



# SHIRE OF YORK

**MINUTES OF THE  
WORKS COMMITTEE MEETING  
HELD ON 17 JULY, 2014  
COMMENCING AT 5.15PM  
IN THE YORK RECREATION &  
CONVENTION CENTRE**



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## SHIRE OF YORK

THE ADJOURNED MEETING OF WORKS COMMITTEE OF THE COUNCIL HELD ON  
THURSDAY, 3<sup>RD</sup> JULY 2014,  
RECOMMENCED ON THURSDAY, 17<sup>TH</sup> JULY, 2014  
AT 5.15PM IN THE YORK RECREATION AND CONVENTION CENTRE, YORK

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

### **1. RE-OPENING**

#### **1.1 Declaration of Re-Opening by the Presiding Member at 5:15pm**

#### **1.2 Announcements and discussion**

- 1.2.1 The schedule of future meetings was discussed and it was agreed to make all scheduled meetings 1 week earlier in order that the Works Committee resolutions may be referred to the Council in due time

### **2. REPORTS**



9. MATTERS FOR RESOLUTION  
9.3 WORKS REPORTS  
9.3.1 York Annual Show – Request for Shire Support

FILE NO:  
COUNCIL DATE: Wednesday  
REPORT DATE: 15 July 2014  
LOCATION/ADDRESS: Forrest Oval  
APPLICANT: York Agricultural Society  
SENIOR OFFICER: Graham Lantzke, Works Manager  
AUTHOR: Graham Lantzke, Works Manager  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: \_\_\_\_\_

**WORKS COMMITTEE RECOMMENDATION**

Moved: Cr Boyle

Seconded: Cr Duperouzel

*“The Works Committee recommend that Council:*

- 1. Provide the York Agricultural Society Show the following financial (cash) contributions to the value of \$3,900;*
- 2. Provide the York Agricultural Society Show the following works in kind (non cash) support to the value of \$7,775;*
- 3. Note that items 1 and 2 are provided for in the 2014/15 budget Event support account;*
- 4. Not invest \$7,200 in providing a blue metal dust surface to the car park area; and*
- 5. Note this does not include regular and mandated compliance work required by various Acts.*

**Carried: 8-0**

**OFFICER RECOMMENDATION**

*“That Council:*

- 1. Provide the York Agricultural Society Show the following financial (cash) contributions to the value of \$3,900;*
- 2. Provide the York Agricultural Society Show the following works in kind (non cash) support to the value of \$7,775;*
- 3. Note that items 1 and 2 are provided for in the 2014/15 budget Event support account;*
- 4. Not invest \$7,200 in providing a blue metal dust surface to the car park area; and*
- 5. Note this does not include regular and mandated compliance work required by various Acts.*

*Note if recommended item 4 is reversed Council will need to transfer funds from another account and adopt the resolution by absolute majority*

**Summary:**

Shire representatives have met with representatives of the Agriculture Society to discuss the 2014 York Show. The Agriculture Society has requested assistance from the Shire to the value of \$11,675 in line with previous years. Council approval is requested.

**Background:**

The York Show has been running for many years and the history of the event is well known. The Shire has supported the event for many years.

In recent years there has been concern about the transparency of the use of Shire ratepayer funds to support various events.

The Agricultural Society has previously expressed concern about the facilities available at Forrest Oval and in particular that there is no sealed car park, access to the oval has been restricted to light traffic, there is no dedicated 3 phase power supply for show rides and similar.

**Consultation:**

York Agricultural Society

**Statutory Environment:**

NA

**Policy Implications:**

Shire Events Policy

**Financial Implications:**

York Agricultural Society are requesting the following support from the Shire

Requested item	Estimated Value (ex GST)	Cash/In kind
Sponsorship of fireworks	\$2,000	cash
Sponsorship of generator hire	\$1,900	cash
Provision of traffic and parking controls (2 man crew full day)	\$1,600	In kind
Provision of supplementary gates, barricades	\$500	In kind
Labour and support relating to setting up, deliveries and similar, (3 man crew full day)	\$2,100	In kind
Preparation of Pony Club grounds	\$1,600	In kind
Toilet cleaning, supplies	\$975	In kind
Post event rubbish and damage clean up	\$1,000	In kind
General grounds preparation, marking reticulation, fencing repairs, etc		
Compliance and reporting work	Not included	na
Insurances	Not included	na
YRCC Hospitality area operating expenses including additional security	Not included	na
Opportunity Costs loss of venue and facilities approx. 6 days	Not included	na
<b>Total</b>	<b>\$11,675</b>	
<b>Optional Extra</b>	Plus possible	
Blue metal dust car park	<b>\$7,200</b>	In kind

Note "In kind" costs are real dollar expenses the Shire will incur directly.



