

# SHIRE OF YORK

**MINUTES OF THE ORDINARY  
MEETING OF THE COUNCIL  
HELD ON 21 JUNE 2010  
COMMENCING AT 3.02pm  
IN THE LESSER HALL,  
JOAQUINA STREET, YORK.**



## **SHIRE OF YORK**

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RAY HOOPER  
CHIEF EXECUTIVE OFFICER



# Table of Contents

<b>1. OPENING .....</b>	<b>7</b>
1.1 <i>Declaration of Opening .....</i>	7
1.2 <i>Chief Executive Officer to read the disclaimer .....</i>	7
1.3 <i>Announcement of Visitors .....</i>	7
1.4 <i>Announcement of any Declared Financial Interests .....</i>	7
<b>2. ATTENDANCE .....</b>	<b>7</b>
2.1 <i>Members.....</i>	7
2.2 <i>Staff.....</i>	7
2.3 <i>Apologies.....</i>	7
2.4 <i>Leave of Absence Previously Approved.....</i>	7
2.5 <i>Number of People in Gallery at Commencement of Meeting.....</i>	7
<b>3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>8</b>
3.1 <i>Previous Public Questions Taken on Notice.....</i>	8
3.2 <i>Written Questions .....</i>	8
<b>4. PUBLIC QUESTION TIME.....</b>	<b>8</b>
<b>5. APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>10</b>
<b>6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....</b>	<b>10</b>
<b>7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>10</b>
7.1 <i>Minutes of the Ordinary Council Meeting held May 17,2010 .....</i>	10
7.2 <i>Minutes of the Special Council Meeting held June 2, 2010 .....</i>	11
<b>8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....</b>	<b>11</b>
<b>9. OFFICER'S REPORTS.....</b>	<b>11</b>
<b>9.1 <i>Development Services.....</i></b>	<b>13</b>
9.1.1 <i>Shire of York Local Planning Strategy – Proposed Amendments.....</i>	15
9.1.2 <i>Scheme Amendment 29 – Daliak – Adoption Report .....</i>	45
9.1.3 <i>Application For Industry - Extractive And Request For An Extractive Industry Licence - Lot 2 (98) Parker Road, Caljie .....</i>	63
<b>9.2 <i>Administration Reports .....</i></b>	<b>85</b>
9.2.1 <i>Extension of Lease – Balbally Pty Ltd.....</i>	87
9.2.2 <i>LGS Integrated Software Business Plan .....</i>	91
9.2.3 <i>Youth Development Officer's Report.....</i>	97
<b>9.3 <i>Finance Reports.....</i></b>	<b>101</b>
9.3.1 <i>Monthly Financial Reports – May 2010 .....</i>	103
9.3.2 <i>Round Two of the Regional and Local Community Infrastructure Program (RLCIP) - Amendment .....</i>	121
<b>9.4 <i>Confidential Reports .....</i></b>	<b>123</b>
9.4.1 <i>Business Plan - Old York Primary School .....</i>	125
9.4.2 <i>Legal Proceedings .....</i>	125
<b>9.5 <i>Late Reports .....</i></b>	<b>127</b>
<b>10. NEXT MEETING .....</b>	<b>129</b>
<b>11. CLOSURE .....</b>	<b>129</b>





## SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL  
HELD ON MONDAY, 21 JUNE 2010, COMMENCING AT  
3.02PM IN THE LESSER HALL, JOAQUINA STREET, YORK

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

### 1. OPENING

- 1.1 Declaration of Opening  
*Cr Pat Hooper, Shire President, declared the meeting open at 3.02pm.*
- 1.2 Chief Executive Officer to read the disclaimer  
*Ray Hooper, Chief Executive Officer, read the disclaimer.*
- 1.3 Announcement of Visitors  
*Nil*
- 1.4 Announcement of any Declared Financial Interests  
*Cr Hooper – 9.1.1 – Impartial - Proximity  
Cr Scott – 9.1.1 – Financial - Landowner*

### 2. ATTENDANCE

- 2.1 Members  
*Cr Pat Hooper, Shire President; Cr Brian Lawrance, Deputy Shire President;  
Cr Tony Boyle; Cr Roy Scott; Cr Trevor Randell.*
- 2.2 Staff  
*R Hooper, CEO; T Cochrane, Acting DCEO; P Ruettjes, Planner; G Tester, Manager of EHO and Building; Helen D'Arcy-Walker, Executive Support Officer.*
- 2.3 Apologies  
*Cr Trish Walters.*
- 2.4 Leave of Absence Previously Approved  
*Cr Trish Walters.*
- 2.5 Number of People in Gallery at Commencement of Meeting  
*There were 17 people in the Gallery at the commencement of the meeting.*

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

#### **3.1 Previous Public Questions Taken on Notice**

**Question From:**

Mrs Sharon Macdonald  
PO Box 481  
York WA 6302

What is being done to recover the unpaid rates and services current year \$234,776.39 and unpaid rates and services previous year \$201,490.09.

**Response:**

These are not two separate amounts as the current year figures includes any unpaid debtors from 2008/09.

The Shire of York uses the WALGA endorsed Debt Collection company, Austral Mercantile, to manage and recover outstanding debts.

The Shire of York issues a summons for debt recovery where no effort is made to meet the outstanding amount.

A percentage of the amount outstanding refers to pensioner deferred rates which are not recovered until the person dies or the property is sold.

In relation to outstanding rates these are monitored continually and where the debt is more than three years old the properties are sold by auction or tender to recover the outstanding rates and charges and this was last undertaken in 2005.

The York Shire Council considers debt recovery and management as an important part of the operational system and every effort is made to minimise the amount outstanding.

#### **3.2 Written Questions**

*Nil*

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

Mr K Schekkerman  
420 Boyercutty Road  
York WA 6302

**Question 1**

9.1.1 – Shire of York Local Planning Strategy – Proposed Amendments relating to page 23 “some areas within the North West Precinct, however, will still require structure planning and major drainage and infrastructure works and are expected to be developed at a later stage.” What are the implications?

**Response**

The North West Residential locality is a large area precinct. A number of properties cannot be subdivided as they are already at a high density.

If the Local Planning Strategy modifications are approved some larger lots may not need structure plans as drainage and other issues can be dealt with at the subdivision stage.

The decision on the need for structure plans rests with the WA Planning Commission.

**Question 2**

Is the process specific to Rural Residential land or across the whole precinct?

**Response**

The modifications to the LPS controls the process. No review of the NW Residential Precinct will occur until after LPS review.

**Question 3**

Is a specific timeframe or process in place?

**Response**

These are in the hands of the WA Planning Commission and are not controlled by Council.

**Mr P Lambert**

York Cottages  
2 Morris Edwards Drive  
York WA 6302

**Question**

Why are separate descriptions of land parcels on pages 48 and 54 of the agenda as these appear to conflict?

**Response**

Due to the previous allocation of similar lot numbers the details to be included need to be very specific to identify lots. The Plan numbers takes out the confusion.

**Mrs S Paskett**

18 Panmure Road  
York WA 6302

**Question**

Will Council provide an extended submission period for the Graffiti Art Project.

**Response**

The need for this will be considered during the debate on the agenda item.

An amendment has been foreshadowed which may provide clarity and cover community input.

**Mr A Fraser**

17 Pelham Street  
York WA 6302

**Question 1**

Can the offence under the Parking Local Law for motor cycles outside marked bays be deleted? Can Section 38 of the Parking Local Laws – any other offence – be deleted?

**Response**

These matters will be considered in the Local Law review currently underway.

**Question 2**

Does Council have a policy on aerial spraying for the control and management of chemicals?

**Response**

No policy is in place at this time. The use of chemicals and buffer zones is generally controlled by the Department of Agriculture and Food WA.

Aerial spray operators operate under Civil Aviation rules and guidelines for wind drifts, proximity to residences and other matters.

**Question 3**

Do Councillors take full notice of legal advice received?

**Response**

Councillors are provided with copies of all legal advice and opinions and these are considered in any decision applicable to the content.

**Question 4**

How are budget variations to legal expenses managed?

**Response**

Budget allocations are an assessment of anticipated costs each year. Allocations are investigated in the mid year and monthly financial reviews and if a budget amendment is considered necessary it is referred to Council.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

*Cr Randell*

**RESOLUTION****010610****Moved: Cr Scott****Seconded: Cr Lawrance**

*“That Council grant a leave of absence to Cr Trevor Randell for the Council Meeting scheduled for 19<sup>th</sup> July, 2010”*

**CARRIED (5/0)****6. PETITIONS / PRESENTATIONS / DEPUTATIONS**

*Nil*

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

7.1 Minutes of the Ordinary Council Meeting held May 17,2010

Corrections

*Nil*

Confirmation

**RESOLUTION****020610****Moved: Cr Randell****Seconded: Cr Boyle**

*“That the minutes of the Ordinary Council Meeting held May 17, 2010 be confirmed as a correct record of proceedings.”*

**CARRIED (5/0)**

7.2 Minutes of the Special Council Meeting held June 2, 2010

Corrections

*Nil*

Confirmation

**RESOLUTION**  
**030610**

**Moved: Cr Boyle**

**Seconded: Cr Lawrance**

***“That the minutes of the Special Council Meeting held June 2, 2010 be confirmed as a correct record of proceedings.”***

**CARRIED (5/0)**

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

*Cr Hooper stated that the Prime Minister announced \$100m to go into Local Government, \$30K to be confirmed by Friday.*

*\$100m can be applied for – applications need to be in by 18<sup>th</sup> July, 2010.*

*Country roads out of Sydney are in a very poor state – WA country roads are far superior.*

**9. OFFICER'S REPORTS**



## **9.1 Development Services**



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.1 Shire of York Local Planning Strategy – Proposed Amendments

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

FILE NO:	PS.TPS.1
COUNCIL DATE:	21 June 2010
REPORT DATE:	15 June 2010
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Patrick Ruettjes, Shire Planner
DISCLOSURE OF INTEREST:	Cr Hooper – Proximity; Cr Scott - Financial
APPENDICES:	Appendix A - Schedule of Modifications, Appendix B - Schedule of Submissions, Appendix C - Maps 2 and 4 of the LPS, Appendix D - Modified Map 2 of the LPS, Appendix E - Town Centre Precinct Boundary Map, Appendix F - Newspaper Adverts, Appendix G - Shire of York Planning Newsletter April 2010; Appendix H - Advert for notice boards
DOCUMENTS TABLED:	Large printouts of LPS maps, Minutes of 17 August 2009 Council Meeting

#### **Summary:**

Council is asked to receive submissions to the Shire of York Local Planning Strategy in accordance with regulation 12B (3) (a) of the *Town Planning Regulations 1967*, to adopt the Shire of York Local Planning Strategy with modifications in accordance with regulation 12B (3) (b) of the *Town Planning Regulations 1967* and submit a copy of the Local Planning Strategy to the Western Australian Planning Commission for its final endorsement in accordance with regulation 12B (3) (c) of the *Town Planning Regulations 1967*.

#### **Background:**

The Shire of York Local Planning Strategy ('LPS') was finally adopted with modifications at the Ordinary Council Meeting of 21 May 2007 and subsequently endorsed by the Western Australian Planning Commission on 7 August 2007.

Several attempts to change provisions in the LPS were not considered by the WAPC for advertising previously.

At its Ordinary Meeting of 17 August 2009 Council resolved as follows:

#### *That Council resolves-*

1. *to modify the Shire of York Local Planning Strategy by removing all stages and timeframes for future residential and rural residential areas from the Shire of York Local Planning Strategy to enable land release based on landowner/developer/investor willingness to develop and pay for infrastructure to satisfy anticipated demand for a variety of lot sizes and residential options. This includes the following modifications:*  
*Delete the words "short term" from chapter 2.3.1 (p. 11) to read 'Future Residential Development – Ford to Henrietta Streets';*  
*Delete the words "long term" from chapter 2.3.2 (p. 11) and replace it with "Areas A and B" to read 'Future Residential Development – Areas A and B';*

*Delete the words “Long term” from strategy ‘b.’ in chapter 2.3.2 (p. 11) and replace it with “Further” to read ‘Further residential development to be catered for within two areas, Areas A and B as indicated on Map 2, within the following context’;*

*Delete the words “short and long term” from the ‘objective’ in chapter 2.3.3 (page 12) to read ‘To ensure any further residential development is compatible with existing development patterns and does not compromise the residential objectives for west of the Avon River’;*

*Delete strategy ‘b. i.’ in chapter 2.4.7 which reads:*

*“demonstrate that development occurs in a orderly manner consistent with the staging on Map 4 to ensure that residential development occurs in response to reasonable demand and facilitates coordinated use of infrastructure. In this regard, support to rezone land for rural residential will be guided by whether the previous stage has been substantially developed”*

*And replace it with:*

*“demonstrate that development occurs in a orderly manner consistent with Map 4 to ensure that residential development occurs in response to reasonable demand and facilitates coordinated use of infrastructure”;*

*Delete the words “short term”, “long term” and “short and long term” from Local Planning Strategy Map 2 with respect to the Fort to Henrietta Streets area, Area A and B and East of the Avon River area, respectively;*

*Delete the words “stage 1”, “stage 1”, “stage 2”, “stage 3”, “stage 3” and “stages 1-3” from Local Planning Strategy Map 4 from the areas identified as future rural residential areas and from the legend of the map, respectively;*

*Insert the hay sheds and piggery on the York-Quairading Road into Local Planning Strategy Map 4 and establish adequate buffer zones around the two facilities;*

2. to write to the Western Australian Planning Commission requesting consent to advertise the proposed modifications in accordance with regulations 12B and 12C of the Town Planning Regulations 1967;
3. when the consent to advertise has been received, to advertise the proposed modifications to the Shire of York Local Planning Strategy in accordance with regulations 12B and 12C of the Town Planning Regulations 1967;
4. to continue discussions with the Western Australian Planning Commission, the Director General of the Department of Planning, the Minister for Planning and the Minister for Lands to resolve outstanding planning and development issues in York; and
5. to request the Minister for Transport, the Department of Transport, the Department of Planning and Main Roads WA that the preferred bypass road for Great Southern Highway via Cut Hill Road and Knotts Road be investigated and a corridor be defined in the Shire of York Local Planning Strategy Map 2 to enable progress of the Balladong Industrial Precinct ODP and Lot 4 Great Southern Highway (proposed ‘Rural Residential’ area between the highway and the Avon River north of Gwambygine townsite).

*Advice note: The Shire of York Local Planning Strategy modifications will be advertised for a period of 21 days upon receipt of the Western Australian Planning Commission’s consent to advertise.”*

Numerous discussions with various State Government Departments and Agencies have followed since the resolution.

In February 2010, the Western Australian Planning Commission has notified the Shire of York that it has certified that the following amendments are considered consistent with regulation 12 (C) of the Town Planning Regulations 1967 (as amended) and should be advertised for a minimum period of 21 days:

1. Remove long and short term time frames for future residential development.
2. Insert into the strategy criteria for the rezoning and recoding of land in Area A and B.
  - Note: Area A comprises the ‘North West Residential Precinct’ bound by Carter Road, Ulster Road, Ford Street and the Railway Line. Area B comprises the ‘Daliak Precinct’ bound by Morris Edwards Drive, Ulster Road/Forrest Street and

*Great Southern Highway (Perth Road) and Part Lot 175 and Lot 502 north of Morris Edwards Drive (corner of Ulster Road).*

3. Apply generic separation buffers around Gilmac Hay processing and the piggery.
  - *Note: This applies to properties along the York-Quairading Road in Cold Harbour and the Mount Hardey areas.*
4. Extend the Town Centre Precinct boundary.
  - *Note: The current Town Centre Precinct boundary finishes south of the Town Hall. It is proposed to extend this southern boundary to Henrietta Street, Balladong Street, Monger Street and Railway Street.*

A detailed Schedule of Modifications had been compiled by the WAPC and is attached to this report.

The requested changes to the 'Rural Residential' areas in the Mount Hardey locality were considered inconsistent with State Planning Policies SPP 2.5 Agricultural and Rural Land Use Planning and SPP 3 Urban Growth and Settlement and dismissed by the WAPC.

Following further discussions about the proposed buffer zones and the extension of the Town Centre Precinct boundary, the proposed changes were advertised in accordance with regulation 12B (2) of the *Town Planning Regulations 1967* (see 'Consultation' section of this report).

#### **Consultation:**

In accordance with regulation 12B (2) of the *Town Planning Regulations 1967*, the proposed amendments to the Shire of York Local Planning Strategy have been widely advertised:

- The proposed amendments have been published in the Avon Valley Gazette on 3 April 2010 and 10 April 2010 and the Avon Advocate on 7 April 2010 inviting comments by 30 April 2010. The Avon Valley Gazette is a free weekly newspaper that is distributed to most households in York and the Avon region.
- A Shire of York Planning Newsletter had been prepared to inform of the proposed amendments and was published on the Shire of York website [www.york.wa.gov.au](http://www.york.wa.gov.au). The content of the Planning Newsletter has been incorporated into the Shire of York Community Newsletter which was distributed by the Shire via Australia Post to all households in the Shire of York.
- The proposed changes to the LPS have also been subject to notices on the Shire's notice boards at the Shire Office and the York Post Office. The notices inviting comments were displayed between 31 March 2010 and 30 April 2010.
- Similar to the advertising of scheme amendments, all relevant State Government Departments and service providers had been invited to comment on the proposed amendments.
- Following discussions with officers of the Department of Planning, a map outlining additional changes to the Town Centre Precinct Boundary was prepared to extend the boundary to the railway line, Henrietta Street, Balladong Street and the Avon River Reserve. The original changes to the said boundary excluded the York Mill – which is already zoned 'Town Centre' in the Shire of York Town Planning Scheme No. 2 – and the area east of the unconstructed Monger Street effectively dividing an otherwise coherent area that is currently zoned 'Residential R40' and connected to reticulated sewer. Further north, the Town Centre Boundary also stretches to the Avon River. Landowners in the affected area between the river, the railway line and Henrietta and Balladong Street were specifically addressed in writing to comment on the proposed change of the boundary.

A total of 12 written submissions have been received which are discussed in detail in the attached Schedule of Submissions (Appendix B).

It is estimated that more than 50 verbal discussions about the proposed changes to the LPS have been conducted by staff during the advertising period, mainly relating to question whether specific properties were located in areas affected by the proposed changes.

A copy of the current Local Planning Strategy is available for inspection at the front counter of the Shire office on a continuous basis. Large printout maps of the LPS that were produced by DPI for the endorsement of the LPS in 2007 are used constantly to explain the planning framework to the public.

The proposed Schedule of Submissions together with the proposed changes to the Town Centre Precinct Boundary map was available as a handout from the front counter as well in conjunction with the notice of the LPS amendments.

A modified Map 2 of the Local Planning Strategy outlining the proposed changes has also been used to explain the proposed modifications to the general public.

The following appendices to this report outline the relevant documents and devices in use during the advertising of the proposed changes to the LPS:

- Appendix A – Schedule of Modifications – compiled by the Department of Planning to highlight the exact changes proposed;
- Appendix C – Maps 2 and 4 of the LPS – large printouts showing the current planning framework;
- Appendix D – Modified Map 2 being used to highlight the changes to the map and explain the spatial context of the change to show the areas that are affected by the proposed changes;
- Appendix E – Town Centre Precinct Boundary Map – showing the proposed boundaries of the railway line, the Avon River and Henrietta and Balladong Streets;
- Appendix F – Newspaper Adverts – showing the Avon Valley Gazette and Avon Advocate newspaper ads;
- Appendix G – Shire of York Planning Newsletter April 2010 explaining the proposed LPS changes as well as other planning matters; and
- Appendix H – Advert for notice boards.

It is considered that the advertising undertaken more than satisfies the requirements as outlined in regulation 12B (2) of the *Town Planning Regulations 1967*.

#### **Statutory Environment:**

Planning and Development Act 2005  
Shire of York Town Planning Scheme No. 2  
Town Planning Regulations 1967

#### **12A. Local Planning Strategy**

- (1) If a Scheme envisages the zoning or classification of land, the local government shall —
  - (a) prepare the Scheme Report under regulation 12 in the form of a Local Planning Strategy; and
  - (b) forward the Local Planning Strategy to the Commission.
- (2) Without limiting the operation of subregulation (1), a local government may —

- (a) prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit; and
- (b) forward the Local Planning Strategy to the Commission.

(3) A Local Planning Strategy shall —

- (a) set out the long term planning directions for the local government;
- (b) apply State and regional planning policies; and
- (c) provide the rationale for the zones and other provisions of the Scheme.

(4) If the Minister so approves, subregulation (1) does not apply in respect of a proposed town planning scheme where —

- (a) the scheme was adopted by the local government before the coming into operation of the Town Planning Amendment Regulations 1999 1; and
- (b) the local government has prepared a Scheme Report containing such information, and in such manner, as the Commission requires.

12B. Advertisement and endorsement of, and publication of notice of, Local Planning Strategy

- (1) When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(1), advertise the Local Planning Strategy as if it were part of the Scheme.
- (2) When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(2) —
  - (a) publish a notice of the Local Planning Strategy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —
    - (i) where the Local Planning Strategy may be inspected; and
    - (ii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
  - (b) forward a copy of the Local Planning Strategy to any other person or public authority which, in the opinion of the local government, has a direct interest in the Local Planning Strategy, for consideration and advice within a period (being not less than 21 days after the day on which the Local Planning Strategy is given to the person or body) specified by the local government;
  - (c) take such other steps as the local government considers appropriate to give notice of the Local Planning Strategy; and
  - (d) carry out such other consultation as the local government considers appropriate.
- (3) After the expiry of the period within which submissions may be made and advice given, the local government shall —
  - (a) review the Local Planning Strategy in the light of any submissions made and advice received;
  - (b) adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and
  - (c) submit a copy of the Local Planning Strategy to the Commission for its endorsement.
- (4) If the Commission endorses the Local Planning Strategy, the local government shall publish notice of the Local Planning Strategy and the endorsement of the Commission in a newspaper circulating in the Scheme area.
- (5) A copy of the Local Planning Strategy of a local government, as amended from time to time, shall be kept and made available for public inspection during business hours at the offices of the local government and the Commission.

**12C. Amendment or revocation of Local Planning Strategy**

- (1) A Local Planning Strategy may be amended by amendment prepared by the relevant local government and approved by the Commission.
- (2) A Local Planning Strategy may be revoked —
  - i) by a subsequent Local Planning Strategy prepared, endorsed and notified under regulation 12B that is expressed to supersede the existing Local Planning Strategy; or
  - ii) with the approval of the Commission, by the publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.
- (3) Regulation 12B, with any necessary changes, applies to the amendment of a Local Planning Strategy in the same way as it applies to a Local Planning Strategy prepared under regulation 12A(2).

