNCIL DATE: 19 February 2007  
REPORT DATE: 15 February 2007  
LOCATION/ADDRESS: N/A  
APPLICANT: N/A  
SENIOR OFFICER: Ray Hooper, CEO  
REPORTING OFFICER: Graham Stanley, Deputy CEO  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Yes – Minutes of meeting  
DOCUMENTS TABLED:

**Summary:**

The Annual Electors' Meeting was held on Monday 5<sup>th</sup> February 2007. Section 5.33 requires that all decisions made at an electors' meeting are to be considered at the next ordinary meeting of Council if practicable otherwise at the first ordinary meeting after that meeting or at a special meeting called for that purpose. This report deals with the outcomes of the Annual Meeting of Electors' for 2006/07

**Background:**

Local Governments have been required by the Local Government Act 1995 to conduct an Annual Electors Meeting each year within 56 days of receiving the Annual Report for the previous Financial Year. Council received the annual report at the council meeting held on Monday December 18, 2006. This year's Annual Electors' meeting is likely to be the last one as amendments to the Local Government Act 1995 will soon come into effect deleting the requirement for such meetings to be held.

**Consultation:**

Nil

**Statutory Environment:**

Local Government Act 1995, S5.33 states:

- “(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*  
*(a) at the first ordinary council meeting after that meeting; or*  
*(b) at a special meeting called for that purpose,*

whichever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting the reasons for the decision are to be recorded in the minutes of the council meeting.

**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:**

The Annual Electors' Meeting for 2006/07 was held on Monday 5<sup>th</sup> February 2007. Apart from Councillors and Council staff, 12 members of the public were present at the meeting. The only formal decisions made at the meeting were procedural motions dealing with the acceptance of the President's Report, the Auditor's Report and the Annual Report. There were no decisions made that require Council to take any action. Various items were raised in General Business however no formal recommendations came forward. Council staff took notes on the issues that were raised and will take action were deemed appropriate. Some items may be put forward for consideration in future budgets.

**OFFICER RECOMMENDATION**

Resolution

270207

MOVED Cr Randell

Seconded Cr Boyle

***“That Council: receives the minutes of Annual Electors' Meeting held in York on Monday 5<sup>th</sup> February 2007 and notes that no recommendations came forward from the meeting requiring a decision by Council.***

***CARRIED (6-0)***

10. **NEXT MEETING**

Resolution  
280207

MOVED Cr Boyle

Seconded Cr Delich

***“That Council***

***hold the next Ordinary Meeting of the Council on 19 March 2007,  
commencing at 3.00pm in the Lesser Hall, York.”***

***CARRIED (6-0)***

11. **CLOSURE**

There being no further business, the President closed the meeting at 5.31PM

*The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 19 February 2007.*

\_\_\_\_\_  
*PRESIDENT*