Volunteers might deliver these components more cheaply or assist in delivery of them to reduce costs.

In addition the Shire will continue to have a standard compliance role regarding several Acts and Legislation. For example compliance with health regulations

**Strategic Implications:**

Support for events is not identified in Council's strategic plan. Events are funded annually on a yearly basis through the annual budget deliberations and a general instruction for staff to support community events.

It is estimated the Shire provides support in some form (and not including compliance matters) to approximately 26 events annually. Summarised costs are not currently available as the support is provided across a range of budget areas.

Pending a review of policy and delegations for 2014/15 financial year support for each event is to be

- Endorsed by Council prior to the event
- Fully costed
- Accounted to dedicated specific accounts

Council may wish to review the events policy, delegations register and adopt a more strategic focus to event support in due course.

**Voting Requirements:**

**Simple Majority Required:** Yes -

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

The York Show brings significant business to the Shire. Exact value has not been assessed.

The Show is operated by the Agricultural Society who collect associated revenue and cover associated expenses, with support and sponsorship from the Shire and other suppliers. The Shire collects revenue from meals and drinks at the recreation centre.

**Social Implications:**

The York show is a significant social event attracting an estimated 2,000 to 3,000 participants (pers comments Show organisers), excluding provision of grounds and matters listed here.

**Environmental Implications:**

Nil

**Comment:**

The Agricultural Society has advised that a plan of proposed use of the reserve is not available and they will be unable to provide a plan before the date of the event. This makes preparation of reserve preparation and Shire planning difficult.

The Agricultural Society has not provided a written request identifying support required but has approached the Shire in an ad hoc manner. Through meetings this list of support has been consolidated by the Shire.

The Agricultural Society has advised that in return for the offered sponsorship the Shire will be recognised as a sponsor, there will be an opportunity for public address during any formal ceremonies and Shire banners may be displayed. It is not possible to recognise the Shire sponsorship in Show advertising brochures as these have already been published.

The Agricultural Society has advised they intend to shift the Show to the race course next year.

In 2013 Forrest Oval turf was too fragile for heavy use but the turf is now sufficiently robust to allow light traffic and stalls, but not including heavy livestock.

In 2013 the Forrest Oval Car Park became very muddy due to heavy rain. The car park is not sealed and will not be sealed in time for the 2014 event. An option to spread crushed blue metal (aka "cracker dust") on the car park is listed however this is unlikely to significantly improve the situation if there is heavy rain. A council direction by absolute majority on whether to invest in this is required as it is not currently provided for in the budget for events.

The Shire has provided a heavy duty power generator for several years which is required to run the show rides and other stalls. The generator has historically been hired by the Shire from professional hire companies (Coates or similar) in Perth and connected and operated by electricians working for the show. Unfortunately in the last three years there have been problems with the generator working and it has taken some effort to make it work despite successful pre and post delivery testing. The reason the various hired generators historically break down is not known. This year it is proposed to offer the Agricultural Society the funds to hire their own generator which will allow the Show electricians choice and opportunity to conduct their own pre delivery tests.

Fireworks were funded by the Shire and arranged by the Event Organisers last year. There is no quantified report on the success of the fireworks at keeping show goers at the event until later. Anecdotal comments suggest the fire works had some benefit. The show is requesting the Shire again fund fireworks in 2014.

The Shire will need to undertake various grounds preparation and likely repair of various damage post event.

If the Shire were a private business the return on investment for supporting the Show would not be present. However the Shire has a strategic vision to support and promote the community, town and region. It is suggested Councillors should consider the overall investment in the context of benefit to the community and town and equity with other events.