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

Key Result Area 1 – Objective 1:

*“To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.”*

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** N/A

**Triple bottom Line Assessment:**

**Economic Implications:**

The proposed amendments to the LPS are expected to enhance development within the Shire of York and provide for more flexibility for future residential areas. It is anticipated that the proposed changes are likely to result in increased subdivision and building activity.

**Social Implications:**

The proposed changes are expected to generate especially additional residential development to offer a wide range of lot sizes and therefore choice for landowners, developers and home buyers.

**Environmental Implications:**

Sustainable development will benefit the environment, and extensive consideration will be given to environmental issues. The lack of reticulated sewerage remains the major impediment for sustainable development and a major public health and environmental issue. One reason why the Daliak area has been identified for future residential development is the fact that most of the land is cleared already, it is located close to the town centre and amenities and large areas are expected to be connected to the reticulated sewer line at the school and the hospital.

**Comment:**

Following extensive advertising for public comment, the proposed amendments to the Shire of York Local Planning Strategy are now presented to Council for consideration. Department of Planning officers have advised that the proposed amendments to the York LPS are actually the first amendments to a Local Planning Strategy in Regional WA that have received consent to advertise ever.

The expected implications of the proposed changes are discussed in more detail as follows:

**Daliak (Area B)**

The Area B depicted in the LPS – Daliak – is subject to Scheme Amendment No. 29 which is discussed in report 9.1.2 to this Council Meeting.

The majority of land covered by the Daliak Precinct is expected to be able to be connected to reticulated sewer which gives the area a clear advantage over other areas and a greater flexibility in future lot sizes and land uses. The proximity to the town centre and the immediate proximity to the High School and the York Hospital as well as the sport and recreation precinct add to the future prospects of the Daliak area.

**North West Residential Precinct (Area A)**

With respect to the North West Residential Precinct, the majority of land is zoned 'Residential' under the Shire of York Town Planning Scheme No. 2 already. If the changes to the LPS, including the removal of the words 'long term' are endorsed, the North West Precinct Outline Development Plan is likely to be significantly amended. Areas that do not require structure planning because infrastructure and drainage issues can be addressed at subdivision stage are proposed to be removed from the ODP area. Similarly, all areas that cannot be subdivided without sewer (zoned R10/30) will also be removed. The 'Rural Residential' areas are proposed to be changed to enable subdivision to 1 ha lots similar to the Equine Precinct further north. Obviously the 'Rural Residential' lots within the NW Precinct are likely to be rezoned to 'Residential' earlier than lots within the Equine Precinct as they are located closer to the town centre, but at this stage timelines cannot be identified as yet.

Some areas within the North West Precinct, however, will still require structure planning and major drainage and infrastructure works and are expected to be developed at a later stage.

**Buffer zones**

The proposed buffer zones around CBH, the hay processing plant and the piggery are expected to have a significant effect on future development in those areas. The proximity to the CBH Wheat Bins has been a reason for the previous refusal of Scheme Amendment No. 30 – Balladong Farm – by the Minister for Planning.

The proponents of the Balladong Farm Heritage and Retirement Precinct are in the process of addressing the buffer zone around CBH. The main reason for the previous refusal was non-compliance with noise regulations. Changes to the CBH loading process, however, have led to significant improvement with respect to noise, and it is expected that a new noise report will demonstrate that residential development within the buffer can meet relevant criteria to go ahead. It is anticipated that a new Scheme Amendment proposal for Balladong Farm will be presented to Council in the near future.

The example of Balladong Farm shows that the buffer zones, when adequately addressed, can still accommodate development, subject to specific conditions being met.

### Town Centre Precinct Boundary

The current LPS Town Centre Precinct Boundary finishes just south of the Town Hall and does not represent a coherent area at all. It was therefore proposed to extend the boundary further south to Henrietta Street and Balladong Street. The western boundary was proposed to be Railway Street, while the unconstructed road reserve of Monger Street forming the eastern boundary. This arrangement excluded the York Mill, which is already zoned 'Town Centre', and also cut the Shire blocks in Monger Street and Thorn Street in two parts.

Following discussions with the Department of Planning, it was therefore agreed to review this proposal and instead extend the boundary to the railway line and the river. While the Avon River Reserve itself is not being able to be developed, it provides for a more coherent, clearly defined Town Centre boundary.

The affected landowners were notified specifically and invited to comment on this change. One submission in support of the extension has been received.

The extended Town Centre boundary is expected to provide for the necessary planning framework to enable future rezoning of land to the 'Town Centre' zone to allow for a combination of residential and commercial land uses reflecting the central position of the area within the townsite.

It is anticipated that future amendments to the Town Centre boundary are likely in line with future growth of York in general.

### Conclusion

It is anticipated that the proposed modifications to the LPS, once endorsed, will have a positive effect on development activity in the Shire of York. They will provide for greater flexibility, a range of future lot sizes and housing products, the development of suitable areas first for future residential development and coherent sustainable development in general. The changes to the Town Centre Precinct Boundary will enable a mix of residential and commercial uses of land in a very central and prominent location and therefore also provide greater future land use flexibility.

The proposed changes to the LPS have received positive feedback as per the Schedule of Submissions. It is therefore recommended to receive all submissions, thank the submitters for their comments, note the review undertaken and finally adopt the Shire of York Local Planning Strategy with modifications.

Cr Hooper and Cr Scott declared an interest and left the room at 3.24pm

Cr Lawrence took the Chair

**RESOLUTION  
040610**

**Moved: Cr Boyle**

**Seconded: Cr Randell**

**"That Council resolves-**

- 1. to receive all submissions with respect to the Shire of York Local Planning Strategy and notify all submitters and the Western Australian Planning Commission that the Shire has reviewed the Shire of York Local Planning Strategy in the light of all submissions made and advice received in accordance with regulation 12B (3) (a) of the Town Planning Regulations 1967;*
- 2. to finally adopt the Shire of York Local Planning Strategy with modification in accordance with regulation 12B (3) (b) of the Town Planning Regulations 1967 to include the following modifications:*

**LPS text**

**Section 2.3.1 (p11): delete 'short term' from heading;**

**Section 2.3.2 (p11): replace 'long term' with 'Areas A and B' in heading;**

**Section 2.3.2 b. (p11): replace 'long term' with 'Further';**

**Section 2.3.3 (p12): delete 'short and long term' from Objective;**

**Insert the following into Section 2.3.2 b as (i) (renumber subsequent strategies) into Section 2.3.3 as (d) insert:**

**'Any rezoning or recoding proposals for land within the precinct are to address the following criteria in the Scheme Amendment report:**

- Land subject of the rezoning is adjacent to an existing urban area and represents the logical expansion of the urban area;**
- Site analysis and assessment of the capability of the land to accommodate the proposed development and use;**
- Risk assessment of the impact of development on the land and water, including flooding, soil erosion, landslip, drainage, vegetation and any other form of environmental impact and appropriate provisions to ensure these are minimised and addressed;**
- Appropriateness of the intended size of the amendment area and justification for the demand for the number of lots, including:**
  - Analysis of other residential land that may be available within York;**
  - Population projections to support the number of lots proposed;**
  - Provision for local employment;**
  - Outline development plan incorporating staging of development and developer contributions;**
- Availability of essential services including:**
  - The capacity of the existing sewerage system to be able to accommodate additional load;**
  - Viability of extension of sewer into the precinct;**

- **Viability of extension to reticulated water;**
- **Viability of extension of power (including underground power);**
- **The scenic landscape values of the area, and the developments integration with these, particularly along the Great Southern Highway and the visual impact of development on the main entry to York;**
- **The interface between the urban expansion area and the adjoining rural land uses.**

**Section 2.3.2 b.: Renumber 'i'. to 'ii'.**

**Section 2.3.2 b. ii.: Delete 'Priority is to be given to Area A, particularly the preparation of an ODP, given that a large portion of this is already zoned residential.'**

**Section 2.3.2 Action 42.**

**Replace 'Priority should be given to Area A in this regard' with 'Priority is to be given to finalising ODP for Area A given that a large portion of this land is already zoned residential.'**

**Sections 2.3.5 action 53 (p 14): insert 'generic' between 'appropriate' and 'buffers';**

**Rationale Section 2.4.2 Rural and Allied Industry (p53):**

**Insert new paragraph after fourth paragraph:**

**'Generic separation buffers have been illustrated on LPS maps around CBH and Gilmac Hay processing facility. As these buffers are quite extensive and prohibit development, they may be modified, if appropriate, through site specific studies in consultation with the Environmental Protection Authority and the Department of Environment and Conservation.'**

#### **LPS Maps**

**Map 1 York Town Centre Precinct**

**Extend boundary to the railway line (west), Henrietta Street and Balladong Street (south) and the Avon River reserve (east), including Thorn Street (as per attached modified map).**

**Map 2 townsite**

**Insert 1000m buffer around hay processing plant.**

**Delete 'long term' and 'short term' from text boxes**

**Map 4**

**Insert 3500m buffer around piggery**

**Insert 1000m buffer around hay processing plant; and**

**3. submit a copy of the Local Planning Strategy to the Western Australian Planning Commission for its final endorsement in accordance with regulation 12B (3) (c) of the Town Planning Regulations 1967."**

**CARRIED (3/0)**

Cr Hooper and Cr Scott re-entered the room at 3.29pm.

**Item 9.1.1  
Appendix A**

**SCHEDULE OF MODIFICATIONS**

**LPS text**

1. Section 2.3.1 (p11) delete *short term* from heading

*As per Council request*

2. Section 2.3.2 (p11) replace *long term* with *Areas A and B* in heading

*As per Council request*

3. Section 2.3.2 b. (p11) replace *long term* with *Further*

*As per Council request*

4. Section 2.3.3 (p12) delete *short and long term* from objective

*As per Council request*

5. Insert the following into Section 2.3.2 b. as (i) (renumber subsequent strategies) and into Section 2.3.3 as (d) insert  
Any rezoning or recoding proposal for land within the precinct are to address the following criteria in the Scheme Amendment report:

- Land subject of the rezoning is adjacent to an existing urban area and represents the logical expansion of the urban area;
- Site analysis and assessment of the capability of the land to accommodate the proposed development and use;
- Risk assessment of the impact of development on the land and water, including flooding, soil erosion, landslip, drainage, vegetation and any other form of environmental impact and appropriate provisions to ensure these are minimised and addressed;
- Appropriateness of the intended size of the amendment area and justification for the demand for the number of lots, including:
  - analysis of other residential land that may be available within York
  - population projections to support the number of lots proposed
  - provision for local employment
  - outline development plan incorporating staging of development and developer contributions
- Availability of essential services including:
  - The capacity of the existing sewerage system to be able to accommodate additional load;
  - Viability of extension of sewer into the precinct
  - Viability of extension of reticulated water
  - Viability of extension of power (including underground power)
- The scenic landscape values of the area, and the developments integration with these, particularly along the Great Southern Highway and the visual impact of development on the main entry to York
- The interface between the urban expansion area and the adjoining rural land uses:

*To remove short and long term time frames will be inconsistent with SPP 3. To maintain consistency with SPP 3 the above criteria are proposed and will ensure issues such as demand and ability to provide infrastructure which contributed to the original determination of areas for short and long term development will be addressed.*

6. Section 2.3.2 b. Rerumber i. to ii.

*To allow for insertion of above mentioned criteria at i.*

7. Section 2.3.2 b. ii. Delete *Priority is to be given to Area A, particularly the preparation of an ODP, given that a large portion of this is already zoned residential.*

*Strategy will become apart of Action 42.*

8. Section 2.3.2 Action 42.

*Replace Priority should be given to Area A in this regard with Priority is to be given to finalising ODP for Area A given that a large portion of this land is already zoned residential.*

*Area A remains a priority as already zoned residential.*

9. Section 2.3.5 action 53 (p 14) insert *generic* between *appropriate* and *buffers*

*Generic separation buffers have been illustrated on the Strategy map without any site specific studies being undertaken.*

10. Rationale Section 2.4.2 Rural and Allied Industry (p53)

Insert new paragraph after fourth paragraph:

*Generic separation buffers have been illustrated on LPS maps around CBH and Gilmac Hay processing facility. As these buffers are quite extensive and prohibit development, they may be modified, if appropriate, through site specific studies in consultation with Environmental Protection Authority and the Department of Environment and Conservation.*

*Generic separation distances prohibit some development of land within the extent of the buffer and may be reduced pending studies to allow development to proceed.*

**LPS Maps**

11. Map 1 York town centre precent

Extend boundary to Railway Street, Balladong Street and Monger Street (as per attached map).

12. Map 2 townsite

Insert 1000m buffer around hay processing

Delete long term and short term from text boxes

13. Map 4

Insert 3500m buffer around piggery

Insert 1000m buffer around hay processing plant



**SHIRE OF YORK - LOCAL PLANNING STRATEGY  
LOCAL PLANNING STRATEGY AMENDMENTS - SCHEDULE OF SUBMISSIONS**

Submitter	Submission Received	Officer's Comments
5 Landowners in Area B (Daliak)	Please be advised that we are residents and landholders in the Daliak Precinct of the York Shire and do not have any objection to the proposed changes to zoning in this area to residential or similar to enable further development.	Acknowledged.
Landowner in Town Centre expansion area	LPS Amendments - Thank you for your letter re the above and opportunity to comment.  I am sure that there are a lot of related questions I should be asking however it seems a good idea and we give this plan our support.	Acknowledged.
Landowner (other areas)	Shire of York Local Planning Strategy – Lot size / sewer  Relating to my previous correspondence to you, I further question, just because lot sizes have been allowed to go down to 2000 sqm in the past does not mean that with current environmental concerns they are still appropriate. I do not think they allow for the faster growth that is likely to happen in York due to the booming economy in Western Australia.  I think with regards to the future reticulation of York sewerage by the State Government this is the case of putting the cart before the horse as it will be very difficult to install after these blocks have been developed also how you reduce these lots to the then lower sizes allowable. Would it not be better to allow the lots that are unlikely to ever get reticulated sewerage to be subdivided first and then plan for even smaller lot size 1000sqm in the newly sewered areas, without the need to spreading the town out over an even greater area of farmland.	The Shire is bound by the Draft Country Sewerage Policy which outlines a minimum lot size for unsewered lots of 2,000 m <sup>2</sup> (approximately ½ acre). With respect to planning legislation, this relates to a residential density of R5 (5 dwellings per hectare). 1 acre lots equate to an R2.5 density (4,000 m <sup>2</sup> lots). While there are some areas zoned 'Residential R2.5', it is not possible to rezone other areas to a lower density as this discriminates against the landowners current development options and would likely not be approved by the Minister for Planning.  The Shire of York is committed to enable development in all areas of York but is bound by the approval of the Western Australian Planning Commission and the Minister for Planning to enable rezoning/scheme amendments.
Landowner in Area A (North West)	This is a comment on the advertised changes to the Local Planning Strategy. [...]  I am largely in favour of the proposed changes, however numbers 7 & 8 do concern me. To delete number 7 and make it part of number 8 might make sense to somebody but in the absence of an explanation it is not clear why this is done.	The protection of the Avon River is a very important issue for the Shire and the Shire will continue to lobby the State Government to reinstate and extend funding for reticulated sewer to enhance environmental protection and reduce public health risks. It remains, however, a State Government responsibility to provide vital services such as reticulated sewer.

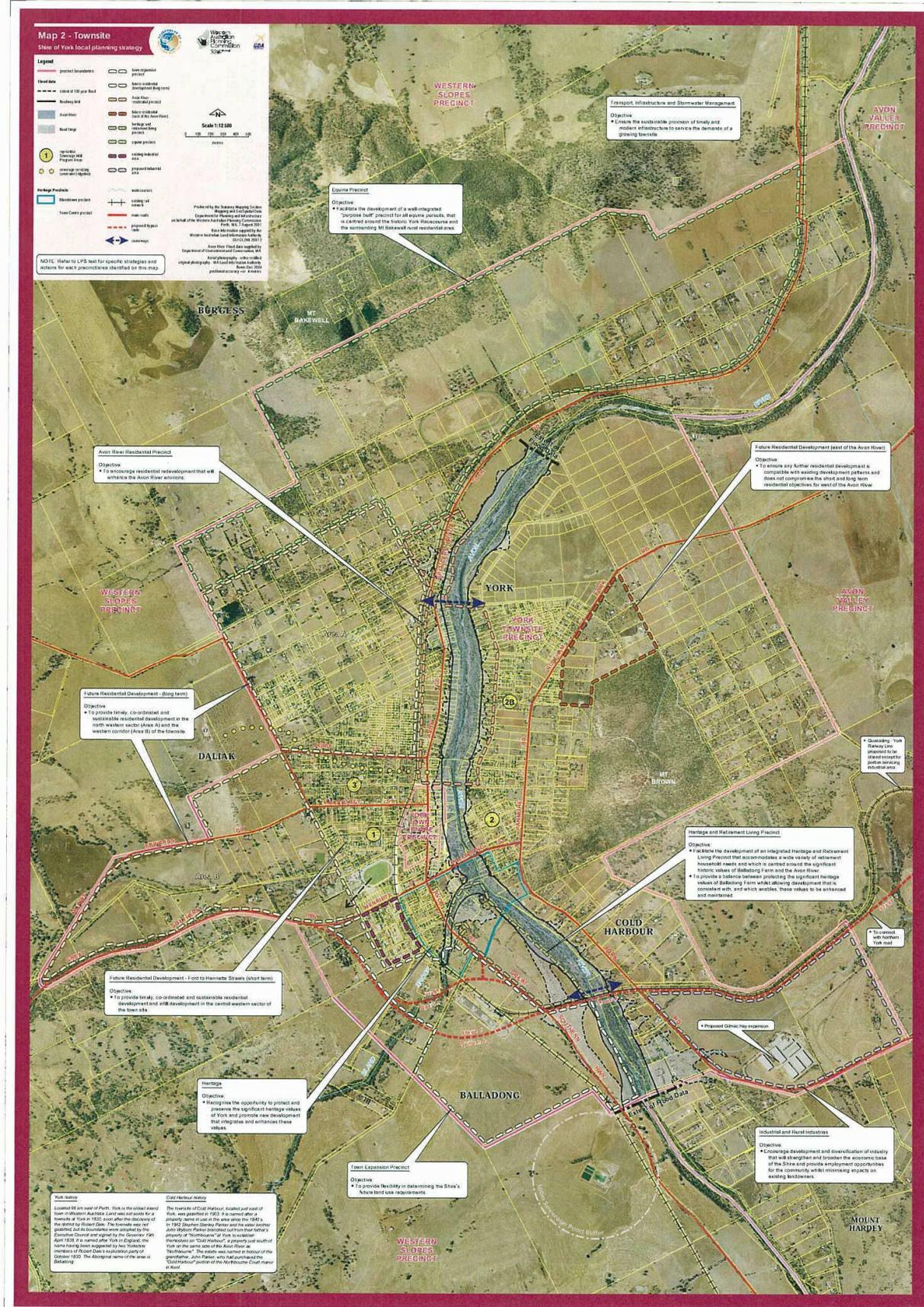
	<p>The wording of number 8 is where the alarm bells really start ringing. The new wording will read "Priority is to be given to finalising ODP for area A, etc". This sounds like the kiss of death for the whole NW ODP, especially in light of the notation that goes with number 8 which reads "Area A remains a priority as already zoned residential". This is only partially true. Most of Area A is zoned residential and the majority of people living in this zone would not be even aware that an ODP has been on the drawing board for the last four and a half years. If the whole purpose of this exercise was to create extra residential land, very little of it would have come from this area as people who wanted to subdivide could have applied at any time. The crucial section of the Area A is the land between Osnaburg and Carter Rds, now zoned Rural Residential and to be changed to Residential under the proposed NW ODP.</p>	<p>With respect to the North West Residential Precinct, the majority of land is zoned 'Residential' under the Shire of York Town Planning Scheme No. 2. If the changes to the LPS, including the removal of the words 'long term' are endorsed, the North West Precinct Outline Development Plan is likely to be significantly amended. Areas that do not require structure planning because infrastructure and drainage issues can be addressed at subdivision stage, are proposed to be removed from the ODP area. Similarly, all areas that cannot be subdivided without sewer (zoned R10/30), will also be removed. The 'Rural Residential' areas are proposed to be changed to enable subdivision to 1 ha lots similar to the Equine Precinct further North. Obviously the 'Rural Residential' lots within the NW Precinct are likely to be rezoned to 'Residential' earlier than lots within the Equine Precinct as they are located closer to the town centre.</p> <p>The Shire is not in a position to instigate a timetable to complete work on the finalisation of any structure plan. The Shire is not a land developer. If landowners want to develop their land, they have to pay for the associated cost relating to structure planning, infrastructure etc. The Shire can only provide the planning framework.</p> <p>Unfortunately, the landowner is not aware of the fact that the area in question has been identified as 'long term' on the Local Planning Strategy map, which is subject to the proposed changes. The landowner has been advised many times that there have been previous attempts to remove the wording 'long term' from the map. Following the officer's report to the August 2009 meeting and subsequent and previous discussions with officers of the Department of Planning, this has been incorporated into the proposed LPS changes. It should also be noted that the proposed changes are the first changes that have received consent to advertise to a Local Planning Strategy in Regional WA ever.</p>
Public Transport Authority	<p>[...] advise the PTA has no objections to the proposed amendments.</p>	<p>Acknowledged.</p>