9. MATTERS FOR RESOLUTION  
9.3 WORKS REPORTS  
9.3.2 Request To Improve School Car Park

FILE NO: WK GEN 1  
COUNCIL DATE: 23 July 2014  
REPORT DATE: 25 June 2014  
LOCATION/ADDRESS: Trews Road, York  
APPLICANT: Various Parents  
SENIOR OFFICER: Works Manager, Graham Lantzke  
AUTHOR: Works Manager, Graham Lantzke  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Site Plan

**WORKS COMMITTEE RECOMMENDATION**

Moved: Cr Duperouzel

Seconded: Cr Wallace

*"That the Works Committee recommend to Council that it:*

- 1. Continue to maintain the eastern car park at the school for the community for a further 12 months until 30 June 2015."*

**Carried 8-0**

The resolution differed from the officer recommendation because the Committee decided that the CEO should approach the Education Department first to discuss the matter and the Committee was concerned that a more detailed scope of works and accurate cost estimates were required.

**OFFICER RECOMMENDATION**

*"That Council:*

- 1. Continue to maintain the car park for the Education Department for a further 12 months until 30 June 2015 with an estimated cost to the Shire of \$4,000 in 2014/15;*
- 2. Offer to the Education Department to upgrade and seal the School car park for them; and*
- 3. Offer to contribute 50% of the costs of doing this in the 2015/16 financial year with an estimated total cost around \$20,000 and a Council contribution of around \$10,000 with costs to be firmed."*

**Summary:**

School parents are requesting that the Shire provide maintenance and improvements to the school car park. The school car park is located on land which once formed part of Trews Road and is currently being transferred to the Education Department. The Council needs to determine if it will continue to maintain this car park for the school on a continuing basis, upgrade this car park to a full bitumen standard and whether it will charge the education Department for this service.

**Background:**

Resolution to close Trews Road

Notwithstanding the transfer of land the expectation of the parents of the school children remains that the Shire will maintain this car park as demonstrated by the various requests received on a regular basis.

**Consultation:**

None at this time. This report to initiate negotiation.

**Statutory Environment:**

Not applicable

**Policy Implications:**

This decision has potential precedent implications for various land around the town.

**Financial Implications:**

See discussion for details.

There is currently no budget allocated to maintain or upgrade the car park.

Upgrading and sealing the car park has a guesstimated cost of around \$20,000 which will need to be firmed up for negotiation and budget purposes if the Shire Council is supportive of the proposed approach.

Maintenance of the car park is estimated to cost around \$3,000-\$5,000 per annum. The car park is largely unsealed and the pavement surface is in a deteriorated condition.

**Strategic Implications:**

Nil

**Voting Requirements:**

**Simple Majority Required:** Yes

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

Nil

**Social Implications:**

The school is an important community centre and institution utilised by many residents

**Environmental Implications:**

Nil

**Comment:**

The fundamental issue for consideration here is to what extent should the local ratepayers, through the Shire, be subsidising the operations of a State Government Department.

An important consideration in this is that it is highly unlikely that the Education Department will prioritise or undertake works to this car park in the short term. They might agree to pay the Shire to do this for them, but experience would suggest this would require protracted negotiation and local school and P&C pressure.

In practical terms if the Shire does not do it, it won't get done. Further to this the community expectation is that the Shire will do it for them, so rather than demand the Education Department provide a suitable facility the community is likely to continue to expect the Shire to do it unless something changes. The community reasonably has this expectation because in the past the Shire has provided this service.

If the Shire is to extricate itself from managing the school car park for the Education Department it is suggested as a minimum a grace period of 12 months be allowed for the school, school community and Education Department to set up alternative provisions. Public liability responsibility lies with the agency with vested responsibility for the land which is currently the Shire but is being transferred to the Education Department.

If the Shire is to continue to manage the car park the school for more than about 4 years it is self evident the Shire would be financially better off by upgrading and sealing the car park rather than a continuous drain of funding maintenance, plus deal with the continuous customer dissatisfaction with an unsealed car park. If the car park is sealed maintenance costs thereafter will be significantly lower and management by the Education Department is practicable.

A 50% contribution from the Shire to the Education Department for the upgrading of an Education Department car park may be sufficiently enticing.

Council decision is being sought because this decision has budget and precedent setting implications.



9. MATTERS FOR RESOLUTION  
9.3 WORKS REPORTS  
9.3.3 Shire of York Road Hierarchy

FILE NO:  
COUNCIL DATE: 23 July 2014  
REPORT DATE: 15 July 2014  
LOCATION/ADDRESS: Whole of Shire  
APPLICANT: Not applicable  
SENIOR OFFICER: Chief Executive Officer, Michael Keeble  
AUTHOR: Cr Mark Duperouzel  
DISCLOSURE OF INTEREST: Nil  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: \_\_\_\_\_

**WORKS COMMITTEE RECOMMENDATION**

*Moved: Mr Gill*

*Seconded: Mr Mackay*

*“That the Works Committee Recommend to Council that it:*

*1. Endorse the following roads for RAV 4 network access and request Main Roads WA assess them and include them on the RAV network*

- *Knotts Road*
- *Talbot Road (from Qualen Rd )to Location No.839 Talbot Rd*
- *Quellington Road from Northam – Cranbrook Road to Mannavale Road*
- *Cameron Road*
- *Warding Road to the Cunderdin Shire*
- *Mannavale Road from Fleapool Rd to the Cunderdin Shire*
- *Doodenannin Rd*
- *Penny Drive*
- *Gwambygine East Road, west of Top Beverley Rd to the Northam – Cranbrook Rd to travel east only*
- *Greenhills South Road*
- *Fleapool Road*
- *Sees Road*
- *Cameron Road*
- *Piccadilly Road*
- *Buckingham Road – Bitumen Only*
- *Northbourne Road*
- *West Talbot Road to Great Southern Highway*
- *Wambyn Road*
- *Ashworth Road*
- *Wilberforce Road*
- *Karrabine Road*
- *Taylor Road*
- *Badgin Road*
- *Berry Brow Road*
- *Burges Road*
- *Corner Wells Road*
- *Cubbine Road*

- ***Goldfields Road***
- ***Greenhills Road***
- ***Hardey Road***
- ***Keebles Road***
- ***Leeming Road***
- ***Lennard Road***
- ***Mackie Road***
- ***Marwick Road***
- ***Mokine Road***
- ***Moore Road***
- ***Ovens Road***
- ***Qualen West Road***
- ***Quonamining Road***
- ***Spencers Brook Road (Shire of York)***
- ***Talbot West Road***
- ***Top Beverley Road***
- ***Ulster Road***
- ***Wallaby Road***
- ***Talbot Road***
- ***Cut Hill Road***
- ***Talbot Hall Road***
- ***McDougal Road***
- ***Boycutt Road***
- ***Williams Road***
- ***Hamersley Siding Road***
- ***Chester Road***
- ***Allens Road***
- ***Boyle Road***
- ***Mt Hardey Road***
- ***Wrights Road***
- ***Station Rd***
- ***Wyborn Street***
- ***Forrest Street***
- ***Maxwell Street***
- ***Wheeler Street***
- ***Fisher Street***
- ***Maincamp Road to Fisher St.”***

2. **Request Main Roads WA review the school bus curfew condition on all routes to find a more flexible arrangement.**

**Carried 8-0**

The Committee recommendation differed from the Officers recommendation to include a late consideration of concerns expressed by a community member about the school bus curfew.

The Committee considered that a 2 hour curfew when the school bus is on each road for only a few minutes was a significant productivity issue and might be better managed or removed.



## OFFICER RECOMMENDATION

*"That Council:*

*Endorse the following roads for RAV 4 network access and request Main Roads WA assess them and include them on the RAV network*