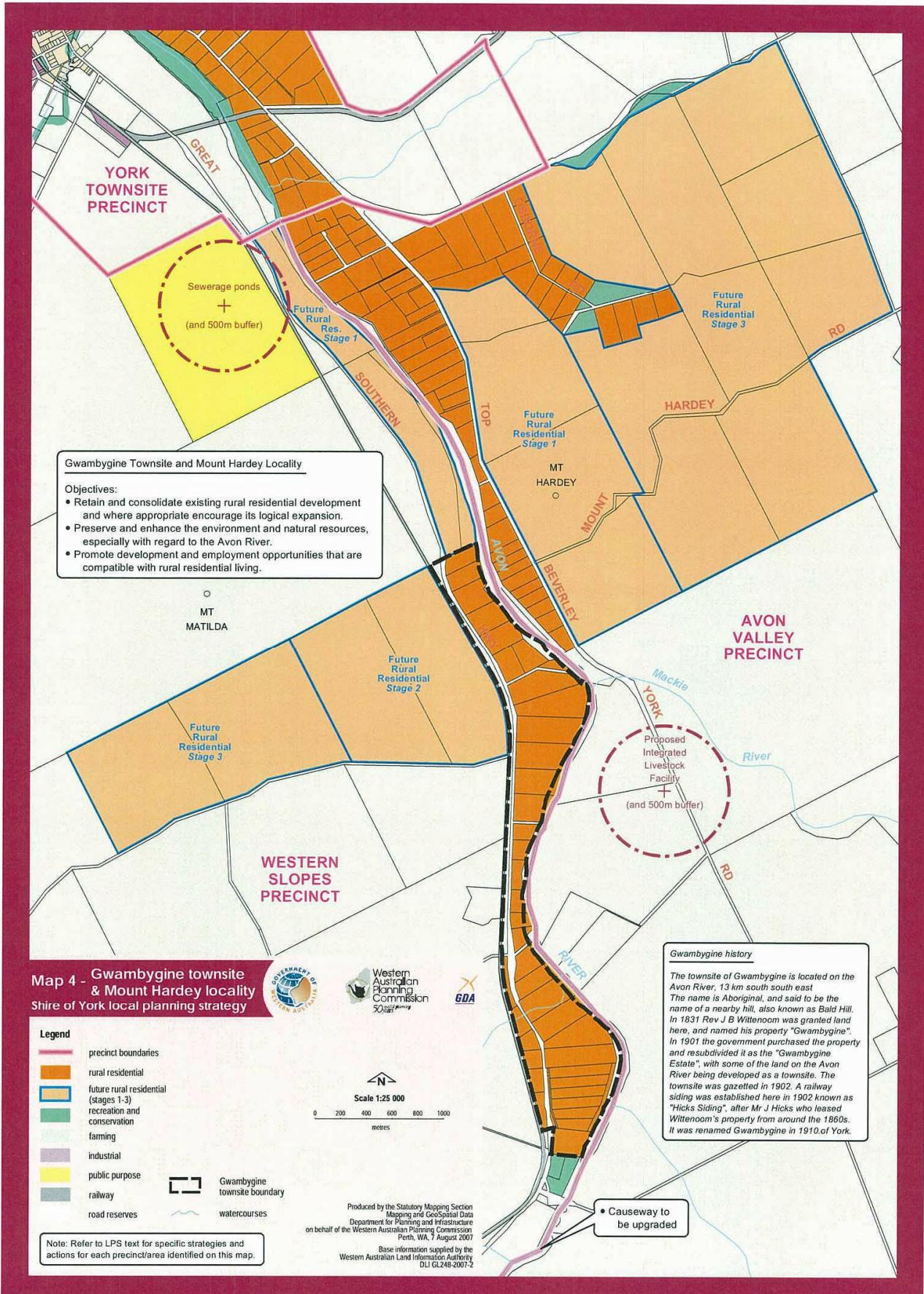
Main Roads WA	<p>Main Roads WA (MRWA) has examined the proposed amendments and these amendments do not appear to result in any major impacts to the MRWA network. As the amendments relate to planning strategy which will require further detailed planning documentation, MRWA will assess requirements when the detailed documentation is available. Therefore MRWA has no objections or comments relating to the proposed amendments.</p>	Acknowledged.
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## Item 9.1.1

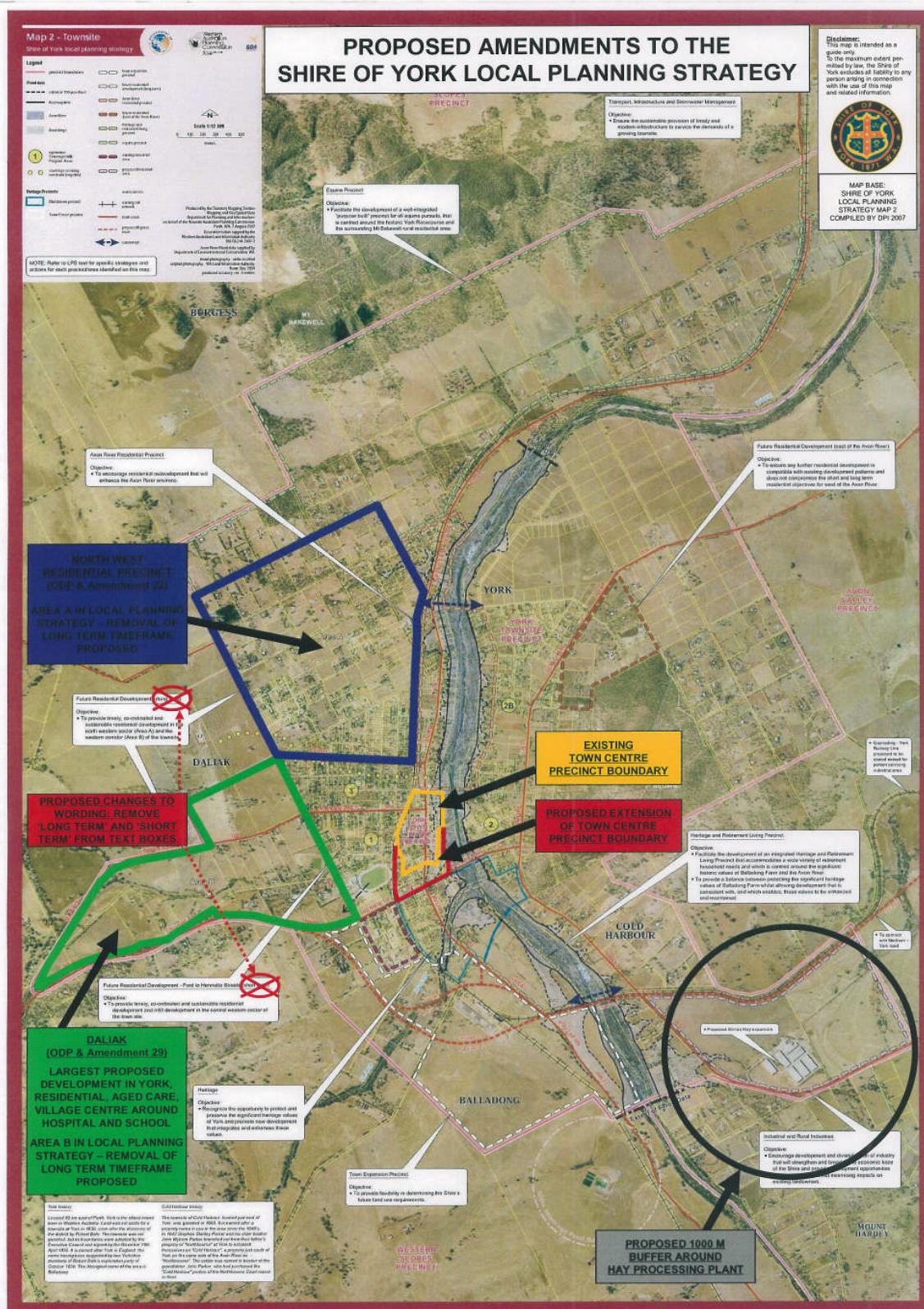
### Appendix C





## Item 9.1.1

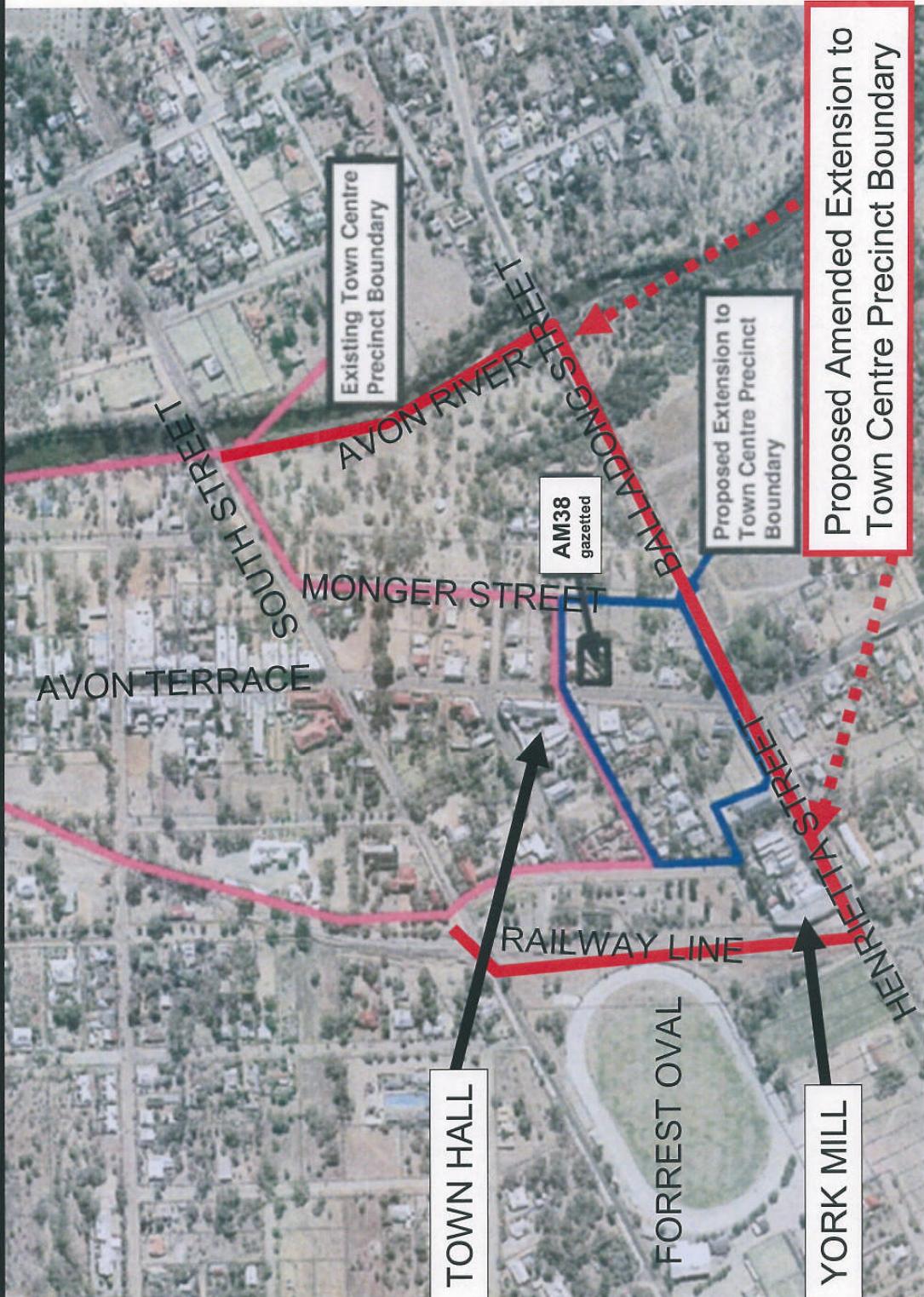
### Appendix D





SHIRE OF YORK LOCAL PLANNING STRATEGY  
PROPOSED AMENDMENTS TO TOWN CENTRE PRECINCT BOUNDARY

Item 9.1.1  
Appendix E





Item 9.1.1  
Appendix F

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Further information about the position is available by contacting the Executive Manager Corporate Services, Denise Gobbart on 9622 6100.

Applications which must address the selection criteria, should be forwarded to Chief Executive Officer Shire of Northam, PO Box 613, NORTHAM WA 6401 marked "Private & Confidential - Rates Officer," by 4:00pm, Wednesday 14 April 2010 or emailed to [records@northam.wa.gov.au](mailto:records@northam.wa.gov.au)

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CHIEF EXECUTIVE OFFICER

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Northam WA 6401  
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F (08) 9622 1910  
E [records@northam.wa.gov.au](mailto:records@northam.wa.gov.au)  
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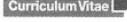
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SHIRE OF YORK LOCAL PLANNING STRATEGY PROPOSED AMENDMENTS



PLANNING & DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING

SCHEME AMENDMENT

Shire of Mundaring

TOWN PLANNING SCHEME NO 3 -

AMENDMENT NO. 78

Ref: 853/2/27/3 Pt 78

It is hereby notified for public information, in

accordance with section 87 of the Planning

and Development Act 2005 that the Minister for

Planning approved the Shire of Mundaring local

planning scheme amendment on 11 March 2010

for the purpose of:

1. Rezoning Part 206 Helena Valley Road,

Helena Valley from "Rural Landscape Living"

(uncoded) to "Residential" with density codes of

R2/30 and R2/30.

2. Amending the Scheme Text by including the

following provisions for the R2/30 dual coded

area within Clause 4.3:

(4.) Lot 206 Helena Valley Road, Helena Valley:

Within that portion of Lot 206 Helena Valley

Road, Helena Valley that is coded R2/30:

(a) The Council may permit development, or support

subdivision, in accordance with the higher code

where:

(i) the higher code is delineated in a Local

Subdivision and Infrastructure Plan approved

by Council and adopted by the Commission;

(ii) more than 70% of the proposed lot is outside

the Australian Noise Exposure Forecast (ANEF)

20 to 25 contours for Perth Airport; and

(iii) a higher standard of dwelling design is

achieved in accordance with any local

planning policy relating to the area adopted

by Council.

(b) Notification is required on the certificates of

title of all lots created wholly or partly within

the Australian Noise Exposure Forecast (ANEF)

20 to 25 contours for Perth Airport advising

as follows:

The property is situated in the vicinity of Perth

Airport, and is currently affected, or may in

the future be affected, by aircraft noise.

(c) For lots wholly or partly within the Australian

Noise Exposure Forecast (ANEF) 20 to 25

contours for Perth Airport, noise attenuation

measures are to be incorporated in dwelling

design and construction.

(d) In considering any application for planning

approval or making recommendation on any

application for subdivision, Council shall have

regard for any local planning policy relating to

the area adopted by Council.

(3) Amending the Scheme Map

accordingly.

PLANNING & DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING

SCHEME AMENDMENT

Shire of Mundaring

TOWN PLANNING SCHEME NO 3 –

AMENDMENT NO. 78

Ref: 853/2/27/3 Pt 78

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design and construction.

(d) In considering any application for planning

approval or making recommendation on any

application for subdivision, Council shall have

regard for any local planning policy relating to

the area adopted by Council.

(3) Amending the Scheme Map

accordingly.

EASTER OPENING TIMES

Fri 2 April 2010 Sat 3 April 2010 Sun 4 April 2010 Mon 5 April 2010

Shire Admin Centre 2 Railway Road

Closed 9:00 am -12 noon Closed Closed

Kalamunda Library

Closed Closed Closed Closed

Forrestfield Library

Closed Closed Closed Closed

High Wycombe Library

# Classifieds

AVON VALLEY ADVOCATE Wednesday, April 7, 2010 **21**

**display**

**DEADLINE - Noon FRIDAYS**

## Adult Services

**BARELY** legal no strings attached - 1902 268 147 - \$3.25pm - pay/mobex - CC 02 8335 3669.

**BLONDE** traveller on holidays and up for good times. Txt Bailey to 0438 606 045.

**GENUINE** Cougar, brunette, looking for that something on the side. Txt Barbara to 0418 257 275.

**HOT MILF** single with plenty of time - 1902 227 614. \$3.25pm - pay/mobex - CC 02 8335 8369.

**HOTTEST** Tranny Chat - 1902 268 139 - 3.25pm - pay/mobex - CC 02 8335 3669

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**TEEN GIRL** 18+ loves to use her lips & has vids 2 prove. Txt Amy16 to 0447 003 003 for wild & no strings stuff. \$4s/r

## Birthdays

**TAELAH ANNE MACRONE-FERGUSON** 10.04.2007

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## Civil Marriages

**WEDDINGS:** Name giving ceremonies, funerals. Your way, your day. Carole Anne Jones Wescombe. Phone 96211108.

**YORK** Celebrant Services - Covering the wheatbelt. Alan Milson AMC, 9641 1914, yorkcelebrant@bigpond.com.

## For Sale

**SUNRAYSIA** wide rims and old tyres, came off a Landcruiser, six available, \$30 each. 4 standard rims also available at \$30 each. Phone 96222301.

## Garage Sales

3A Aggett Way, Northam, Saturday/Sunday, April 10/11. Fridge, digital TV, sound system, 60l Engel, plus selling out.

59 Gordon Street, Saturday and Sunday 10th and 11th, 9am - 4pm. Fabric, craft supplies, linen, doileys, childrens clothes, toys and much more.

**HAMMILL'S** 15 Telegraph Road, Toodyay (next to Oval). Heaps of old/new collectable items, books, backyard and shed contents, bottles, Saturday, April 10, 9am - 3pm.

## Gardening Services and Supplies

**LAWNS**, slashing sand, trimming, lopping, dumping, horse manure, odd jobs, rocks, gutters and gravel. Phone 96211280.

## PITTERS MOWING AND GARDENING SERVICE

Lawn mowing, slashing/tirebreaks, general garden maintenance, gutter cleaning. Phone 06227024 or 0488552916.

## Health and Beauty

**MOBILE** spray tanning evening, weekends, anytime, needed. Great rates. Phone Shirley 0408937729.

## Motor Vehicles

**COMMODORE** VT 98, S Pack, auto, white, excellent condition, new tyres, 6 months rego, \$9,800. Phone 0406615108.

**SUBARU** Brumby 1992, good condition, good tyres, 3 months rego, \$1,500ono. Phone 0417178163.

## Personal

**GENT** enjoys music, walking, gardening, travel like to meet non smoking lady, 58-60 years. Phone 96227470.

## Local Government

### Shire of York

SCHEDULE 2  
SHIRE OF YORK TOWN PLANNING SCHEME No 2  
NOTICE OF PUBLIC ADVERTISEMENT  
OF DEVELOPMENT PROPOSAL  
NOTICE

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purposes described hereunder.

#### LAND DESCRIPTION

LOT No: 123

STREET: 22 Avon Terrace, York

PROPOSAL: Renovations to a Heritage Building. Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the Council in writing on or before 4.00pm, Friday the 23rd, April 2010.

RAY HOOPER

Chief Executive Officer

CO2271346

### Shire of York

SCHEDULE 2  
SHIRE OF YORK TOWN PLANNING SCHEME No 2  
NOTICE OF PUBLIC ADVERTISEMENT  
OF DEVELOPMENT PROPOSAL

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder.

#### LAND DESCRIPTION

LOT No: 7

STREET: 24 Grey Street, York.

PROPOSAL: Additions - Four Units for Accommodation - Heritage Listed.

#### LAND DESCRIPTION

LOT No: 71

STREET: 74 Newcastle Street, York.

LOT No: 3

STREET: 96-102 Avon Terrace, York.

PROPOSAL: Alterations to Shop in a Heritage Area (Avon Terrace) and Cold Storage Facility (Newcastle Street).

Details of the proposals are available for inspection at the Council office. Comments on the proposals may be submitted to the Council in writing on or before 4.00pm, Friday the 23rd April, 2010.

RAY HOOPER

Chief Executive Officer

CO2271345

## My Career

### JUNIOR ADMINISTRATION ASSISTANT

Avon Waste is seeking to employ a young person to assist in our office in York.

This is a full time position offering award rates with potential to grow in remuneration as the role evolves.

Duties initially will include handling telephone enquiries; data entry of accounts; raising job orders; general office filing etc. As the role progresses, so will the responsibility.

If you are prepared to learn about the industry and the administrative role, this position will grow into a very rewarding occupation.

Please address the following skills criteria in your application:

- Telephone: High telephone communication skills.
- MYOB: Basic data entry skills.
- Bookkeeping: Basic understanding of bookkeeping.
- Typing: Basic keyboard skills.
- Excel Spreadsheets: basic data entry.
- Processes: Follow through of processes and follow up until complete.

Address your application to:  
Avon Waste, PO Box 8, York 6302

## Personal

**WOMAN** seeking woman partner. I am a twenty six year old woman who is seeking a partner. I enjoy reading and writing poetry, being with my friends and family, also I like to kick back on a cold night to watch television. I am a non drinker/smoker. I have two children. If you are interested you can reach me on 0439321190.

## Local Government

### SHIRE OF YORK LOCAL PLANNING STRATEGY PROPOSED AMENDMENTS

The Western Australian Planning Commission has notified the Shire of York that it has certified that the following amendments are considered consistent with regulation 12 (C) of the Town Planning Regulations 1967 (as amended) and should be advertised for a minimum period of 21 days:

1. Remove long and short term time frames for future residential development.

2. Insert into the strategy criteria for the rezoning and recoding of land in Area A and B.

- Note: Area A comprises the 'North West Residential Precinct' bound by Carter Road, Ulster Road, Ford Street and the Railway Line. Area B comprises the 'Daliak Precinct' bound by Morris Edwards Drive, Ulster Road/Forrest Street and Great Southern Highway (Perth Road) and part Lot 175 and Lot 502 north of Morris Edwards Drive (corner of Ulster Road).

3. Apply generic separation buffers around Gilmae Hay processing and the piggery.

- Note: this applies to properties along the York-Quairading Road in Cold Harbour and the Mount Harday areas.

4. Extend the Town Centre Precinct boundary.

- Note: The current Town Centre Precinct boundary should of the Town Hall. It is proposed to extend this southern boundary to Henrietta Street, Balladong Street, Monger Street and Railway Street.

Further details of the proposed amendments, including maps and a Schedule of Modifications, are available for inspection at the Council office. Comments on the proposed amendments may be submitted to the Council in writing on or before 4.00pm Friday the 30th April, 2010.

Comments can be addressed to the Chief Executive Officer, Shire of York, LPS Amendments, PO Box 22, YORKE WA 6302, via fax (09) 9641 2202 and via email at records@york.wa.gov.au (Ref. 'LPS Amendments').

RAY HOOPER

Chief Executive Officer

31.03.2010

CO2271338

## My Career

### Government of Western Australia Department of Treasury and Finance Building Management and Works

#### Project Support Officer

Web Search No: 04001911

Level/Salary: L3, \$55,913 - 60,707 pa plus super

The Department of Treasury and Finance is seeking a highly motivated person to work in their Building Management and Works Northam office. The position will involve the management and delivery of routine maintenance building services, assistance with contractor agreements, tender preparation, improvement initiatives and other duties as directed. This person must have a strong commitment to work effectively in a team environment with an ability to work independently when required, good interpersonal skills and a desire to deliver a high standard of Customer service.

To Access Detailed Information: jobs.wa.gov.au and key in 04001911 to access detailed information or Ph: 6211 8111 to be mailed an information pack.

For Specific Inquiries: Please contact Jarrod Ryan on Ph: 9622 2329.