- *Knotts Road*
- *Talbot Road (from Qualen Rd )to Location No.839 Talbot Rd*
- *Quellington Road from Northam – Cranbrook Road to Mannavale Road*
- *Cameron Road*
- *Warding Road to the Cunderdin Shire*
- *Mannavale Road from Fleapool Rd to the Cunderdin Shire*
- *Doodenannin Rd*
- *Penny Drive*
- *Gwambygine East Road, west of Top Beverley Rd to the Northam – Cranbrook Rd to travel east only*
- *Greenhills South Road*
- *Fleapool Road*
- *Warding Road*
- *Sees Road*
- *Cameron Road*
- *Piccadilly Road*
- *Buckingham Road – Bitumen Only*
- *Northbourne Road*
- *West Talbot Road to Great Southern Highway*
- *Wambyn Road*
- *Ashworth Road*
- *Wilberforce Road*
- *Karrabine Road*
- *Taylor Road*
- *Badgin Road*
- *Berrybrow Road*
- *Burges Road*
- *Corner Wells Road*
- *Cubbine Road*
- *Goldfields Road*
- *Greenhills Road*
- *Hardey Road*
- *Keebles Road*
- *Leeming Road*
- *Lennard Road*
- *Mackie Road*
- *Marwick Road*
- *Mokine Road*
- *Moore Road*
- *Ovens Road*
- *Qualen West Road*
- *Quonamining Road*
- *Spencers Brook Road (Shire of York)*
- *Talbot West Road*
- *Top Beverley Road*

- *Ulster Road*
- *Wallaby Road*
- *Talbot Road*
- *Cut Hill Road*
- *Talbot Hall Road*
- *McDougal Road*
- *Boyercutty Road*
- *Williams Road*
- *Hammersley Siding Road*
- *Chester Road*
- *Allens Road*
- *Boyle Road*
- *Mt Hardey Road*
- *Wrights Road*
- *Station Rd*
- *Wyborn Street*
- *Forrest Street*
- *Maxwell Street*
- *Wheeler Street*
- *Fisher Street*
- *Maincamp Road to Fisher St.”*

**Summary:**

The heavy vehicle transport industry throughout the Shire of York and surrounding districts is growing at a very fast rate. The Shire of York is now faced with vehicles entering town and being operated throughout our Shire on un-permitted roads. The RAV4 Network already has access on the State roads throughout our Shire and none of the Shire owned roads. As a result of a meeting with the local transport companies it was apparent the demand for the RAV4 Networking has become URGENT.

**Background:**

Heavy vehicle transport has become very strong in the Shire of York mostly in the last 5 years. Years ago it was just transport companies that had the bigger machines now farmers themselves are buying these machines for their own use. With tier 3 rail closing, this will unfortunately triple the amount of truck movements on our roads into and out of our Shire.

Council has discussed several times reviewing a road hierarchy and adopting road standards, 10 year plans and other matters. Council currently has several related policy and strategy documents which have been adopted by previous Council's.

**Consultation:**

On the 19<sup>th</sup> of June we had a meeting with some very concerned local transport operators and Main Roads Heavy Vehicle Compliance Officers .The local Transport operators were asking about the process of approval ,for a list of roads to be assessed for the RAV4 Network. An officer from the D.E.R was also at the meeting informing all, how road side verge vegetation can play a part in approvals.

**Statutory Environment:**

NA

**Policy Implications:**

Nil

**Financial Implications:**

There will be minor adjustments to road maintenance only due to the natural expansion of transport industry.

**Strategic Implications:**

NA

**Voting Requirements:**

**Simple Majority Required: Yes**

**Site Inspection:**

**Site Inspection Undertaken: Not applicable**

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

Roads are the backbone of the economy.

**Social Implications:**

Roads are essential to the community and society.

**Environmental Implications:**

Roadside vegetation is important for biodiversity and the environment. Construction, use and maintenance of roads have adverse environmental impacts

**Comment:**

Throughout the Shire of York there are only a certain amount of roads that have been assessed by Main Roads for the RAV3 Network.

RAV3 Network category consists of a 27.5m pocket road train with a maximum permitted mass of 84 tonnes and a height 4.6m with approval ,in which 95% of the transport companies are using currently.

RAV4 Network category consists of a 27.m pocket road train with a maximum permitted mass of 87.5 tonnes and a maximum height of 4.6 m with approval, in which 95% of transport companies and farmers are moving to.

As these payloads can currently cart 16.5t on a set of bogey axles (RAV3 ) the pay load can only increase in a (RAV4 TRI AXLE CONFIGURATION)to 20t off farm . Payloads can be up to 21.5t (RAV4 )from a certified weighbridge hence reducing the amount of vehicles on the road and the number of trips

As roads are assessed by MRWA conditions may apply for the use of certain roads

Roads to be assessed by Main Roads for the RAV4 Network are as follows:

**RURAL ROADS**

- Knotts Road
- Talbot Road (from Qualen Rd )to Location No.839 Talbot Rd
- Quellington Road from Northam – Cranbrook Road to Mannavale Road
- Cameron Road
- Warding Road to the Cunderdin Shire
- Mannavale Road from Fleapool Rd to the Cunderdin Shire
- Doodenannin Rd
- Penny Drive
- Gwambygine East Road, west of Top Beverley Rd to the Northam – Cranbrook Rd to travel east only

- Greenhills South Road
- Fleapool Road
- Warding Road
- Sees Road
- Cameron Road
- Piccadilly Road
- Buckingham Road – Bitumen Only
- Northbourne Road
- West Talbot Road to Great Southern Highway
- Wambyn Road
- Ashworth Road
- Wilberforce Road
- Karrabine Road
- Taylor Road
- Badgin Road
- Berrybrow Road
- Burges Road
- Corner Wells Road
- Cubbine Road
- Goldfields Road
- Greenhills Road
- Hardey Road
- Keebles Road
- Leeming Road
- Lennard Road
- Mackie Road
- Marwick Road
- Mokine Road
- Moore Road
- Ovens Road
- Qualen West Road
- Quonamining Road
- Spencers Brook Road (Shire of York)
- Talbot West Road
- Top Beverley Road
- Ulster Road
- Wallaby Road
- Talbot Road
- Cut Hill Road
- Talbot Hall Road
- McDougal Road
- Boyercutty Road
- Williams Road
- Hamersley Siding Road
- Chester Road
- Allens Road
- Boyle Road
- Mt Hardey Road
- Wrights Road
- Station Rd

## TOWN ROADS

- Wyborn Street
- Forrest Street
- Maxwell Street
- Wheeler Street
- Fisher Street
- Maincamp Road to Fisher Street



9. MATTERS FOR RESOLUTION  
9.3 WORKS REPORTS  
9.3.4 Verge Spraying

FILE NO: EV.PVN.1.1  
COUNCIL DATE: 23 July 2014  
REPORT DATE: 16 July 2014  
LOCATION/ADDRESS: Various  
APPLICANT: Nil  
SENIOR OFFICER: Graham Lantzke, Works Manager  
AUTHOR: Graham Lantzke, Works Manager  
DISCLOSURE OF INTEREST: No  
APPENDICES: Nil  
DOCUMENTS TABLED: Nil  
REPORT APPROVED BY THE CEO: \_\_\_\_\_

**WORKS COMMITTEE RECOMMENDATION**

Moved: Cr Boyle

Seconded: Cr Duperouzel

*"The Works Committee recommend to Council:*

- 1. Let this matter of volunteers spraying verges lie on the table;*
- 2. Table for consideration at the next meeting allowing volunteers to prune trees on roads;*
- 3. Table for consideration at the next meeting allowing volunteers to grade roads."*

**Carried 8-0**

**OFFICER RECOMMENDATION**

*"That Council:*

- 1. Investigate further the opportunities, benefits and risks of providing chemicals and authorisations to private volunteers to undertake rural verge road spraying;*
- 2. Note the unplanned expenditure of approximately \$2,000 from the Account TBA "Engineering Consultants" to obtain legal advice on the matter.*

**Summary:**

A proposal for discussion purposes for the Shire to provide local community members and farmers with herbicide to be used controlling vegetation on rural road verges.

**Background:**

Rural road verges are an asset of the Shire of York which require ongoing management.

The local farming and transport industry are concerned at the extent of vegetation growth on road verges and intrusion into roadside drains, traffic envelopes and similar.

A suggestion has been put that the Shire provide to local farmers a supply of herbicide and authorisation to use it on road verges.

**Consultation:**

Nil

**Statutory Environment:**

Land Administration Act assigns to the Shire of York responsibility for the care and control of road reserves, including roadside Verges.

Section 51 of the Environmental Protection Act, 1986 makes it an offence to clear native vegetation without an exemption and a permit. "Clearing" by definition includes spraying with herbicide. The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 provide additional regulation.

The Conservation and Land Management Act 1984 provides further regulation on the protection of rare flora, fauna and ecological communities.

Part 5 of the Occupational Safety and Health Regulations, 1996, cover the handling and management of hazardous substances including pesticides.