Location: Northam

Closing Date: Wednesday, 21 April 2010 at 11.45pm.

adcorp F40023

### SHARE & CARE COMMUNITY SERVICES GROUP

requires

#### COMMUNITY SUPPORT WORKERS - NORTHAM

for

#### HOME SUPPORT SERVICES PROGRAM

Share and Care requires persons with a genuine interest in assisting the frail aged, younger people with disabilities and their carers.

Services are provided in the client's home and in the community to maintain their independence and quality of life.

Hours: Negotiable.

Applicants must be available to work flexible morning or afternoon shifts Monday to Friday. Applicants must have a reliable vehicle and be of good physical fitness.

If you enjoy working in a challenging, supportive environment, being recognised as a valuable contributor to the Organisation's mission and desire to have a flexible, family friendly employer you will enjoy this position.

An application package can be obtained by calling 9622 2828.

Send your applications addressing the selection criteria in the Job Description by 21st April, 2010 (closing date) to:

Ms C Jones-Lummis  
Chief Executive Officer  
Share Care Community Services Group  
PO Box 365, Northam WA 6401

CO2271348

## IN BALANCE FITNESS

is calling for  
Expressions of Interest

from a motivated individual looking to

pursue a career in the Fitness Industry.

This individual should be interested in a part-time position, that includes evening shifts from 4pm-8pm. This person would receive training as a Certificate III Fitness Instructor (all expenses paid)\*.

The position is ideally suited to a health and fitness enthusiast, looking to turn their passion into a career and supplement their existing employment.

All enquiries can be directed to:  
Alex Gazis-Morris, In Balance Fitness,  
306 Fitzgerald Street, Northam WA 6401  
and should include a resume.

Further information can be obtained by calling 9622 5334.

\*Conditions apply.

CO2271343

  
Things really move  
in the Advocate's  
CLASSIFIEDS

You can  
Phone, Fax or email  
your advertisement



## SHIRE OF YORK – PLANNING NEWSLETTER – APRIL 2010

### LOCAL PLANNING STRATEGY - PROPOSED AMENDMENTS

The Western Australian Planning Commission has notified the Shire of York that it has certified that the following amendments are considered consistent with regulation 12 (C) of the Town Planning Regulations 1967 (as amended) and should be advertised for a minimum period of 21 days:

1. Remove long and short term time frames for future residential development.
2. Insert into the strategy criteria for the rezoning and recoding of land in Area A and B.
  - *Note: Area A comprises the 'North West Residential Precinct' bound by Carter Road, Ulster Road, Ford Street and the Railway Line. Area B comprises the 'Daliak Precinct' bound by Morris Edwards Drive, Ulster Road/Forrest Street and Great Southern Highway (Perth Road) and Part Lot 175 and Lot 502 north of Morris Edwards Drive (corner of Ulster Road).*
3. Apply generic separation buffers around Gilmac Hay processing and the piggery.
  - *Note: This applies to properties along the York-Quairading Road in Cold Harbour and the Mount Harday areas.*
4. Extend the Town Centre Precinct boundary.
  - *Note: The current Town Centre Precinct boundary finishes south of the Town Hall. It is proposed to extend this southern boundary to Henrietta Street, Balladong Street, Monger Street and Railway Street.*

Further details of the proposed amendments, including maps and a Schedule of Modifications, are available for inspection at the Council office. Comments on the proposed amendments may be submitted to the Council in writing on or before 4.00pm Friday the 30<sup>th</sup> April 2010.

Comments can be addressed to the Chief Executive Officer, Shire of York, LPS Amendments, PO Box 22, YORK WA 6302, via fax (08) 9641 2202 and via email at [records@york.wa.gov.au](mailto:records@york.wa.gov.au) (Ref. 'LPS Amendments').

The removal of the long term provisions for Daliak and the North West Residential Precinct are proposed to allow for further development and infill in these areas as they are located in close proximity to the Town Centre and most services are available to the lots.

The proposed amendments have been widely publicised and a number of submissions has already been received. Landowners and stakeholders are again invited to submit their comments to the proposal.

### SCHEME AMENDMENTS GAZETTED

A record number of Amendments to the Shire of York Town Planning Scheme No. 2 have been finalised (gazetted) in the last 12 months. These include-

- Amendment 21 (Equine Precinct)
- Amendment 25 (Properties in Thorn Street and Monger Street)
- Amendment 33 (Sewer Infill Program Area east of the Avon River)
- Amendment 35 (Avon River Flood Provisions)
- Amendment 38 (Additional Use for Lot 10 Avon Terrace)
- Amendment 39 (Sewer Infill Program Area west of the Avon River) and
- Amendment 41 (Lots 1 and 52 Avon Terrace rezoned to 'Town Centre').



## SHIRE OF YORK – PLANNING NEWSLETTER – APRIL 2010

The Department of Planning has updated the Scheme Text and Scheme Maps which are accessible via [www.planning.wa.gov.au](http://www.planning.wa.gov.au) by following the prompts 'Local Planning Schemes' (which can be found in the third column 'The Planning System') and searching for 'York' in the search field. The Scheme Maps set out the zoning for every property in the Shire of York.

Attention is drawn to the most recent gazettal – Scheme Amendment 38 – which incorporates the following definitions and provisions into the Scheme:

- *Multiple dwelling has the same meaning as in the Residential Design Codes.*
- *Serviced apartment means a complex where all units or apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of three months in any 12-months period.*
- *With regard to Lot 10 Avon Terrace, the additional use subject to planning consent being granted by the local government may be a shop, office, restaurant, multiple dwelling and a serviced apartment.*

### AVON RIVER FLOOD PROVISIONS

New provisions for the Avon River Flood area were also inserted into the Scheme by Scheme Amendment No. 35:

5.4 Avon River Floodplain

- (a) *Proposed development that is located within the floodway (i.e. filling, building, or any land improvements) and is considered obstructive to major river flooding as determined by the appropriate State Government water agency and the local government and shall not be permitted.*
- (b) *For land within the designated flood fringe development or endeavours thereto shall require planning consent in addition to a building licence (including a single house).*
- (c) *In determining an application for planning consent the local government shall consult with the appropriate State Government water agency and State Government environment and conservation agency.*
- (d) *Any application for development or land use shall require a Notification pursuant to section 70A of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, to be placed on title of the land to the effect that the land is subject to inundation during a flood event.*
- (e) *Any habitable building to be located within the flood fringe boundary shall have a minimum floor level of 500 millimetres above the adjacent 100 year ARI flood level, as determined from time to time by the relevant State Government department.*
- (f) *The erection of a fence within the floodway is permitted providing it is of a non-obstructive nature to flood flows, such as post and rail fencing, so that it does not alter the direction of natural water flows nor retain surface water that may affect adjoining properties.*
- (g) *At the local government's discretion, where proposed non habitable development is in the flood fringe, but within a designated heritage streetscape area, a minimum floor level of 300 mm above the centre of the road fronting the property may be approved.*



## SHIRE OF YORK – PLANNING NEWSLETTER – APRIL 2010

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- (h) Any developments proposed in the flood fringe should consider potential opportunities for environmental improvements and rehabilitation.
- 2. Inserting into Schedule 1 – Interpretations the definitions of 'floodway', 'flood fringe' and 'floodplain' after 'fast food outlet' and before 'fuel depot'.
  - i) *floodway means the river channel and portion of the floodplain which forms the main flow path for floodwaters once the main channel has overflowed.*
  - ii) *flood fringe means the area of the floodplain, outside the main floodway, which is affected by flooding.*
  - iii) *floodplain means the portion of a river valley next to the river channel that is or has been periodically covered with water during flooding.*

### TREE CROPPING POLICY

An amendment to the existing SEAVROC wide tree cropping policy has been endorsed for advertising. The following changes are proposed:

- The minimum size for a tree plantation to require planning consent is proposed to be amended from 40 ha to 10 ha in accordance with FESA guidelines.
- The 'FESA Guidelines for Plantation Fire Protection' are to be incorporated into the policy by reference.

The other SEAVROC Shires – Beverley, Brookton, Cunderdin and Quairading – have amended their policies accordingly or are in the process of amendment.

The Draft SEAVROC Tree Cropping Policy is available for inspection at the Council office. Comments on the proposed amendments may be submitted to the Council in writing on or before 4.00pm Wednesday the 12<sup>th</sup> May 2010.

Comments can be addressed to the Chief Executive Officer, Shire of York, Tree Cropping Policy, PO Box 22, YORK WA 6302, via fax (08) 9641 2202 and via email at [records@york.wa.gov.au](mailto:records@york.wa.gov.au) (Ref. 'Tree Cropping Policy').



## SHIRE OF YORK – PLANNING NEWSLETTER – APRIL 2010

### GREENHILLS OUTLINE DEVELOPMENT PLAN

An update on the Greenhills Outline Development Plan was presented to the last Council meeting. The report reiterates the issues identified for Greenhills:

1. *Current and future development in Greenhills still faces major infrastructure issues. The submissions from service providers indicate that any landowner who wants to develop land is confronted with significant costs to connect to essential infrastructure such as power and water.*
2. *It is reiterated again that, in general, freehold green title blocks in Greenhills are able to be developed regardless of their block size due to the fact that they were created legally at the time and are not different from any other freehold green title lot elsewhere in the Shire.*
3. *It is also reiterated again that despite the fact that the lots can be developed it is unlikely for the majority of blocks to actually be developed due to cost constraints pertaining to connecting to essential infrastructure.*
4. *Lots located wholly or partially within Balley Balley Creek cannot be developed due to flood issues and due to the fact that effluent disposal systems cannot be located in floodways. Development attempts would be stopped by the Department of Health and the Department of Water.*
5. *The future of Balley Balley Creek and areas of remnant vegetation remains unclear as the Department of Water and the Department of Environment and Conservation are unlikely to take responsibility for future reserves due to lack of funding and resources.*
6. *If lots were developed without amalgamations and land swaps, a number of lots would not be facing constructed roads. Road construction and upgrade costs are likely to be required for the development of lots.*
7. *Amalgamations are occurring and are in preparation. A four lot amalgamation in Greenhills West is nearing completion and another four lot amalgamation in Greenhills East is currently being prepared by the landowner. In general, this follows the objectives of the ODP.*
8. *The closure of road reserves is proposed to be discussed further with State Land Services as the road reserves will play a crucial role in any land swaps and boundary realignments. This issue is required to be discussed before any discussions with landowners can start on boundary and land changes.*
9. *It is understood that the Quairading-York Railway Line is facing closure in the very near future while the Public Transport Authority writes that this is not the case. Should the railway line remain open, it is expected to have an impact on potential development due to compulsory noise abatement measures. If the railway line is closed, its future land tenure has to be taken into consideration. It is therefore proposed to continue discussions regarding the future of the railway line.*

*To move forward, it is not proposed to change any of the recommendations of the ODP at this stage. It is recommended to continue discussions with government departments and stakeholders to determine more accurate buffers around Balley Balley Creek, the creation and tenure of future reserves, the future of the railway line and the wheat bin, the future of road reserves and other reserves and to make landowners aware of the issues regarding Greenhills in general.*

The Shire thanks all submitters for sending in submissions for the Greenhills Outline Development Plan. The Outline Development Plan is still available for inspection at the Shire Office and also on the Shire website [www.york.wa.gov.au](http://www.york.wa.gov.au).

**Disclaimer:** The Shire of York does not take any responsibility for errors or omissions. For information purposes only. For further information please contact the Shire of York, PO Box 22, YORK WA 6302, Phone (08) 9641 2233, Fax (08) 9641 2202 or via email [records@york.wa.gov.au](mailto:records@york.wa.gov.au).



## SHIRE OF YORK LOCAL PLANNING STRATEGY PROPOSED AMENDMENTS

The Western Australian Planning Commission has notified the Shire of York that it has certified that the following amendments are considered consistent with regulation 12 (C) of the Town Planning Regulations 1967 (as amended) and should be advertised for a minimum period of 21 days:

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  - Note: Area A comprises the 'North West Residential Precinct' bound by Carter Road, Ulster Road, Ford Street and the Railway Line. Area B comprises the 'Daliak Precinct' bound by Morris Edwards Drive, Ulster Road/Forrest Street and Great Southern Highway (Perth Road) and Part Lot 175 and Lot 502 north of Morris Edwards Drive (corner of Ulster Road).
3. Apply generic separation buffers around Gilmac Hay processing and the piggery.
  - Note: This applies to properties along the York-Quairading Road in Cold Harbour and the Mount Hardey areas.
4. Extend the Town Centre Precinct boundary.
  - Note: The current Town Centre Precinct boundary finishes south of the Town Hall. It is proposed to extend this southern boundary to Henrietta Street, Balladong Street, Monger Street and Railway Street.

Further details of the proposed amendments, including maps and a Schedule of Modifications, are available for inspection at the Council office. Comments on the proposed amendments may be submitted to the Council in writing on or before 4.00pm Friday the 30<sup>th</sup> April 2010.

Comments can be addressed to the Chief Executive Officer, Shire of York, LPS Amendments, PO Box 22, YORK WA 6302, via fax (08) 9641 2202 and via email at [records@york.wa.gov.au](mailto:records@york.wa.gov.au) (Ref. 'LPS Amendments').

A handwritten signature in black ink that appears to read 'Hooper'.

.....  
RAY HOOPER  
CHIEF EXECUTIVE OFFICER

31.03.2010

.....  
DATE



## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.2 Scheme Amendment 29 – Daliak – Adoption Report

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

FILE NO:	PS.TPS.24, PS.PPD.4.5
COUNCIL DATE:	21 June 2010
REPORT DATE:	15 June 2010
LOCATION/ADDRESS:	Various properties in the Daliak Precinct
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Patrick Ruettjes, Shire Planner
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Schedule of Submissions, Appendix B – Scheme Amendment Maps Appendix C – Daliak Concept Plan Appendix D – Proposed Staging Plan
DOCUMENTS TABLED:	Scheme Amendment report and plans

#### **Summary:**

Council is asked to adopt Scheme Amendment No. 29 to the Shire of York Town Planning Scheme No. 2 (the 'Scheme') by rezoning properties in the Daliak Precinct between Morris Edwards Drive, Great Southern Highway, Forrest Street and Ulster Road from 'General Agriculture' and 'Public Purposes' to 'Special Use Zone' for final approval with modifications.

#### **Background:**

The area bound by Morris Edwards Drive, Great Southern Highway, Forrest Street and Ulster Road has been identified as 'Area B – Future Residential – Long Term' in the Shire of York Local Planning Strategy ('LPS') which was endorsed in 2007. In report 9.1.1 to the June 2010 Council Meeting, it is proposed to remove the words 'long term' from the LPS to enable future subdivision in the precinct which is located close to the town centre, comprises the school and the hospital and can largely be connected to reticulated sewer without timeframe constraints.

The Daliak Precinct comprises an area of 137 hectares and is zoned 'General Agriculture' under the Scheme with the exception of the town dam, the school and the hospital which are zoned 'Public Purposes'.

Council at its Ordinary Meeting of 21 June 2008 initiated Scheme Amendment No. 29 to rezone the Daliak Precinct to a 'Residential Zone'. Following receipt of an Outline Development Plan and advice from DPI, Council at its Ordinary Meeting of 15 December 2008 resolved as follows:

*'That Council*

*1. modify the resolution of the 21st July 2008 by deleting the words "Residential Zone" and replacing them with "Special Use Zone", the resolution states;*

*"That upon receipt of a satisfactory Development Plan with comprehensive background data supporting the proposal that Council initiate Scheme Amendment No 29 – Daliak Precinct by amending the scheme maps and scheme text by:*

*a) Rezone Lots 1 – 6, 8, 11 and 205 Morris Edwards Drive, Lot 2 Cnr of Morris Edwards Drive and Great Southern Highway, Lots 1, 6, 17, 21 – 22, 200 – 201*

*Great Southern Highway, and Lots 340 and 123, Trews Road, from General Agriculture Zone to Residential Zone; and*

*b) To include the Daliak Residential Precinct bounded by Morris Edwards Drive, Great Southern Highway, Ulster and Forrest Streets in Schedule 13 – Development Control Area as DA 4 and in Schedule 14 DCA – A.*

*Advice Note:*

*The Scheme Amendment will be advertised for a period of 42 days, after the proposal has been assessed by the Environmental Protection Authority.”*

*2. Adding to Schedule 3, the following:*

**SCHEDULE 3  
SPECIAL USE ZONES**

No.	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
4	Daliak Precinct Morris Edwards Drive, York as depicted on the Local Planning Strategy Maps (2007).	Residential development with aged persons units, shops and community purposes.	Subdivision and development shall be in accordance with an approved Development Area Plan.

*3. initiates Scheme Amendment 29 to read as follows:*

*That Council initiates Scheme Amendment No 29 – Daliak Precinct by amending the scheme maps and scheme text by:*

*a) Rezone Lots 1 – 6, 8, 11 and 205 Morris Edwards Drive, Lot 2 Cnr of Morris Edwards Drive and Great Southern Highway, Lots 1, 6, 17, 21 – 22, 200 – 201 Great Southern Highway, and Lots 340 and 123, Trews Road, from General Agriculture Zone to Special Use Zone;*

*b) Adding to Schedule 3, the following:*

**SCHEDULE 3  
SPECIAL USE ZONES**

No.	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
4	Daliak Precinct Morris Edwards Drive, York as depicted on the Local Planning Strategy Maps (2007).	Residential development with aged persons units, shops and community purposes.	Subdivision and development shall be in accordance with an approved Development Area Plan.

*c) To include the Daliak Residential Precinct bounded by Morris Edwards Drive, Great Southern Highway, Ulster and Forrest Streets in Schedule 13 – Development Control Area as DA 4 and in Schedule 14 DCA – A.*

*Advice Note:*

*Council is in receipt of a satisfactory development plan and is prepared to move forward with the Scheme Amendment 29.*

*The Scheme Amendment will be forwarded to the Environmental Protection Authority and once advice is provided the Scheme Amendment will be advertised for a period of 42 days.”*

The EPA has granted consent to advertise in 2009, but the progress of the ODP and the Scheme Amendment had stalled previously due to the long term provisions in the LPS. This is now proposed to be changed. The Western Australian Planning Commission has stipulated provisions on how the Daliak Precinct is to be developed. These requirements (underlined text) have been addressed by the consultants as follows:

*“The staging plan is designed to accompany the previously submitted Scheme Amendment report and Outline Development Plan.*

*The plan proposes a logical staging of development, commencing at the western extent of the existing York townsite, making use of existing road networks, infrastructure and current lot boundaries. It is proposed for subsequent stages to be developed in a westerly direction along the Morris Edwards Drive extent of the site, before finally continuing back along the Great Southern Highway frontage in an easterly direction.*

*This staging has been carefully considered and in our opinion, it reflects the best option as it shows due consideration for both landowners who do not wish to develop as well as those (such as the retirement village and King Family landholdings) who do wish to develop in the short term.*

*It also provides a visual buffer to the Great Southern Highway in the medium to long term, with initial development occurring to the north of the site. Furthermore, the method of staging (with lettered sub stages) affords a degree of flexibility to the proposal.*

*The Department of Planning correspondence dated 11 February 2010 outlined the criteria for the assessment of rezoning land in Area B (Daliak) which has been largely addressed in our July 2008 report. The criteria are as follows, with our accompanying justification:*

*Proximity of the subject land to an existing urban area and the extent to which it represents a logical expansion of the urban area.*

*The subject land is located immediately adjacent to the existing Shire of York townsite at its western extent, and is proposed to be developed from this boundary in a westerly direction. The Outline Development Plan has been designed to integrate with the existing townsite in terms of road and pedestrian linkages.*

*Existing community facilities such as the hospital and school sites will be retained and enhanced at the south eastern corner of the subject land, forming the basis for a hub of activity in close connection with the existing townsite.*

*In addition, the subject land will be able to be serviced via existing infrastructure, extensions to existing infrastructure or a combination of both. For these reasons, the proposal represents a logical expansion of the urban area.*

*Site analysis and assessment of the capability of the land to accommodate the proposed development and use.*

As outlined in our July 2008 report, consulting engineers McDowall Affleck have undertaken an assessment of the servicing opportunities and constraints applicable to the subject land. It was determined that stormwater drainage, water and wastewater disposal can be accommodated on site via an extension to the existing network.

Risk assessment of the impact of the development on the land and water, including flooding, soil erosion, landslip, drainage, vegetation and any other form of environmental impact and appropriate provisions to ensure these are minimised and addressed.

The design of the proposed development has taken into account the topography of the site and existing vegetation. The existing creekline will be protected by a Public Open Space reserve which will also act as a buffer in the event of flooding.

It is acknowledged that appropriate scheme provisions will be formulated and a Local Water Management Strategy will be required to be prepared as part of the scheme amendment and subdivision processes.

Appropriateness of the intended size of the amendment area and justification for the demand for the number of lots, including:

- Analysis of other residential land that may be available within York;
- Population projections to support the number of lots proposed;
- Provision for local employment;
- Outline Development Plan incorporating staging of development; and
- Developer contributions

We believe that the proposed size of the amendment area and resultant number of blocks is justified for the following reasons:

There is a growing demand for residential and mixed use development in the York district which is currently not being met. Several proposals for residential development on the eastern side of the townsite have been proposed, but have stalled due to infrastructure issues.

As none of these other areas have the potential to connect to sewer, this proposal represents a real opportunity to provide high quality residential and mixed use development to the market to satisfy this demand. With the current population of 4000 expected to grow to between 7500 – 8000 people in the next 10 years, this proposal would provide for 25% of this expected growth and could act as the centrepiece for future population growth in the York townsite.

Furthermore, the proposed mixed use village centre will provide a sustainable option for the provision of local employment. It is expected that demands will grow further due to the subject lands location, less than an hours drive from Perth Airport which will be attractive to “fly in fly out” workers as well as commuters to the Perth Metropolitan Region and “tree-changers”.

The existing townsite does have some available properties but the vast majority have remained undeveloped due to the costs of renting as well as the large number of different landowners. The subject proposal has a distinct advantage in that it represents a coherent development with a small number of landowners.

The attached staging plan outlines the proposed staging of development, which represents a logical expansion of the townsite, whilst affording individual landowners the option of developing individually, collectively, or alternatively the option to maintain the status quo if they so choose.

Finally, as outlined in our July 2008 report, developer contributions are an appropriate mechanism for coordinating cost sharing arrangements between landowners, for the provision of common infrastructure throughout the outline development plan area.

We support the Shire's position on the matter of developer contributions, in that they are a matter that should be dealt with at the subdivision stage where the force of planning law can be applied. This is consistent with WAPC Planning Bulletin No. 41 which recommends that contributions be linked to conditions of subdivision approval.