The Occupational Safety and Health Act and Regulations also cover responsibility for safe work practices and environments which would include working on a roadside. Australian Standards and Main Roads WA has published specific guidelines on appropriate levels of training, worksite management and similar for working on roadsides under traffic conditions.

**Policy Implications:**

Council has an old 2005 'York Roadscape Plan' and 'Road Development Standards' which do not specify a Shire practice on spraying.

There are various precedent setting decisions and work practices in place such as all sealed road verges are sprayed to the width of the drain annually; residents may register their verge to not be sprayed provided they undertake to maintain it and similar

A comprehensive policy by Council setting clear guidelines and community expectations would be helpful.

**Financial Implications:**

The proposed policy to allow farmers to spray verges would have a positive financial benefit yet to be calculated. The cost of chemicals is relatively low compared to the cost of labour.

There are significant financial risks and liabilities

**Strategic Implications:**

Currently the spraying, excluding gravel roads, is completed by Shire crew. Shifting the delivery of that service to volunteers will save costs but not alter the strategic outcomes.

Setting a policy of spraying gravel verges may have benefits but a yet to be formally considered policy shift fore shadowed in budget discussions is that the maintenance grader will continuously operate all year round and part of that activity would be clearing of vegetation to the toe of the drain.

Clearing of all verges by spraying would be a significant strategic issue that would embroil the Shire in controversy with the Department of Environmental Conservation and other stakeholders.

**Voting Requirements:**

**Simple Majority Required:                    Yes**



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

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

**Social Implications:**  
Volunteer involvement may have follow on social benefits for community values.

Spraying of verges potentially reduces accident risks

**Environmental Implications:**  
Improper spraying of verges could damage native vegetation, including rare and endangered flora.

**Comment:**  
There are financial merits to allowing volunteers to spray road verges.

The cost of doing so and providing the chemicals is minimal. There would be some administration and support costs, costs of the chemicals and deliveries and some extended care costs to recover and dispose of used drums.

The Shire can authorise works on a road verge but can't authorise the clearing of native vegetation. That power is reserved to the Director General of the Department of Environment and Conservation.

In context this means that the Shire can authorise volunteers to spray road verges provided they do not damage any native vegetation outside the approved limit of maintenance. The approved limit of maintenance is generally the outside of the road formation except where there is an environmentally sensitive area, and except where the regrowth is more than 10 years old.

If any damage occurred to vegetation outside that envelope the Shire as the land owner and authorising agent would be deemed to have breached the Environmental Protection Act (with a presumption of guilt) and liable for fines up to \$1 million. The person doing the damage and officers of the Shire might be held similarly liable.  
Spray drift is almost inevitable in some circumstances.

The Shire would have limited power to make volunteers liable for their actions in roadside spraying as there would be no contract of engagement. It would be also near impossible to account for the use of spray chemicals for their intended purpose.

As an employer and road manager the Shire would have a duty of care to ensure that any volunteers working on a road and any passing traffic remains safe. There are specific guidelines for doing this and an essential component is training and appropriate signage.

The Occupational Health and Safety Act also provides specific guidelines on handling of chemicals and the Shire would need to ensure an appropriate level of training and equipment is maintained in order to protect its liability under that Act. It is understood any commercial spraying requires a professional ticket and it is not immediately clear if volunteers supported by the Shire would fall under this requirement.

The Shire has already completed the annual 2014 spraying program including all sealed road verges. Repeat and follow up spraying is proceeding.  
In summary if the Shire proceeds with the proposal.

In summary if the Shire is to proceed with this policy a thorough investigation of responsibility and risks under various Acts should be undertaken. A more detailed cost benefit assessment would also be useful.

At this point in time this proposal is put forward for discussion purposes to determine if further investigation is merited.

### **3. GENERAL BUSINESS**

The Committee discussed several further matters of interest without resolutions including

- Parks and Gardens sub committee
- Bowling Green repairs
- Tree pruning program
- Turf condition

### **4. ADJOURNMENT OF MEETING**

#### **RECOMMENDATION**

**As the allotted time has expired the Committee will adjourn until:**

**Date: Thursday, 31<sup>st</sup> July, 2014**

**Place: York Recreation & Convention Centre**

**Time: 5.00pm**

**Moved: Cr Wallace**

**Seconded: Cr Boyle**