Availability of essential services including:

- The capacity of the existing sewerage system to accommodate additional load;
- Viability of extension of sewer into the precinct
- Viability of extension of reticulated water; and
- Viability of extension of power (including underground power)

As outlined in our July 2008 report (and accompanying report from McDowall Affleck), our discussions with the Water Corporation have concluded that the subject land can be serviced via an extension of the existing sewer and water systems to service the subject land. Telecommunications and power are available to the area and can be connected on a "user pays" basis.

The scenic landscape values of the area and the development's integration with these, particularly along the Great Southern Highway and the visual impact of development on the main entry to York.

The staging of the development has been formulated in order to allow for development along Great Southern Highway to occur towards the end of the process. This will allow for a visual buffer to be maintained.

The development has been designed in order to take advantage of and provide views to the surrounding peaks of Mount Brown and Mount Bakewell. Also, given the existing rural character of the area, a key element of this outline development plan has been the provision of Public Open Space and integration with features such as the existing creekline.

Scheme provisions will require landowners to develop in accordance with design guidelines complementary to the rural character of the area.

The interface between the urban expansion area and the adjoining rural land uses.

Rural character is maintained along Morris Edwards Drive and Great Southern Highway, with larger lots proposed at the periphery (particularly at the western most extent) and smaller lot sizes contained within. The existing school, hospital and drainage sites will also act as a buffer between the existing Town and subject area, and the design of the proposal has acknowledged this.

I trust the above information is of assistance and in light of this justification as well as the information contained in our July 2008 submission, it is requested that the Shire of York favourably consider our application."

The proposed staging plan is attached.

**Consultation:**

The Scheme Amendment has been advertised for 42 days in accordance with the *Town Planning Regulations 1967*. A Schedule of Submissions is attached. The submissions are acknowledged. It should be noted that five submissions from landowners in support of the development of the Daliak Precinct have been received after the closure of the advertising period in the context of the proposed changes to the LPS (see report 9.1.1), but are listed in addition to the other submissions.

One written submission has been received against future subdivision and this is reflected in the attached staging plan as those lots have been included in later stages 2 and 3. It is advised that there is no obligation to subdivide at any stage. The staging plan has been commissioned to enable the development of single lots independently and reflects the submissions in support received as well.

The Outline Development Plan has been instigated by the majority of landholders. In total, a majority of 65 % has expressed their support for the amendment, 5 % have submitted against future subdivision and 30 % did not comment on the proposal.

**Statutory Environment:**

Planning and Development Act 2005  
Shire of York Town Planning Scheme No. 2  
Town Planning Regulations 1967

**Policy Implications:**

Nil

**Financial Implications:**

Nil.

**Strategic Implications:**

Key Result Area 1 – Objective 1:

*“To develop a framework to facilitate planning and decision-making in order to identify and meet community needs, develop opportunities and implement change.”*

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Yes

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

The Daliak Precinct has some advantages for future residential development – it is located close to the town centre, encompasses the school and the hospital, is in vicinity of the sports and recreation precinct and has had a sewer line extended into the area last year. With relatively large land parcels and the majority of landowners in support of future subdivision and development, the proposed staging plan and ODP in general is expected to deliver a wide range of housing products to cater for a growing demand.

### **Environmental Implications:**

The Daliak Precinct is expected to accommodate sustainable development. The connection to reticulated sewer will alleviate the main environmental concern for development and reduce the public health risk of failing septic systems. The majority of the land is cleared and currently used for grazing. Creek lines and remnant vegetation can be integrated in a Public Open Space system around future development. The proximity to the town centre and essential services offers the chance to reduce motor vehicle movements in the long term.

### **Comment:**

The proximity to the town centre, the availability of reticulated sewer, the fact that the school and the hospital are part of the Daliak Precinct all underline the suitability of the area for future development.

The majority of landowners have indicated that they are supportive of future development of the precinct and the consultants are considered to have adequately addressed the issues raised by the Department of Planning.

The landowner objecting to future development has been advised that there is no obligation to develop or subdivide land at any stage. The proposed staging plan takes this into consideration and includes those properties in stages 2 and 3.

The staging plan starts with properties in proximity of the existing urban area (stage 1), then continues further west along Morris Edwards Drive and then returns towards the town centre. The staging plan reflects the fact that a proposed highway bypass is a medium to long term option and therefore not proposing residential development adjacent to the existing highway in the early stages.

The staging plan also allows for adequate flexibility for landowners who wish to develop and those who do not want to develop in the short term. The staging reflects the feedback from landowners in general and allows for each lot to be developed independently. It is anticipated that the proposed Daliak Precinct will be able to cater for a large portion of the expected growth in York and will offer a wide range of residential and associated land uses.

It is therefore proposed to adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by rezoning Lot 11 on Plan D27385 (Ulster Road), Lot 205 on Plan P302210 (Morris Edwards Drive), Lots 1, 2, 3, 4, 5 and 6 on Plan D12822 (Morris Edwards Drive), Lot 8 on Plan P26636 (Morris Edwards Drive), Lot 2 on Plan P844 (Morris Edwards Drive), Lot Y17 on Plan P224223 (Old Trews Road), Lots 21 and 22 on Plan P26564 (Great Southern Highway), Lots 200 and 201 on Plan P300410 (Great Southern Highway), Lot 123 on Plan D5711 (Trews Road), Lot 340 on Plan D60517 (Great Southern Highway), Lot 6 on Plan D52820 (Great Southern Highway) and Lot 1 on Plan D31327 (Old Trews Road) from 'General Agriculture' to 'Special Use Zone' and rezoning Lot 10 on Plan D27385 (Ulster Road), Reserve 25722 (Avon Locations 28038 and 28629) and Reserve 27341 (Avon Location 28215) from 'Public Purposes' to 'Special Use Zone', amend the Scheme Maps accordingly and insert the appropriate schedule into Schedule 3.

**RESOLUTION  
050610**

**Moved: Cr Boyle**

**Seconded: Cr Randell**

**“That Council, pursuant to Part 5 of the Planning and Development Act 2005, in respect to Amendment No. 29 to the Shire of York Town Planning Scheme No. 2, resolves to –**

- 1. Adopt, in accordance with Part 5 of the Planning and Development Act 2005, for final approval the proposed amendment with modification by rezoning Lot 11 on Plan D27385 (Ulster Road), Lot 205 on Plan P302210 (Morris Edwards Drive), Lots 1, 2, 3, 4, 5 and 6 on Plan D12822 (Morris Edwards Drive), Lot 8 on Plan P26636 (Morris Edwards Drive), Lot 2 on Plan P844 (Morris Edwards Drive), Lot Y17 on Plan P224223 (Old Trews Road), Lots 21 and 22 on Plan P26564 (Great Southern Highway), Lots 200 and 201 on Plan P300410 (Great Southern Highway), Lot 123 on Plan D5711 (Trews Road), Lot 340 on Plan D60517 (Great Southern Highway), Lot 6 on Plan D52820 (Great Southern Highway) and Lot 1 on Plan D31327 (Old Trews Road) from ‘General Agriculture’ to ‘Special Use Zone’ and rezoning Lot 10 on Plan D27385 (Ulster Road), Reserve 25722 (Avon Locations 28038 and 28629) and Reserve 27341 (Avon Location 28215) from ‘Public Purposes’ to ‘Special Use Zone’ and amend the Scheme Maps accordingly;**
- 2. Inserting the following ‘Special Use Zone 4’ into Schedule 3:**

No.	PARTICULARS OF LAND	SPECIAL USE	CONDITIONS
4	Daliak Precinct: Lot 11 on Plan D27385 (Ulster Road), Lot 205 on Plan P302210 (Morris Edwards Drive), Lots 1, 2, 3, 4, 5 and 6 on Plan D12822 (Morris Edwards Drive), Lot 8 on Plan P26636 (Morris Edwards Drive), Lot 2 on Plan P844 (Morris Edwards Drive), Lot Y17 on Plan P224223 (Old Trews Road), Lots 21 and 22 on Plan P26564 (Great Southern Highway), Lots 200 and 201 on Plan P300410 (Great Southern Highway), Lot 123 on Plan D5711 (Trews Road), Lot 340 on Plan D60517 (Great Southern Highway), Lot 6 on Plan D52820 (Great Southern Highway) and Lot 1 on Plan D31327 (Old Trews Road), Lot 10 on Plan D27385 (Ulster Road), Reserve 25722 (Avon Locations 28038 and 28629) and Reserve 27341 (Avon Location 28215)	Residential, aged or dependant persons' dwellings, shops and community purposes.	Subdivision and development shall be in accordance with an approved Outline Development Plan.

- 3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation; and**
- 4. Forward Scheme Amendment No. 29 to the Western Australian Planning Commission and the Minister for Planning requesting final approval.”**

**CARRIED (5/0)**

Scheme Amendment is still to go to the Minister

**Item 9.1.2**  
**Appendix A**



**SHIRE OF YORK - TOWN PLANNING SCHEME NO. 2**  
**SCHEME AMENDMENT NO. 29 - SCHEDULE OF SUBMISSIONS**

Submitter	Submission Received	Officer's Comments	Consultants' Comments
Public Transport Authority	No objections.	Noted.	Noted.
Western Power	No objections.	Noted.	Noted.
Department of Health	Advises that the development must be connected to reticulated water and sewage.	Acknowledged. Can be conditioned at subdivision stage.	Acknowledged. Can be conditioned at subdivision stage.
	Buffers must be provided between any conflicting landuses.		
FESA	No objection.	Noted.	Noted.
Department of Mines and Petroleum	Geological Survey of Western Australia (GSWA) has undertaken a brief review of the mineral potential in the area on behalf of the Department of Mines and Petroleum. The area is underlain by Archean layered gneiss. There are no known mineral resources. Pending mining tenement E7/03597 has an encroachment and the tenement holder has no concerns.	Noted.	Noted.
	The area has potential for base metals and gold. However, given the comparatively small size of the area and existing land use, the Department of Mines and Petroleum has no objection to the proposal.		
Department of Water	Thank you for the opportunity to comment on this proposal. This proposal is located on the western extent of the town of York within which lies a non-perennial watercourse flowing in an easterly direction. The watercourse enters the subject site in near the north-western most corner of the proposal. Another tributary enters the site near this point and between the two (the watercourse and tributary) there is greater than 500ha of water catchment generating surface flows onto the site of the current proposal. Other surface flows emanate to the south and north of the proposal.	Noted.	Noted.

	<p>The Department of Water has considered this proposal and requests the following to be included in the decision:</p> <ol style="list-style-type: none"> <li>Submission of a Local Water Management Strategy (LWMS) which contains the level of information that reflects the level of risk to water resources. The LWMS should be approved by the Dow prior to the finalisation of the plan. Consideration should be given to the risk of flooding in those proposed residential areas adjacent to watercourses and surface water inflows. The impact of development on downstream receiving environments also should be addressed. Flood storage areas should be developed outside natural watercourses.</li> <li>The proposal is located within a proclaimed surface water area. In accordance with the Rights in Water and Irrigation Act 1914, the extraction of surface water for intensive activities including dust suppression may require a licence. Modification to a watercourse, its bed or banks requires a permit from the Department of Water.</li> <li>The subject property is not located within a proclaimed area for groundwater under the Rights in Water and Irrigation Act 1914. The presence of and yield from groundwater aquifers in the subject area is not guaranteed; test holes should be drilled to locate a suitable groundwater supply. Extraction of any groundwater from artesian aquifers however is subject to licensing by the Department of Water.</li> </ol>	<p>We acknowledge that a detailed drainage study and management plan will be prepared by the consultants as part of a staging plan and in preparation of subdivision applications.</p> <p>Noted.</p>
Landowner	<p>I oppose this rezoning from General Agriculture to Special Use as I run sheep on my property and wish to continue doing so and I feel that the rezoning would not allow this to continue.</p> <p>My son was told by a Shire Officer that nothing would happen for ten years, so why does the Shire need to rezone this land now.</p>	<p>Noted.</p> <p>Amending the zoning of the land will not oblige current landowners to change their existing uses and activities. There is no obligation to subdivide.</p> <p>All landowners were advised that there is no obligation to subdivide and existing uses can be continued if the landowners wish to do so.</p> <p>All landowners were advised that the proposed Daliak Concept Plan is a staged development and that some portions would be developed before other areas. Given the scale of the concept plan, the area will only be developed in full over a long-term timeframe anyway. The landowner's son asked whether he was able to run sheep for another 10 years on the property and nothing would change for 10 years and the answer was 'Yes' as there is no obligation to subdivide.</p>

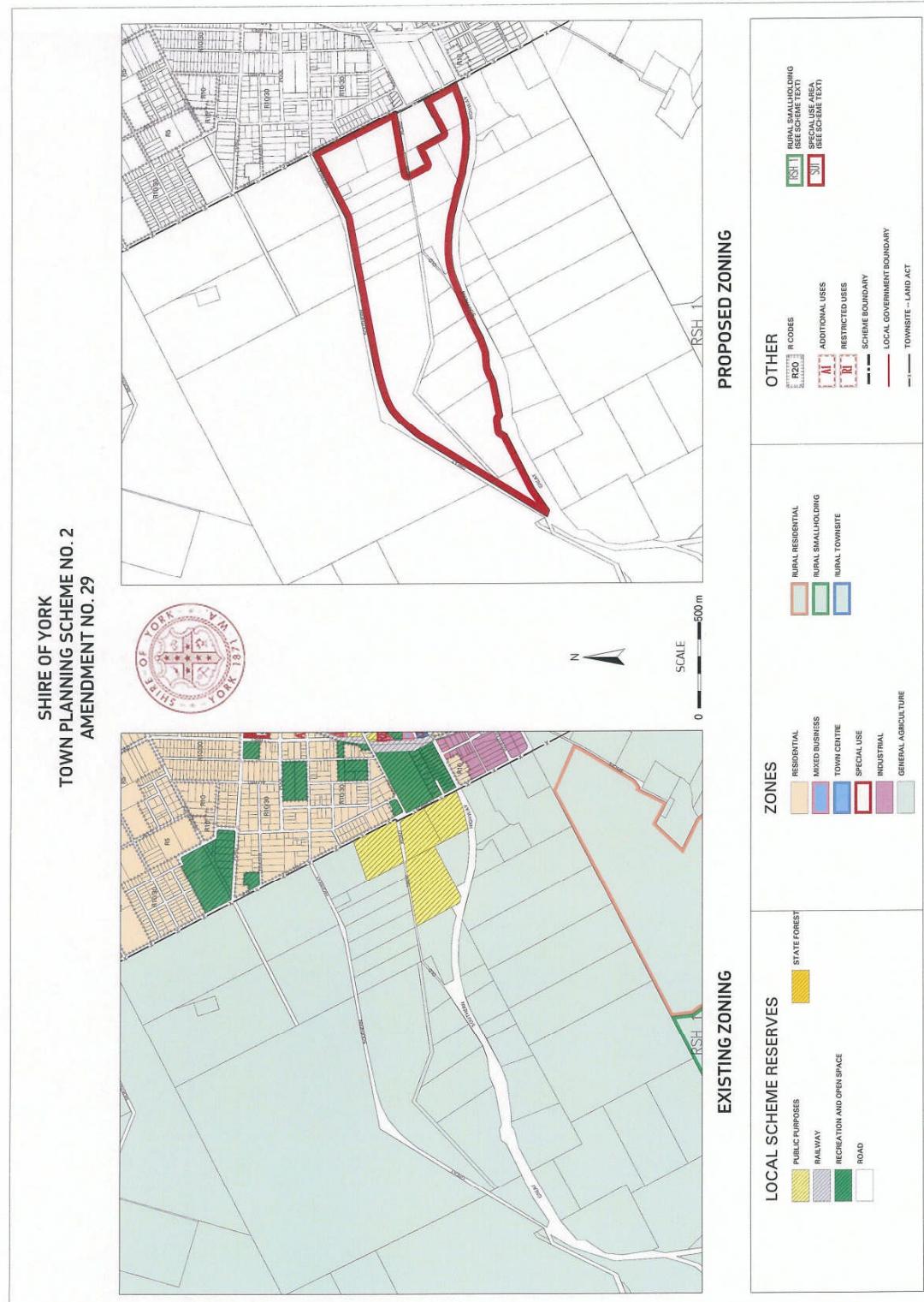
<p>Main Roads WA</p>	<p>Can I please have in writing your assurance that nothing will change on my property for another ten years.</p> <p>MRWVA does not object to the rezoning however MRWVA does not support the Daliak Concept Plan accompanying the rezoning application in its present form.</p> <p>Whilst MRWVA recognises this application is for a zoning amendment, the Daliak Concept plan accompanying the application appears to be the same design as reviewed by MRWVA in February 2008. In the February 2008 review, MRWVA advised the design consultants that the Chidlow-York Road was a major transport and heavy haulage route with this use was expected to continue. MRWVA pointed out that multiple entry locations reduce the safety and efficiency of these roads and would not be supported.</p>	<p>If the landowner does not wish to subdivide, nothing will change on the property for another ten years. There is no obligation to subdivide.</p> <p>Noted.</p> <p>The consultants will work together with MRWVA to determine the number and locations of entry and exit points to Great Southern Highway (Chidlow-York Road). The Shire of York is determined to continue lobbying for a western and southern bypass for Great Southern Highway to direct heavy traffic away from the proposed Daliak area and also from the York Town Centre, Blandstown and other residential areas.</p>	<p>The consultants will work together with MRWVA to determine the number and locations of entry and exit points to Great Southern Highway (Chidlow-York Road).</p> <p>The consultants will work together with MRWVA to determine the number and locations of entry and exit points to Great Southern Highway (Chidlow-York Road).</p> <p>This will be prepared by the consultants as part of subdivision applications.</p>
<p>Water Corporation</p>	<p>Further conditions for development will be required by MRWVA including a Traffic Impact Assessment, determination of extent of vegetation buffers and assessment of noise impact however these will be addressed when a subdivisional application is lodged.</p> <p>With respect to the proposal, the Water Corporation has no objections in principle; however we do offer the following comments:</p>	<p>Acknowledged.</p>	<p>This will be prepared by the consultants as part of subdivision applications.</p>

A combined submission from 5 landowners in the Daliak Precinct has been received in the context of the advertised Shire of York Local Planning Strategy amendments affecting the Daliak area. The landowners have expressed their support for the relevant LPS amendments as well as the proposed Scheme Amendment No. 29 – Daliak.

**5 Landowners in Area B (Daliak)** Please be advised that we are residents and landholders in the Daliak Precinct of the York Shire and do not have any objection to the proposed changes to zoning in this area to residential or similar to enable further development.



**Item 9.1.2**  
**Appendix B**



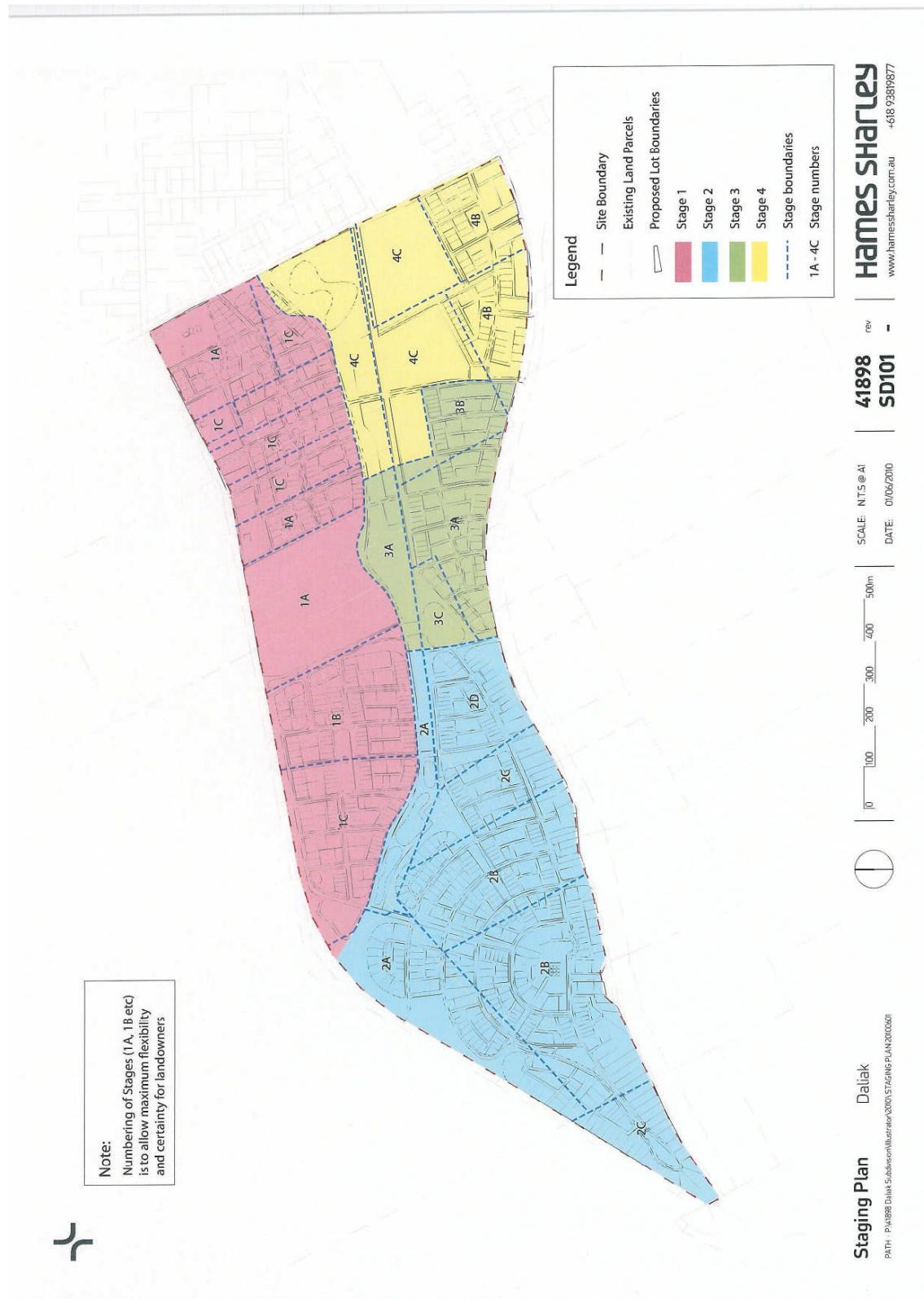


**Item 9.1.2  
Appendix C**





**Item 9.1.2  
Appendix D**





## 9. OFFICER'S REPORTS

### 9.1 DEVELOPMENT REPORTS

#### 9.1.3 Application For Industry - Extractive And Request For An Extractive Industry Licence - Lot 2 (98) Parker Road, Caljie

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

FILE NO:	Pa3.60062
COUNCIL DATE:	21 June 2010
REPORT DATE:	10 June 2010
LOCATION/ADDRESS:	Lot 2 (98) Parker Road, Caljie
APPLICANT:	Clive Walton (Landowner)
SENIOR OFFICER:	Ray Hooper
REPORTING OFFICER:	Brooke Newman/Patrick Ruettjes
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Locality Map, Site Plan, Schedule of Submissions
DOCUMENTS TABLED:	Shire of York Extractive Industries Local Law, Site Plan and Documentation

#### **Summary:**

Council is asked to consider an application for planning consent for 'Industry – Extractive' (Sand Extraction) at Lot 2 (98) Parker Road, Caljie, and consider an application for an extractive industry licence to be issued to the applicant in order to commence development.

#### **Background:**

An application has been received for planning consent for 'Industry – Extractive' for the excavation of sand from Lot 2 (98) Parker Road, Caljie. Lot 2 is zoned 'General Agriculture' under the Shire of York Town Planning Scheme No. 2 and covers an area of approximately 90.240 hectares. It is located to the north east of the town site of York and is abutting the boundary with the Shire of Northam to the west (see attached locality map).

#### Application for planning consent for 'Industry – Extractive' (Sand Extraction)

The applicant proposes to mine sand from an area covering approximately 2.8 hectares.

The proposal includes excavation of sand to a depth of approximately 2 metres and the proposed extraction area is located as depicted on the attached plan.

The applicant is intending to utilise the extracted sand for proposed new housing developments in the York town site. Further, it is proposed that earth removed from the various projects in the town site be utilised on Lot 2 for the purposes of rehabilitation and backfilling of the excavated areas.

It is anticipated that extractive industry activities will be carried out for approximately 2 - 3 years and there is no plan to undertake long term extractive activities from Lot 2.

The applicant is proposing to utilise six wheel single semi tipping trucks to transport the sand. Similarly, the same vehicles are proposed to be utilised for the removal of material from the town site projects to Lot 2 for rehabilitation purposes.

It is proposed that an approximate maximum number of truck movements will be 20 per day (10 in and 10 out).

It should be noted that a number of agricultural vehicles is utilising Parker and Quellington Roads. Quellington Road is under the control of the Shire of York, Parker Road is a Shire of Northam road.

#### Rehabilitation Bond

The Shire of York Extractive Industries Local Laws stipulates the payment of a rehabilitation bond for extractive industries as per the Shire's schedule of fees and charges (currently \$4,000.00 per hectare).

#### Proximity to the Mortlock River and Associated Reserves

Lot 2 is bounded in the east/south east corner by unallocated Crown land and Reserves for the conservation of the Mortlock River (see attached plan).

Reserve No. 1355 is vested with the Shire of York and Reserve No. 3073 is vested with the River Conservation Society.

The impact that the sand extraction area may have on the adjacent reserve for conservation purposes has been analysed by an officer from the Department of Water during a site inspection. The Department advised that activities associated with the proposed extraction area are not expected to have a measurable impact on the Mortlock River and surrounds.

Similarly, the Department of Environment and Conservation has advised that it has no objection to the proposed extraction area subject to adequate dust control (particularly in relation to the dwelling located close to the southern boundary of Lot 2).

#### Other Issues

It should be noted that Parker Road from, and including, the intersection with Quellington Road to the northern boundary of Lot 2 and further to the north is under the control of the Shire of Northam. The Shire of York has no jurisdiction over this section of Parker Road. The Shire of Northam has expressed concern regarding the maintenance of Parker Road and has asked that a condition be imposed compelling the applicant/landowner to enter into a legal agreement between the Shire of Northam and the landowner to provide assurance that any damage sustained by Parker Road will be repaired at the landowner's expense.

#### **Consultation:**

The application was advertised in accordance with the Shire's Extractive Industries Local Law for a period of 21 days. A total of 13 submissions have been received during the advertising period. The submissions are addressed in full detail in the attached Schedule of Submissions.

#### **Statutory Environment:**

Shire of York Town Planning Scheme No. 2  
Shire of York Extractive Industries Local Law

The land use of an extractive industry ('Industry – Extractive') is an "AA" use (discretionary use) under the provisions of the Scheme.

An application for an extractive industry licence is governed by the Shire's Extractive Industries Local Law (see tabled document).

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Bonds for rehabilitation of the site in accordance with the Extractive Industries Local Law are proposed to be imposed on the project to protect the community from any future costs.

Annual license fees are payable under the Extractive Industries Local Law, which will cover the cost to Council of administration and monitoring of the development.

Should heavy haulage vehicles be proposed to travel on a Shire of York controlled road, contributions will be required from the applicant for road upgrade and maintenance.

**Strategic Implications:**

The objectives of KRA 2 – Economic Development and Tourism, include:

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

An extractive industry on Lot 2 is deemed to be appropriate development for the purposes of providing investment and economic growth within the Shire of York. It also reflects diversity of industry.

“To ensure economic development does not conflict with York’s heritage, lifestyle and environment.”

As the extractive industry is proposed to be relatively short term, it is considered that there will be little to no effect on York’s heritage, lifestyle or environment.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Various

Lot 2 is gently sloping towards the east (towards the Mortlock River) with the majority of the land utilised for cropping purposes. There is one location on Lot 2 whereby development has occurred (houses and general farming outbuildings).

There are no water courses traversing Lot 2. However, Lot 2 abuts the Mortlock River which is contained within unallocated Crown land and two Reserves. The river will require monitoring for impacts from the extractive industry. There is one dam on the property which is proposed for water retention to be utilised for dust management.

**Triple bottom Line Assessment:**

**Economic Implications:**

Diversification of industry and potential employment opportunities may arise from the proposed extractive industry. Basic raw materials, such as gravel, clay, sand, limestone etc, are required for state and regional development.

**Social Implications:**

Potential impact from vehicle movement and dust generation from the proposed extractive industry have been addressed in the proposed set of conditions.

**Environmental Implications:**

A range of environmental issues, such as dust, noise, remnant vegetation, watercourses etc., have been addressed in the documentation report.

Monitoring of environmental issues will be required to be undertaken on an ongoing basis and this will largely be the responsibility of the Department of Environment and Conservation and the Department of Water.

**Comment:**

The main issues arising from the application for the extractive industry and the possible future granting of an Extractive Industry Licence, are discussed as follows:

Environmental Impact

There has been concern expressed by the Department of Water and landowners that the proposed extractive industry may have a negative impact on the Mortlock River and surrounding Reserves.

A site inspection with an officer from the Department of Water has revealed that there appears to be no evidence of any ecosystem that is reliant upon fresh water which would indicate that no fresh water is draining from the vicinity of Lot 2 into the Mortlock River.

It is the opinion of the officer from the Department of Water that the proposed extractive industry is expected to have little or no impact on the sub-ground water flow through Lot 2 and into the Mortlock River.

Effect on Local Amenity and Adjoining Landowners

Extractive industries in general may have an impact on local amenity and adjoining landowners.

It is the officer's opinion, however, that the proposed sand extraction area is of a size which is expected to not generate significant impact to the local amenity and that the machinery and general operation of the proposed sand extraction will pose little negative impact on the local amenity.

It is considered that adjoining landowners (with the exception of the landowner to the south) are of a sufficient distance to enable the extractive industry to be undertaken with little impact.

In relation to the landowner to the south, the applicant has proposed to relocate the access/driveway to the northern boundary of Lot 2 to alleviate concerns regarding dust from vehicle movements traversing the existing driveway.

Further, as the extractive industry is proposed to be undertaken for a limited period of time (2 - 3 years) at the proposed maximum depth of 2 metres, it is not considered to have a long lasting detrimental impact on the local amenity and adjoining landowners.

Vehicle Movements

The extractive industry activities are proposed to be utilising a maximum of 20 vehicle movements per day (i.e. 10 in and 10 out).

It is considered that the type and number of vehicle movements is appropriate and expected not to have a significant detrimental effect to the locality, landowners or to the road infrastructure.

The applicant will be required to enter into legal agreements with both the Shire of Northam and the Shire of York for maintenance of Shire owned roads.

#### Parker Road

Parker Road is under the jurisdiction of the Shire of Northam. The Shire of Northam has expressed no objection to the operation of the extractive industry subject to a legal agreement being entered into to ensure the applicant contributes to the maintenance of Parker Road.

The applicant has advised that he is willing to enter into such an agreement.

#### Conclusion

The proposed sand extraction area is considered to be comparatively low scale as the area for extraction is approximately 2.8ha and it is considered that sand extraction has lower negative impacts compared to gravel or hard rock quarrying.

The proposed area for extraction will be required to be modified to reflect the requirement for the 100m buffer from the Mortlock River. In order to achieve the 100m buffer distance and maintain a viable mining area, the proposed location of the extraction area will be extended further to the east and be reduced to the south. A modified plan showing the new location of the extraction area will be required to be submitted for approval to the Shire prior to an extractive industry licence being issued.

The hours of operation will be required to be limited to exclude transportation activities during the hours of operation of the school bus service in the area.

The issue of road maintenance can be addressed by imposing conditions on the applicant to ensure a legal agreement is entered into both with the Shire of York and with the Shire of Northam such that if significant damage occurs to Shire owned roads, the applicant will be responsible for the remedial works necessary to those roads.

Although the extractive industry will be required to be monitored for compliance with conditions imposed, it is considered that the land use of an extractive industry for the purposes of sand extraction as applied for is an acceptable development for Lot 2.

However, sufficient conditions will be required to be imposed to ensure the impact on the locality and adjoining landowners is kept to a minimum.

It is therefore recommended that approval should be granted for the land use of 'Industry – Extractive' (Sand Extraction) to occur on Lot 2 (98) Parker Road, Caljie subject to various conditions.

It is also recommended that once the conditions imposed on the approval for the land use of an extractive industry are met, an extractive industry licence be issued to allow the commencement of the mining activities on Lot 2.

**RESOLUTION  
060610**

**Moved: Cr Lawrence**

**Seconded: Cr Hooper**

***"That Council***

- 1. Advise the Applicant that it grants planning consent for 'Industry – Extractive' (Sand Extraction) at Lot 2 (98) Parker Road, Caljie, subject to the following conditions:**
  - 1.1. A Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended), is to be placed on the Certificate of Title notifying prospective purchasers that basic raw materials are located on Lot 2 and that an approval has been issued for the commencement of an extractive industry on Lot 2 potentially affecting the use and enjoyment of the land due to dust, noise, vibration and vehicle movements generated by or associated with the operation of an extractive industry to the satisfaction of the Local government. The notification is to be transferred to any future Certificates of Title arising from any future subdivision of Lot 2.**
  - 1.2. The extractive industry to substantially commence within twelve (12) months from the date of issue of planning consent for the landuse and within six (6) months from the date of issue of an extractive industry licence. Should the extractive industry not commence within this time, the applicant be advised that a new application will be required to be made.**
  - 1.3. The land use of an extractive industry is valid for a period of 3 years at the expiration of which, application for the extension of the land use is required to be lodged with the local government for assessment.**
- 2. Advise the applicant that the Shire of York requires the following information to be submitted and approved prior to the issuing of an Extractive Industry Licence:**
  - 2.1. A Drainage Management Plan being submitted to the satisfaction of the Department of Water and the Local government.**
  - 2.2. A revised site plan showing the required 100m buffer between the area of extractive industry and the Mortlock River be submitted for approval to the local government.**
  - 2.3. Evidence of public liability insurance policy being provided to the satisfaction of the Local government.**
  - 2.4. A legal agreement to the satisfaction of the Shire of Northam be entered into to the effect that any damage sustained by any road under the jurisdiction of the Shire of Northam as a result of the extractive industry will be remedied by the applicant at the expense of the applicant.**
  - 2.5. A legal agreement to the satisfaction of the Shire of York be entered into to the effect that any damage sustained by any road under the jurisdiction of the Shire of York as a result of the extractive industry will be remedied by the applicant at the expense of the applicant.**

3. *Delegates to the Chief Executive Officer the ability to issue an Extractive Industry Licence in accordance with the Shire of York Extractive Industries Local Law for Lot 2 (98) Parker Road, Caljie, subject to the required information being received and approved in accordance with condition 2 above and subject to the following conditions:*
  - 3.1. *The extractive industry shall be carried out and fully implemented in accordance with the details incorporated within the documentation endorsed with an "Approved" stamp by the local government and is attached to the Extractive Industry Licence.*
  - 3.2. *The extractive industry licence is valid for a period of three (3) years subject to the payment of the relevant yearly renewal fee for that period. At the expiration of the three (3) year period, an application for the extension of the extractive industry licence is required to be submitted to the local government for assessment.*
  - 3.3. *The excavation area is limited to the area shown on the approved plans to a maximum depth of 2 m from ground level to the satisfaction of the Local government.*
  - 3.4. *Excavation is not permitted within 20 metres of any boundary of Lot 2.*
  - 3.5. *Excavation is not permitted within 100 metres of the Mortlock River or any other waterway on Lot 2.*
  - 3.6. *The applicant shall comply with the requirements of this Extractive Industry Licence and the Shire's Extractive Industry Local Laws as attached hereto at all times.*
  - 3.7. *Hours of operations and movements of product transportation vehicles in or out of Lot 1 shall be limited to 07.00 to 19.00 hours, Monday to Saturday, and shall be managed in accordance with the submitted Noise Management Plan.*
  - 3.8. *No transportation of product to occur during the hours of operation of the school bus along Parker Road.*
  - 3.9. *The facility is to operate in accordance with the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997. Should noise complaints be received it shall be the licensee's responsibility to employ a suitably qualified acoustic engineer to determine exceedance and remedies. Where the requirements of Regulation 7 of the Environmental Protection (Noise) Regulations 1997 can not be satisfied, the licensee shall seek approval for the operation, in accordance with Regulation 17, of the same.*
  - 3.10. *Reversing alarms on vehicles and equipment must be managed on site to ensure they do not interfere with the amenity of nearby properties while complying with the Occupational Safety & Health Regulations 1996 and the Environmental Protection (Noise) Regulations 1997.*
  - 3.11. *The Dust Management Plan approved by the local government must be adhered to and followed at all times. Should complaints be received in relation to dust emissions, dust monitoring equipment shall be installed and regular reports be provided, in consultation with the local government.*

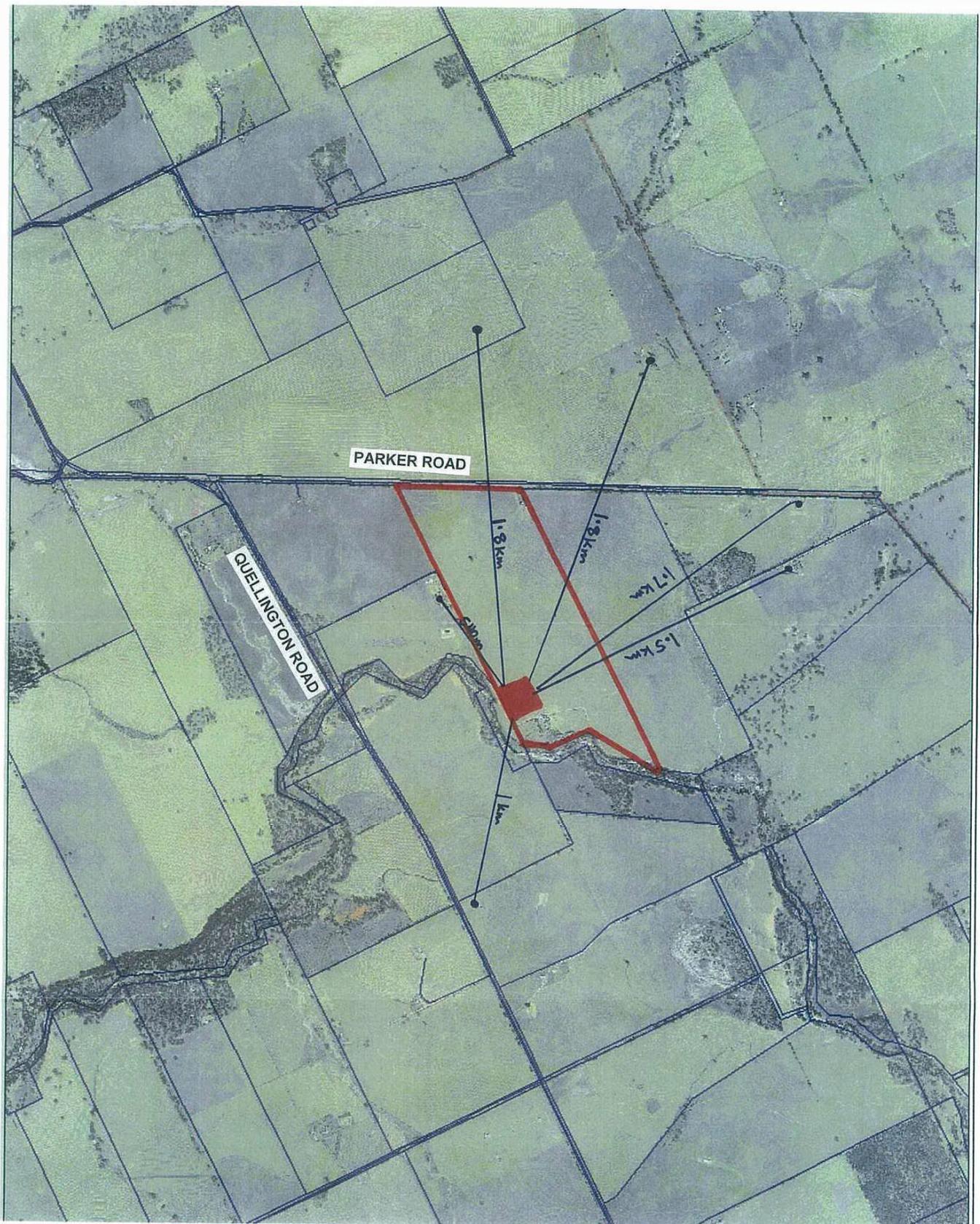
- 3.12. *No blasting is to take place as part of the proposed extractive industry operation.*
- 3.13. *All trafficable areas shall be treated and maintained in a manner which prevents or minimises the generation of airborne dust to the satisfaction of the local government and in accordance with the Dust Management Plan.*
- 3.14. *Drainage management shall be in accordance with the approved Drainage Management Plan and the approved plan for the extractive industry.*
- 3.15. *Prior to any cartage taking place, a detailed technical plan showing exact internal road widths, direction of entry and exit, angles of entry and exit, any turning circles and any other relevant information of the proposed internal road infrastructure shall be submitted to the Shire of York for approval. No cartage will be permitted until the construction of the internal road infrastructure has occurred to the satisfaction of the local government.*
- 3.16. *The internal road infrastructure is to be maintained to the satisfaction of the Local government during extractive operations on an ongoing basis.*
- 3.17. *A fence restricting vehicle and pedestrian access to the area identified for the operations of the quarry shall be constructed prior to the commencement of site works.*
- 3.18. *Warning signs are to be placed along each of the boundaries of the area excavated under this licence which are no more than 200 metres apart, not less than 1.8m high and not less than 1 metre and bears the words "DANGER EXCAVATIONS KEEP OUT".*
- 3.19. *A sign is to be located at all entrances to the property at all times to identify the sand extraction operator and a contact name and number of a responsible contact person for enquiries relating to the sand extraction operations.*
- 3.20. *This extractive industry licence is valid for a period of three (3) years from the date of this approval. If development is not completed within this period, a new licence must be obtained before commencing or continuing development.*
- 3.21. *The licensee shall provide, for the approval of the local government on an ongoing basis, a detailed Rehabilitation and Maintenance Plan of suitable indigenous planting on, and around, the sand extraction area, to be planted at the completion of remedial earthworks. The plan is to be provided on an annual basis.*
- 3.22. *The Rehabilitation and Maintenance Plan approved by the local government is to be adhered to and implemented within twelve (12) months of the conclusion of mining operations.*
- 3.23. *Remnant vegetation outside of the excavation area is to be protected from the sand excavation operations and transport movements at all times.*
- 3.24. *The site is to be rehabilitated using local endemic species or rehabilitated to the original agricultural use of Lot 2 to the satisfaction of the local government.*

- 3.25. Survey pegs are to be placed on site prior to commencement of operations in order to clearly delineate the boundaries of the excavation areas in accordance with the approved plans and the terms and conditions of this licence.
- 3.26. A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
- 3.27. The licensee shall provide to the local government a copy of the policy taken out under condition 3.26, within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.
- 3.28. On or before 31 December in each year, a licensee shall pay to the local government the annual licence fee determined by the local government from time to time.
- 3.29. A licensee who wishes to renew or extend a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal:
  - (i) the fee determined by the local government from time to time;
  - (ii) a copy of the current licence;
  - (iii) a plan showing the contours of the excavation carried out to the date of that application;
  - (iv) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in the attached documentation report; and
  - (v) any other things referred to in the Shire of York's Extractive Industries Local Laws.
- 3.30. No permit vehicles from this extractive industry are to pass onto any road under the control of the Shire of York unless the appropriate local government and Main Roads approvals are in place.
- 3.31. A rehabilitation bond of \$4,000.00 per hectare is to be paid by the applicant prior to commencement of any excavation. Upon the completion of mining activities and at the finalisation of rehabilitation works to the satisfaction of the local government, the rehabilitation bond will be refunded to the applicant upon request in writing.
- 3.32. In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried on at a site subject to this licence, the licensee in respect of that site must -
  - i) comply with all applicable provisions of that Act or those Acts; and
  - ii) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- 3.33. Failure to comply with any of the conditions outlined above may result in the local government revoking this Extractive Industry Licence or taking such other action as considered appropriate by the Shire of York as available under the existing Local Law.

CARRIED (5/0)

**Advice Notes:**

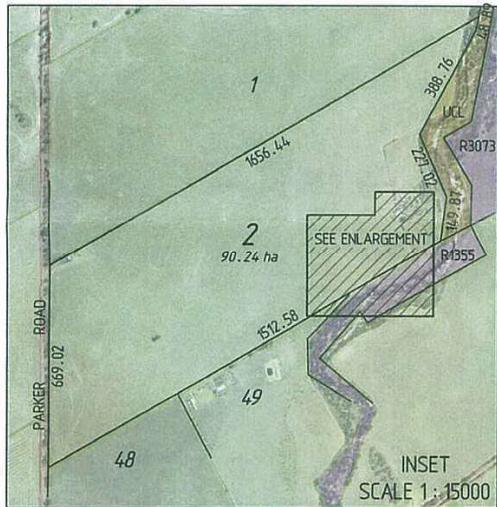
- a) The licensee shall at all times adhere to and abide by any relevant Main Roads WA legislation or requirements.*
- b) In accordance with the provisions of the Local government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to any construction of any infrastructure associated with the extractive industry activities including the placement of any temporary structure or sea container.*
- c) With respect to condition 3.32, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.*



PROPOSED EXCAVATION LICENSE  
EX. LOT 2 ON D 72227



ACN 054 353 687  
ABN 11 054 353 687  
Alan Marsh (Director)  
L.S., A.I.T., M.I.S.



DATE : 24-2-2010  
CONTOUR INTERVAL : 0.5 METRE  
DATUM : AHD  
NOTE : ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY

25 Wheatley Street GOSNELLS WA 6110 Post Office Box 355 GOSNELLS WA 6990  
Mobile : 0438 582 441 A. Marsh (Residence) 9398 7881 Email : aj.marsh@westnet.com.au

dx-1x ref: 1002096



## SCHEDULE OF SUBMISSIONS - EXTRACTIVE INDUSTRY (SAND EXTRACTION) - LOT 2 (98) PARKER ROAD, CALIE

SUMMARY OF SUBMISSION		APPLICANT'S RESOLUTION	OFFICER COMMENT
Department of Mines	Although extractive industry licences fall outside the Mining Act 1978, information on mineral resources, including basic raw materials, is of importance to the Geological Survey of Western Australia (GSWA), a division of the Department of Mines and Petroleum (DMP). The information is used in our MINDEX database ( <a href="http://www.dmp.wa.gov.au/3970.aspx">http://www.dmp.wa.gov.au/3970.aspx</a> ), which is a source of information for our Statewide resource mapping system ( <a href="http://www.dmp.wa.gov.au/7113.aspx">http://www.dmp.wa.gov.au/7113.aspx</a> ). The locations and status of basic raw materials extraction sites are also valuable inputs to the Geological Survey's resource assessment and land use planning role.		Noted.
	Our aim is for the database to be a comprehensive and up to date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials.	A continuing supply of low-cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy. The proposed extractive industry licence is within granted mining tenement E70/2783 and the tenement holder has no concerns.	I appreciate the opportunity for the Geological Survey of WA to comment on this proposal.
Landowner	Dust, damage, erosion (from this operation from machinery and vehicle movement). I have a salt affected paddock adjacent to and downhill from the proposed site. This is now recovering. Could this be affected (from sub-surface salt water)?	There will be normal agricultural practices such as wheat growing around this pit to minimise erosion and salt.	A site inspection with an officer from the Department of Water revealed that the proposed sand mine will have little to no impact on the Mortlock River.

<p>The angular and wide approach at the entry of Parker Road to Quellington Road which is already showing signs of stress from heavy transport in agriculture could now have a new problem – accidents from movements of heavy transport.</p> <p>I have lived (in the area) for 5 ½ years and have enjoyed a rural lifestyle and have put measures into place to improve the environment, enhance property value and enhance our way of life. We chose to live here as the area is zoned "agricultural" and we are surrounded by other lifestyle blocks and likeminded people.</p> <p>I feel that consideration should be given to the following things:</p>	<p>Lifestyle – noise from machinery and trucks. The drive passes 30m from my house and will be a problem for noise, dust and safety. I have discussed this with the landowner of the proposed extractive industry who has advised he will find an alternative. I reinforce that I do not want trucks using the current driveway bearing in mind we have an easement over this part of this.</p> <p>Health – dust.</p>	<p>A new access road/driveway will be constructed on the northern boundary from the extraction site along the boundary fence to Parker Road.</p>	<p>A water truck will be used when required.</p> <p>Environment – dust. Changes to hydrology caused by back fill material. This may increase incidence of water logging in areas already affected.</p> <p>Decrease in property values – the presence of a sand quarry may have an adverse impact on our property value because of the before mentioned things as well as visual impact.</p> <p>If serious considerations are given to the above and adequate solutions are provided for the above, I am happy to support the proposal. It is important to remember that I am a ratepayer and have the right to maintain and enjoy the lifestyle I have become accustomed to. A good guide would be to put yourself in my place and imagine how you would feel if it was put next door to you.</p>	<p>The trucks proposed to be utilised as part of the extractive industry do not need special registration or permit to use Parker Road and Quellington Road.</p> <p>The properties in the area are zoned 'General Agriculture'. This includes noise, dust and other emissions from farming machinery, including heavy haulage trucks. The area is not zoned 'Lifestyle' or 'Hobby Farming'. Landowners in 'General Agriculture' areas have to accept certain levels of noise, dust and emissions.</p> <p>It is considered that the noise emanating from the proposed extractive industry would not be greater than noise generated from agricultural uses.</p> <p>Dust is required to be managed and the provision of a water truck is considered to be satisfactory.</p> <p>Property values are not a valid planning consideration.</p> <p>The extractive industry is proposed to be running for approximately 2-3 years and then rehabilitated.</p> <p>As you would be aware, the section of Parker Road that fronts Lot 2 (98) Parker Road, Gallie is under the control of the Shire of Northam.</p> <p>Applicant agrees to enter into an agreement with the Shire of Northam.</p> <p>Noted – the landowner of the proposed extractive industry will be required to enter into a legal agreement for road maintenance to the satisfaction of the</p>
<p>Shire of Northam</p>				

		Shire of Northam.
Landowner	<p>It is requested that a condition of any planning approval given by the Shire of York be that the applicant is to enter into an agreement with Council as to the road maintenance and repair for that section of Parker road being within our local authority boundary to the satisfaction of the Executive Manager Engineering Services.</p> <p>We request the Shire of York, in the event of the proposed extractive industry as above, maintain the gravel road (or bitumen in use) Parker Road, Cailie to a safe level for all users.</p>	<p>Parker Road, from the intersection of Quellington Road to the North of the proposed extractive industry location is under the control of the Shire of Northam. A legal agreement will be entered into between the landowner and the Shire of Northam in order to maintain Parker Road.</p>
Landowner	<p>This is farming land not mining. The noise from machinery, reversing buzzers all day and trucks going past doesn't make for peaceful surroundings.</p>	<p>The noise from the proposed extractive industry is not considered to be of any higher impact than that of farming machinery being utilised, however, noise issues will be required to be addressed.</p>
Department of Water	<p>Sandplain country adjacent to watercourses in the Wheatbelt is often the source of fresh water seepage input into those watercourses in an otherwise mostly saline environment. The Department of Water (DoW) advises that, as part of this proposal, the replacement of porous sandy soils with heavier loam/clay soils may create a barrier to sub-surface flows towards the Motta River. The native riparian vegetation within the riverine environment has developed over a period of time in accordance with its ecosystem variables and this proposal constitutes a further modification. Development of this proposal may reduce the availability of fresh water to both the river and its dependent native vegetation.</p>	<p>The pit will be back filled with clean fill not clay. The clay will be used to incorporate into the top soil when rehabilitating the pit to make the top soil wetting soil.</p> <p>See also updated comments from the Department of Water.</p> <p>The DoW has considered the proposal and has no objection to the proposed extractive industry provided the following is included in the approval, if granted:</p> <ol style="list-style-type: none"> <li>1. The applicant can demonstrate that post development sub-surface drainage closely resembles that of pre-development sub-surface drainage, or otherwise implement suitable drainage management techniques into the post extraction rehabilitation;</li> </ol>

	<p>2. The development is undertaken in accordance with the Water Quality Protection Note 15 "Extractive Industries Near Sensitive Water Resources" with particular reference to Advice and Recommendations for natural waterways or waterways management areas (p6), chemical storage (if applicable), pesticide/herbicide use and storage (if applicable) and site closure and rehabilitation;</p> <p>3. The proposal is located within a proclaimed surface water area. In accordance with the <i>Rights in Water and Irrigation Act 1914</i>, the extraction of surface water for activities such as dust suppression may require a licence. This includes the extraction of water from dams located in a watercourse, however, a license is not required for the watering of stock (feedlots excepted) or for domestic requirements. Modification to a watercourse, its bed or banks requires a permit from the DoW; and</p> <p>4. The subject property is located within a non-proclaimed area for groundwater under the <i>Rights in Water and Irrigation Act 1914</i>. The presence of and yield from groundwater aquifers in the subject area is not guaranteed; test holes should be drilled to locate a suitable groundwater supply. Extraction of any groundwater from artesian aquifers, however, is subject to licensing by the DoW.</p>		<p>Noted.</p> <p>Further to a site inspection (by an officer of the Department of Water) and the DoW's response to this proposal dated 6 May 2010, it would appear that there is little or no sub-surface moisture expressing itself either in the adjacent Mortlock River or otherwise along the bank of the river. The officer of the DoW walked the river down gradient of the site of the proposal. There was no evidence of expression of fresh sub-surface water either in the river or adjacent to it. No fresh water dependent ecosystems were observed. The proponent indicated that a clay barrier between the proposal site and the river prevented any significant through flow of sub-surface water.</p> <p>The application by [owner] to mine sand at 98 Parker Road should, we believe, be opposed by Council on a number of grounds.</p>
River Conservation Society			<p>The extractive industry site is proposed to be moved to be no closer than 100m to the Mortlock River at any given time.</p> <p>It is considered that concerns relating to the proximity of the proposed extractive industry to the Mortlock River have been adequately addressed by the additional comments received from the Department of Water.</p>

<p>Our principal concern relates to the nearness of the proposed sand pit to the Morthock River and particularly to the high conservation reserve vested with the River Conservation Society Reserve Number 3073. The plans submitted by the applicant show that the southern boundary of the proposed pit comes to within 60 metres of the main river channel which includes a permanent pool and only 25 metres from the boundary with reserve lands. This is in contradiction to the Shire of York Local Law covering Extractive Industries which calls for a 100m buffer from any excavation site to a watercourse.</p> <p>The movement of heavy vehicles and earth moving equipment over a period of time so close to a major watercourse and a designated conservation reserve is of great concern to us. The margin for error is so slight as to be almost non-existent. The danger of vehicle fuels and oil leaking into the ground water table is high. There is a danger of silting of the river channel due to the movement of sand during rain events. Dust created by the mining operation and by the movement of vehicles will be of particular concern to neighbouring landowners.</p>	<p>The plans will have to be amended to provide for a minimum 100 m buffer from any watercourse.</p> <p>All precautions will be taken to ensure safe handling of fuels.</p> <p>A water truck will be on hand to manage dust generated from any activities.</p>	<p>Heavy machinery is currently in use for farming purposes. A minimum buffer of 100 m to any watercourse is to be maintained at all times.</p>	<p>The area is zoned 'General Agriculture' and not 'Rural Residential'.</p> <p>The sand proposed to be extracted is first grade brickies sand which could be available to both the York Shire and Northam Shire. Currently, this type of sand must be brought in from Perth and is not available at the other existing sand mines.</p> <p>We would like to point out that there are already at least two well established sand pits in the north-east sector of the Shire and there is no shortage of material from either of these two sources for potential users. These two pits are on open agricultural land some distance from any neighbouring property and pose no concern to anybody, whereas [the landowner's] proposal is sited in what is essentially a rural-residential area and will have deleterious effects on property owners living nearby and along Parker Road and Quellington Road. The fact that sand is readily obtainable at other sites and much closer to the York townsite implies a more serious issue with regard to this proposal. Approval of this proposal may set an unfortunate precedent which would have more drastic effects on the rural population. We believe this is an important issue if York wishes to be seen as a destination for people choosing to follow a semi-rural lifestyle.</p> <p>The land on which the proposed excavation is to take place is flat land which extends east from the 190m contour level across to the top of the river bank.</p>	<p>See additional comments from the Department of Water.</p>	<p>See Department of Water comments above.</p>
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<p>The application indicates that the pit will be excavated to a depth of two metres, but we believe even this shallow depth will be enough to intersect the water table and may result in detrimental effect on nearby riparian vegetation. We understand that soil from another site will be backfilled into the sand pit and that the land will then be restored to its former agricultural status, however, the quality of the soil, particularly if it is composed of high-density clays is liable to interrupt underground water movement and cause unforeseeable effects on the ecology of the reserve and the river.</p> <p>It is also of some concern to us, as it should be to the Shire, that the original buffer of vegetation between the river and property boundary has been seriously diminished due to illegal clearing. [The owner's] boundary abuts the high-conservation value Shire reserve number 1355 and there is an anomaly in the property boundary at the point where it is proposed to site the sand pit. Agricultural activities have taken place on part of the reserve lands. At least 5ha of reserve land has been illegally cleared of native vegetation at some point in the past and the land has been cropped. A buffer of vegetation that would normally have reduced the impact of a sand pit on the river has been removed.</p> <p>We hope that the Council will take the environmental impacts and other matters into consideration when dealing with this application.</p>	<p>We are writing to formally lodge an objection to the application to mine sand at 98 Parker road.</p> <p>There are many factors which we believe are grounds for refusing this licence.</p>	<p>The site is in the lowest point of a little valley with gentle slopes, sound travels incredibly well in this open agricultural landscape. One of the deciding factors for our choosing to live here was the peace and quiet which will be destroyed by noise from the earthmoving machinery extracting the sand not to mention the trucks transporting it - in his notes [point 2] "up to 20 trucks" that is 40 movements as they go in and out. We can hear every vehicle, even cars, as they come up the gravel of Parker Road from the moment they leave the bitumen at Quellington Road.</p>
	<p>The applicant has advised that the land clearing has occurred in consultation with the Department of Water and the Department of Environment and Conservation in exchange to land further south adjacent to the Mortlock River Reserve.</p> <p>The area in question is fenced and the Department of Water contributed to the fencing cost.</p>	<p>Noise will be required to be managed, however, it is not considered that the noise impacts from sand extraction will be more significant than noise emitted from farming machinery.</p>

	<p>HIs notes [point 7] states "there are currently grain and fertilizer road trains using Parker and Quellington Roads" is not an untruth, but a deliberate skewing of impression as this of course is only seasonal, concurrent with normal farming activity, with very few actually going up Parker Road. Normal farming operations do not cause a nuisance and are perfectly acceptable in an agricultural area but the amount of trucks and the associated noise and dust from an extractive industry is quite another matter.</p> <p>Point 8 "Quellington is also a road train hay route" again the above comments apply, it is seasonal and some of the larger trucks do use it as a "rat-run" from the GE Highway through to the York-Northam road, do the Shire want to add to what is already a known traffic problem? This road is always in a poor state of repair, see photo attached. Depending on where sand was destined for, trucks will have a severe effect on the gravel roads.</p> <p>Near his property Parker Road is low-lying and gets extremely wet and lethally slippery in winter. In the past even with normal use it has been dangerous. If sand goes to Northam, it is likely Parker Road and Peacock Road, both gravel [and Peacock Road in the Shire of Northam] Grass Valley South and Carter Roads will be used, the two latter being narrow one-lane bitumen having blind bends and Carter blind hill-brows. If sand were required to go to Meenar Industrial Estate it would use Parker and then other gravel roads all the way to the Great Eastern Highway, constantly passing our house causing unbearable noise and dust.</p>	<p>Parker Road is under the jurisdiction of the Shire of Northam and will be subject to a legal agreement between the applicant and the Shire of Northam for maintenance.</p> <p>Grass Valley South, all of Peacock, all of Parker and several other roads nearby are the school bus route. More and regular or frequent trucks such as generated by an extractive industry we believe would greatly increase the danger to children travelling on the school bus.</p> <p>There is an existing well established sand mine in Sees Road and another in the district, neither of which cause nuisance to neighbouring properties and have ample supplies of sand so we cannot see the need for opening another nearby which will have a devastating impact on its neighbours.</p>	<p>Parker and Quellington Roads are currently being used as routes for agricultural truck movements and it is considered that the additional truck movements will have little impact. However, the applicant will be required to enter into a legal agreement in order to maintain the roads.</p> <p>It is considered that the trucks proposed to be utilised as part of the extractive industry will have little or no impact on children using the bus route, however, times of transport can be limited to exclude the hours of operation of the bus route.</p> <p>The sand available in the proposed extractive industry location is high quality sand and not available at the existing mines.</p> <p>Noted.</p>
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<p>Not only noise and dust, but the destruction of the aesthetic quality of the landscape will be the result. Sand mines are an eyesore and I hope Council have noted the clever "get out" clause in his proposed restoration plan [point 2] "however, some delay may occur if adequate infill material is not available at the time". We all know what this means in reality, years of looking at an unavoidable eyesore - as it is in full view of our property and that of neighbours and from the road. Who is going to police the infilling?</p>	<p>This brings me to the environmental concerns, a sand mine so very close to the Mortlock River disturbing the natural drainage will surely have a very bad effect on the river and native vegetation in the important conservation reserve so close by.</p>	<p>Note his failure to have even the slightest understanding of the environmental impact by stating in his restoration plan [point 2] "will be back filled with clean fill consisting of clay loam sourced offsite". Anyone suggesting that clay loam is a suitable material is proving they either don't know or don't care about the effect on drainage.</p>	<p>Clay will be used as part of the top soil rehabilitation only.</p>	<p>See additional comments by the Department of Water.</p>	<p>See additional comments by the Department of Water.</p>
		<p>If approval is granted, a precedent will be set. Council should be aware that the next-door paddock - the only buffer between ourselves and the applicant's property is currently for sale. It also has sand next to the Mortlock River. Who is the real estate agent handling the sale? Yes, [the owner of 98 Parker Road]. It does not need much imagination to anticipate the probable future application to extend the sand mine as [the owner] deals and speculates in real estate.</p> <p>If the Shire of York wishes to be seen as a desirable place to live the precedent of granting sand mines that have devastating effects on the quality of people's lives should be taken very seriously. This area has many broadacre farmers sprinkled with those like ourselves who have purchased 100 or 200 acre blocks for the lifestyle. These blocks are usually farmed by the neighbouring farmers thus helping agriculture, by enabling farmers to access additional land they don't have to buy. Most people living here work and shop here enabling the community to be sustainable.</p>			

<p>I could identify a nurse, an accountant, two farm workers, a solicitor, an office worker all working locally and living on 100 acre blocks not a stone's throw from the applicant's property. Whereas, why should the applicant bother about the effects of a sand mine? He doesn't live there - it is merely an entrepreneurial enterprise.</p> <p>We feel very strongly about this matter and trust Council will take our very real concerns into consideration.</p>	<p>The depth and quantity of sand to be removed from the sand pit and will there be any dust control measures taken in removing the sand from the pit and also along the driveway to Parker Road. Requires extra maintenance to Parker Road by your Shire and also Quellington Road if sand is trucked on this route. NB: Quellington Road already needs a lot of maintenance and extra vehicles will not make Quellington Road any better.</p>	<p>The depth proposed is 2m and a water craft will be on site for use in dust suppression.</p> <p>Parker Road is under the jurisdiction of the Shire of Northam and will be maintained by legal agreement between the landowner and the Shire of Northam.</p>	<p>A water craft on site is considered to be adequate dust suppression.</p> <p>Parker Road is under the jurisdiction of the Shire of Northam and will be maintained by legal agreement between the landowner and the Shire of Northam.</p> <p>Noted.</p>
<p>Landowner</p>	<p>A desktop assessment of this proposal found that there are no known impacts to any conservation listed flora, fauna or ecological communities as the area proposed for sand extraction has been cleared and is completely devoid of native vegetation.</p>	<p>The only possible foreseen issue associated with this application is the proximity of a dwelling approximately 600m south west on Lot 49 on Plan 116940. The proponent has not demonstrated that the owners of neighbouring properties will not be impacted upon by noise and dust associated with the extraction of sand.</p>	<p>A new driveway/access way will be constructed to the north thus eliminating dust/noise issues with the landowner to the south.</p> <p>Dust and noise issues will be addressed on an ongoing basis.</p>
<p>Department of Environment &amp; Conservation</p>	<p>Based on current available information, the application for sand extraction is unlikely to cause any net impact on biodiversity conservation assets and therefore, DEC does not have any objection to this application. The non-objection to the application should not be interpreted as endorsing or supporting the proposed works. Careful consideration should be given to the close proximity of the proposed sand extraction zone to neighbouring dwellings.</p>		

Landowner	My concern in relation to development at Lot 2 Parker Road, Callie.	<p>1. Dust emitted when loading sand contains silica a hazardous component. Wind could push dust towards property especially from NW winds.</p> <p>2. Noise from loaders and trucks coming and going.</p> <p>3. What numbers of days and hours will activity be contained or limited to.</p> <p>A water cart will be utilised for dust suppression.</p> <p>A water cart on site is considered to be adequate to address dust issues.</p> <p>Noted.</p> <p>The hours of operation will be limited in accordance with the Shrine's Extractive Industry Local Laws and may also be restricted to exclude hours of operation of any school bus operation on Parker Road.</p>
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## **9.2 Administration Reports**



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.1 Extension of Lease – Balbally Pty Ltd

FILE NO:	CCP.19
COUNCIL DATE:	21 June 2010
REPORT DATE:	7 June 2010
LOCATION/ADDRESS:	Reserve 34841 (Part Lot 588)
APPLICANT:	Balbally Pty Ltd
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, A/DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

#### **Summary:**

Balbally Pty Ltd request that a further two terms of five years to the existing lease for Reserve 34841 (commonly known as Yorky's Coffee Carriage) be granted, commencing the 1<sup>st</sup> July 2015 and the 1<sup>st</sup> July 2020.

#### **Background:**

Council wrote to Michael York of Balbally Pty Ltd regarding Council's resolution of the 15<sup>th</sup> February 2010, as follows:

*"Please be advised that Council at its Ordinary Council Meeting held on the 15<sup>th</sup> February 2010 resolved as follows:*

#### ***"That Council:***

1. *Advise Mr M York of Balbally Pty Ltd that the renewal is granted in accordance with the existing lease arrangements – Schedule 1 commencing 1 July 2010 – 30<sup>th</sup> June 2015; and*
2. *Advertise the proposed extension of the existing lease with Balbally Pty Ltd for Reserve 34841 (part lot 588, York) for a period of five years with the option of a further five years, effective from the 1 July 2015 and 1 July 2020, for the purposes of operating a kiosk, in accordance with the terms and conditions of the existing lease.*

#### **Advice Note:**

*The Local Government Act stipulates that a minimum of 2 weeks is required to allow for submissions, however a 28 day submission period will be advertised for public comments to be received."*

*Approval is granted for the renewal of the lease in accordance with the existing lease (1 July 2010 – 30 June 2015).*

*A decision on the extension of the lease to the 30<sup>th</sup> June 2025 can only be considered after the proposal is advertised in accordance with Section 3.58 of the Local Government Act. Council will organise advertising and will be in contact in the near future."*

#### **Consultation:**

Council advertised the extension to the lease in the Community Matters and the comment period closed on the 30<sup>th</sup> April 2010.

No submissions were received during this time.

**Statutory Environment:**

Local Government Act 1995 - Section 3.58 – Disposing of Property.

**Policy Implications:**

Not applicable.

**Financial Implications:**

The lease currently returns Council an annual lease rental of \$1,588.88 per annum and indexed to the Consumer Price Index.

**Strategic Implications:**

Not applicable.

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

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

Tourism is a significant component of the local economy, with Yorky's Coffee Carriage providing a popular tourist facility that complements the infrastructure developed at Avon Park by the Council.

**Social Implications:**

Yorky's Coffee Carriage has proven to be a popular eating establishment, for both residents and visitors to York alike, and contributes to the social diversity of the town.

**Environmental Implications:**

Although located in close proximity to the Avon River, there would appear to be no environmental implications arising from Balbally Pty Ltd's use of this land parcel.

**Comment:**

That the extension to the lease be granted, subject to some conditions.

**RESOLUTION**

070610

**Moved:** Cr Randell

**Seconded:** Cr Scott

***“That Council advise Balbally Pty Ltd that it supports the lease extension for the land at Reserve 34841 (Part Lot 588) South Street subject to the following:***

1. ***A new Deed being signed by both parties, stipulating that the extension is granted for two additional five year periods from the 1<sup>st</sup> July 2015 and the 1<sup>st</sup> July 2020, at the cost of the applicant;***
2. ***A review of the lease being undertaken July each calendar year;***
3. ***That the lease is not transferrable without the written approval of Council; and***
4. ***Any conditions put in place by the Department of Regional Development and Lands to be adhered to.”***

**CARRIED (5/0)**

Cr Hooper stated it needs to be checked what land was given to the Shire and what was Crown Land.



## 9. OFFICER'S REPORTS

### 9.2 ADMINISTRATION REPORTS

#### 9.2.2 LGS Integrated Software Business Plan

FILE NO:	OR.RDT.4
COUNCIL DATE:	21 June 2010
REPORT DATE:	16 June 2010
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Shire of York – (SEAVROC)
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, A/DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	<b>LGS Integrated Software Business Plan</b>

#### **Summary:**

To adopt the LGS Integrated Software Business Plan

#### **Background:**

Three of the Shires (Cunderdin, Beverley & York) are ready to implement the software.

#### **Consultation:**

The Business Plan developed for the project has been advertised, with submissions closing on Thursday, 29 April 2010. In order to comply with Section 3.59(5) of the Local Government Act 1995, each participating local government, after the last day of submissions is to consider any submissions made, and may decide to proceed with the undertaking as proposed, or so that it is not significantly different from what was proposed.

No submissions have been received to date, therefore Council are requested to give consideration to adopting the Business Plan without amendment. Contractual arrangements can not proceed with LGS until the plan has been formally adopted.

#### **Statutory Environment:**

##### **3.59. Commercial enterprises by local governments**

(1) In this section —

**acquire** has a meaning that accords with the meaning of "dispose";

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —

(a) acquire or dispose of an interest in land; or

(b) develop land;

**major land transaction** means a land transaction other than an exempt land transaction if the total value of —

(a) the consideration under the transaction; and

(b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

***major trading undertaking*** means a trading undertaking that —

(a) in the last completed financial year, involved; or

(b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

***trading undertaking*** means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of "land transaction".

(2) Before it —

(a) commences a major trading undertaking;

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

(a) its expected effect on the provision of facilities and services by the local government;

(b) its expected effect on other persons providing facilities and services in the district;

(c) its expected financial effect on the local government;

(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;

(e) the ability of the local government to manage the undertaking or the performance of the transaction; and

(f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;

(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

- (b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

*\* Absolute majority required.*

(5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.

- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction."

**Policy Implications:**

Not applicable.

**Financial Implications:**

SEAVROC, via the host Local Government, the Shire of Cunderdin, was successful in obtaining a grant of \$30,000 for the project from the Wheatbelt Development Commission. SEAVROC Member Local Governments making this once only capital contribution of \$30,000 will secure the exclusive West Australian marketing and sales rights and will also receive a \$6,000 discount on the purchase cost of the software.

Milestone No	Due Date	Outcome / Achievement / Reporting	Grant Funds Allocated (Exc GST)
1	14.05.10	Upon signing of this Agreement.	\$20,000
2	21.09.10	<ul style="list-style-type: none"> <li>At least 3 of the SEAVROC Member Councils commencing implementation of the common system.</li> <li>Other local governments have been made aware of SEAVROC's endeavours and the advantages of integrating software.</li> </ul>	\$10,000
3	30.06.11	At least 3 SEAVROC Members full operational on the system.	
4	30.09.11	Completion of Full Acquittal Report.	
		Funds Payable	\$30,000
		Plus GST (Where Applicable)	\$ 3,000
		<b>Total Payable</b>	<b>\$33,000</b>

### Future Sales Made in Western Australia

- (a) Current purchase price is set at \$40,000 per Local Government, of which SEAVROC Member Local Governments will receive a 20% commission, or \$8,000 per sale.
- (b) For the commission derived, SEAVROC Member Local Governments are to:
  - Meet all promotional costs.
  - Be a point of contact for local governments in Western Australia.

- (c) The LGS Annual Charges are:

Level	No of Electors	Annual Charge
		\$
1	Up to 1,200	19,406.00
2	1,200 – 3,000	24,437.00
3	3,000 – 5,000	29,108.00
4	Over 5,000	34,140.00

SEAVROC Member Local Governments will receive a 15% commission of the above fees.

- (d) LGS to be responsible for all contract arrangements, implementation and support.
- (e) The terms of agreement to be renegotiated on a two (2) yearly basis.

### Strategic Implications:

Not applicable.

### Voting Requirements:

Absolute Majority Required: Yes

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

**Triple bottom Line Assessment:**

**Economic Implications:**

Considered under Financial Implications.

**Social Implications:**

It is the group's intent to integrate at least three (3) of the Members of SEAVROC onto the one common system by 30 June 2011. This will assist greatly in ensuring a smooth transition to amalgamation by 2013.

**Environmental Implications:**

Not applicable.

**Comment:**

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC), Member Local Governments, comprising the Shires of Beverley, Brookton, Cunderdin, Quairading and York, enter into an arrangement with Local Government System Inc of South Australia (LGS), to give the Member Local Governments exclusive marketing and sales rights in Western Australia for the Integrated Local Government Software, owned by the Association, with the view of establishing a common platform for delivery of services and creating a business opportunity to develop an income stream.

It is recommended to accept the Business Plan without change.

**RESOLUTION**  
**080610**

**Moved:** Cr Hooper

**Seconded:** Cr Boyle

***"That Council by an absolute majority resolve to:***

- (a) adopt the LGS Integrated Software Business Plan without amendment; and***
- (b) give local public notice of the adoption and availability of the business plan in accordance with section 3.59 (5a)."***

**CARRIED (5/0)**



**9. OFFICER'S REPORTS**  
**9.2 ADMINISTRATION REPORTS**  
**9.2.3 Youth Development Officer's Report**

<b>FILE NO:</b>	<b>CS.LCS.6</b>
<b>COUNCIL DATE:</b>	<b>21 June 2010</b>
<b>REPORT DATE:</b>	<b>16 June 2010</b>
<b>LOCATION/ADDRESS:</b>	<b>Not Applicable</b>
<b>APPLICANT:</b>	<b>Not Applicable</b>
<b>SENIOR OFFICER:</b>	<b>Ray Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>Kim Crawford, YDO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Appendix A</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

**Summary:**

The following the Youth Development Officer is required to give a monthly report on progress, projects and events that young people in York are initiating and participating in each reporting period.

**Background:**

The YDO (Youth Development Officer) has completed the following:

The YDO held one full YAC meeting and one fund raising sub-committee meeting. We look at the possibility of YAC operating a food stand and the Saturday markets as an on going fund raising activity.

The YDO has attended the Youth Stakeholder meeting in Northam.

The YDO has attended the West Australian Sports Grants meeting chaired by M.P. Judi Moylan.

The YDO has attended the P&C and Canteen committee meetings at York District School.

The YDO has attended the VM of York meeting. This group has offered to provide help with materials and services for the proposed youth centre.

The YDO has attended the YACWA (Youth Affairs Council of Western Australia) conference organizing committee meeting.

The YDO has transported young people and assisted at two Northam PCYC youth dances.

The YDO transported young people and assisted the YDO of Beverley in a Friday activity night.

The YDO has offered a variety of activities from a girl's shopping night in Midland to a skate board excursion in Belmont for the Wicked Wednesday Program.

The YDHS (York District High School) cadets are still helping to paint and replant the skate park.

The YDO supported the new youth magazine in the AVON region called WYLD Experience

The Banner Project is continuing with final design and rough draft nearing completion. Once designs are complete the young people will present them for council consolation.

The Shire of York has received a grant of \$10,000 to run a graffiti diversion program that we have called the York Graffiti Youth Art Project.

The first part of the program would hold the individual taggers responsible for cleaning graffiti themselves, working off their debt with sweat equity. This would involve a collaborative undertaking by the shire, the police, the courts and young people and parents to achieve a positive outcome for all.

The second part of the York Graffiti Youth Art Project would involve a series of consultative creative workshops involving young people and other interested individuals to formulate designs. Then using these designs on a variety of art forms to enhance the appearance of community buildings and bus shelters and then rating the effectiveness of the art form in deterring and resisting vandalism. Students will work with a graffiti artist to produce public art using graffiti resistant materials to visually improve the streetscape and to deter graffiti vandalism. Community themes of respect, acceptance, friendship, and pride in ones community are developed. Youth congregation areas such as the park are one of the most frequently damaged and vandalised facilities in the Shire of York.

I have attached a of photograph that show the type of the design style we are contemplating for our project

**Consultation:**

YAC, Local Youth, RDA Wheatbelt Inc., Northam PCYC, York Police, Northam Courts, Juvenile Justice Department.

**Statutory Environment:**

NA

**Policy Implications:**

Nil

**Financial Implications:**

Activities and initiatives are funded in the budget or through grants and user pays contributions.

**Strategic Implications:** Nil

**Voting Requirements:**

**Absolute Majority Required:** No

**Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

Nil at this stage.

**Social Implications:**

A strong focus will support community cohesion and interaction through the recognition and valuing of this section of the community.

**Environmental Implications:** NA

**Comment:** Nil

**RESOLUTION  
090610**

**Moved: Cr Randell**

**Seconded: Cr Lawrance**

***“That Council:***

***1. endorse the York Graffiti Youth Art Project***

***Note the activities and initiatives of the Youth Development Officer and the Youth Advisory Committee.***

***2. Prepare a report of implementation before any work is committed or costs incurred.”***

***Advice Note:***

***Seek public submissions – 21 days – Youth Officer to make available any information to the public***

**CARRIED (3/2)**

**Item 9.2.3**  
**Appendix A**



### **9.3 Finance Reports**



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

### **9.3 FINANCE REPORTS**

#### **9.3.1 Monthly Financial Reports – May 2010**

<b>FILE NO:</b>	<b>FI.FRP</b>
<b>COUNCIL DATE:</b>	<b>21 June 2010</b>
<b>REPORT DATE:</b>	<b>11 May 2010</b>
<b>LOCATION/ADDRESS:</b>	<b>Not Applicable</b>
<b>APPLICANT:</b>	<b>Not Applicable</b>
<b>SENIOR OFFICER:</b>	<b>Tyhscha Cochrane, Acting Deputy CEO</b>
<b>REPORTING OFFICER:</b>	<b>Tabitha Bateman, Administration Officer</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Yes – Appendix A as detailed in Summary</b>
<b>DOCUMENTS TABLED:</b>	<b>Yes</b>

#### **Summary:**

The Financial Report for the period ending 31 May 2010 is hereby presented for the consideration of the Council.

Appendix A includes the following:

- Statement of Financial Position
- Statement of Financial Activity
- Bank Account Reconciliations
- Cheque drawings on the Municipal Account
- EFT drawings on the Municipal Account
- Cheque drawings on the Trust Account
- Reserve Accounts Balances Summary
- Payroll Direct Debits Summary
- Corporate Credit Card Summary
- Fuel Card Summary

#### **Consultation:**

Nil.

#### **Statutory Environment:**

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

#### **Policy Implications:**

Nil.

#### **Financial Implications:**

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 May 2010;

Sundry Creditors as per General Ledger	\$	<b>70,283.39</b>
Sundry Debtors as per General Ledger	\$	<b>654,285.61</b>
Unpaid rates and services current year (paid in advance inc. ESL)	\$	<b>166,227.63</b>
Unpaid rates and services previous years (inc. ESL)	\$	<b>171,410.13</b>

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

#### **Voting Requirements:**

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

#### **Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

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

**Social Implications:**

Not applicable.

**Environmental Implications:**

Not applicable.

**RESOLUTION**

**106010**

**Moved:** Cr Lawrence

**Seconded:** Cr Scott

***“That Council:***

***Receive the Monthly Financial Report for May and ratify payments drawn from the Municipal and Trust accounts for the period ending 31 May 2010:***

	<u>VOUCHER</u>	<u>AMOUNT</u>
<b><i>MUNICIPAL FUND</i></b>		
Cheque Payments	28813-28848	\$ 235,597.50
Electronic Funds Payments	6707-6784	\$ 262,593.53
Direct Debits Payroll		\$ 130,664.84
Bank Fees		\$ 730.10
Corporate Cards		\$ 2,290.49
Shell Cards		\$ 571.60
<b><i>TOTAL</i></b>		<b><u>\$ 632,448.02</u></b>
<b><i>TRUST FUND</i></b>		
Cheque Payments	3693-3695	\$ 3,134.13
<i>Direct Debits Licensing</i>		<u>\$ 126,358.30</u>
<b><i>TOTAL</i></b>		<b><u>\$ 129,492.43</u></b>
<b><i>TOTAL DISBURSEMENTS</i></b>		<b><u>\$ 761,940.45</u></b>

**CARRIED (5/0)**

**Note to this item**

The Chief Executive Officer has delegated authority under Delegation DE1 (Council Meeting 21 September 2009) to make payments from the Municipal and Trust accounts.

**Item 9.3.1**  
**Appendix A**

<b>SHIRE OF YORK</b> <b>RATE SETTING STATEMENT</b> <b>AS AT 30th JUNE 2010</b>				
	2009/10	2009/10	2009/10	2009/10
	ADOPTED BUDGET	Amended Budget	Budget Year to Date	Actual
	\$	\$	\$	\$
<b>OPERATING REVENUE</b>				
General Purpose Funding	(1,049,230)	(1,049,230)	(826,011)	(1,058,414)
Governance	(1,128,150)	(1,128,150)	(174,706)	(118,266)
Law, Order Public Safety	(269,329)	(269,329)	(50,161)	(176,993)
Health	(57,000)	(57,000)	(49,674)	(16,177)
Education and Welfare	(19,800)	(19,800)	(18,150)	(18,027)
Housing	-	-	-	-
Community Amenities	(668,025)	(668,025)	(597,120)	(598,610)
Recreation and Culture	(2,174,274)	(2,174,274)	(1,238,619)	(684,883)
Transport	(1,563,091)	(1,563,091)	(1,308,647)	(1,002,810)
Economic Services	(125,700)	(125,700)	(115,236)	(113,624)
Other Property and Services	(276,656)	(276,656)	(262,607)	(169,651)
	<b>(7,331,255)</b>	<b>(7,331,255)</b>	<b>(4,640,931)</b>	<b>(3,957,456)</b>
<b>LESS OPERATING EXPENDITURE</b>				
General Purpose Funding	160,019	151,474	135,914	115,391
Governance	1,667,171	1,667,171	738,589	477,694
Law, Order, Public Safety	355,006	355,006	327,330	264,808
Health	320,300	320,300	281,768	155,514
Education and Welfare	86,129	86,129	79,731	53,548
Housing	-	-	0	-
Community Amenities	1,292,974	1,292,974	1,133,062	811,328
Recreation and Culture	1,468,483	1,468,483	1,276,495	955,513
Transport	2,320,154	2,320,154	2,126,931	1,397,363
Economic Services	509,010	509,010	466,244	409,537
Other Property & Services	95,000	95,000	71,526	232,778
	<b>8,274,246</b>	<b>8,265,701</b>	<b>6,637,590</b>	<b>4,873,475</b>
<i>Increase/(Decrease)</i>	942,991	934,446	1,996,659	916,019
<b>ADD</b>				
Proceeds on Sale of Assets		-	0	-
Profit/Loss on Sale of Assets	(994,704)	(994,704)	(58,243)	14,168
Increase/(Decrease) Non Current Debtors Rates	-	-	0	(30,103)
Increase/(Decrease) Non Current Debtors S/S Loan	(8,363)	(8,363)	-	(8,363)
Change Employee Leave Provisions				-
Long Serv. Lve Cash at Bank (Increase)/Decrease in Bal.	(5,323)	(5,323)	-	(4,519)
Depreciation Written Back	(2,139,000)	(2,139,000)	(4,027,368)	(1,170,582)
Book Value of Assets Sold Written Back	2,620,815	(700,278)	(388,557)	(121,981)
	<b>(526,575)</b>	<b>(3,847,668)</b>	<b>(4,474,168)</b>	<b>(1,321,380)</b>
<i>Sub Total</i>	416,416	(2,913,222)	(2,477,509)	(405,361)
<b>LESS CAPITAL PROGRAMME</b>				
Purchase Tools	-	-	0	-
Purchase Land & Buildings	2,382,259	2,382,259	1,405,000	297,194
Purchase Plant & Equipment	1,199,570	1,199,570	985,200	288,349
Purchase Furniture & Equipment	99,000	99,000	75,000	25,639
Infrastructure Assets - Roads	2,979,510	2,979,510	2,715,971	1,618,793
Infrastructure Assets - Recreation Facilities	1,140,880	1,140,880	563,880	772,401
Infrastructure Assets - Other	41,700	41,700	39,888	-
Repayment of Debt - Loan Principal	22,491	22,491	8,363	8,363
Transfer To Reserves	1,636,669	1,636,669	88,913	86,094
Transfer to Other Funds	-	-	0	-
	<b>9,502,079</b>	<b>9,502,079</b>	<b>5,882,215</b>	<b>3,096,834</b>
<b>ABNORMAL ITEMS</b>				
	-	-	0	-
	-	-	0	-
<b>Plus Rounding</b>				
	<b>9,502,079</b>	<b>9,502,079</b>	<b>5,882,215</b>	<b>3,096,834</b>
<i>Sub Total</i>	<b>9,918,495</b>	<b>6,588,857</b>	<b>3,404,706</b>	<b>2,691,473</b>
<b>LESS FUNDING FROM</b>				
Reserves	(1,424,384)	(1,424,384)	(29,604)	(758,161)
Other Funds	-	-	0	-
Loans Raised	(1,000,000)	(1,000,000)	(550,000)	-
Opening Funds	(1,146,040)	(1,146,040)	(1,146,040)	(1,303,381)
Sundry Adjustments				429
<b>Closing Funds</b>	<b>(3,570,424)</b>	<b>(3,570,424)</b>	<b>(1,725,644)</b>	<b>(2,061,112)</b>
<b>Total To Be Made up from Rates</b>	<b>(3,026,978)</b>	<b>(3,026,978)</b>	<b>(3,026,000)</b>	<b>(3,040,165)</b>
<b>Net (Surplus) / Deficit</b>	<b>3,321,093</b>	<b>(8,545)</b>	<b>(1,346,938)</b>	<b>(2,409,804)</b>

**SHIRE OF YORK**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT THE 31 MAY 2010**

<b>2008/09 ACTUAL</b>		<b>2009/10 ACTUAL 31-May-10</b>
\$		\$
	<b>CURRENT ASSETS</b>	
1,117,924	Cash	1,765,090
2,813,794	Cash Restricted	2,141,728
663,507	Receivables	1,116,893
20,936	Stock on Hand	12,682
0	Prepaid Expenses	0
<b>4,616,161</b>	<b>TOTAL CURRENT ASSETS</b>	<b>5,036,392</b>
	<b>CURRENT LIABILITIES</b>	
(180,489)	Accounts Payable	(161,914)
0	Income Received in Advance	0
(422,203)	Provision for Leave	(422,203)
(8,363)	Interest Bearing Liabilities	(8,363)
<b>(611,055)</b>	<b>TOTAL CURRENT LIABILITIES</b>	<b>(592,480)</b>
	<b>NET ASSETS</b>	
	<b>Less Items</b>	
(2,813,794)	<b>Cash Restricted</b>	(2,141,728)
8,363	<b>Interest Bearing Liabilities Included in Budget</b>	8,363
(8,363)	<b>Self Supporting Loan Income</b>	(17,332)
112,069	<b>Add Back LSL</b>	116,588
<b>1,303,381</b>	<b>TOTAL EQUITY</b>	<b>2,409,804</b>

BANK RECONCILIATION				
MAY 2010				
		MUNICIPAL	TRUST	RESERVE
<b>OPENING BALANCE PER SYNERGY</b>		<b>1,279,174.86</b>	<b>435,772.25</b>	<b>2,599,888.70</b>
Receipts as per daily cash book		659,352.15	139,843.59	
Muni Interest TD				
Trust Interest NCD				
Trust Interest Term Deposit				
Muni - Trust Transfer				
Muni - Reserve Transfer		458,160.91		
Reserve Interest 11AM At Call a/c				936.82
Reserve Interest NCD				
Reserve Interest NCD				
Reserve Interest TD 14-4147				3,818.25
				13.97
				0.05
<b>TOTAL RECEIPTS</b>		<b>1,117,513.06</b>	<b>139,843.59</b>	<b>4,769.09</b>
Payment as per schedule cheques	28813-28848	(235,597.50)		
EFT Direct payments	6707-6784	(262,593.53)		
Payment as per schedule chqs - Trust	3693-3695		(3,134.13)	
Direct Debit Licensing			(126,358.30)	
Direct Debit Payroll		(130,664.84)		
Bank fees Bendigo Trust		(42.10)		
Bank fees Bendigo Muni		(208.97)		
Bank fees Bendigo Reserve		0.00		
Business Cards Bank Fees		(8.00)		
Dishonour Cheque Fee		0.00		
Eftpos Bank Fee Trust		(134.78)		
Eftpos Bank Fee Muni		(336.25)		
<b>TOTAL BANK FEES</b>		<b>(730.10)</b>		
Business Card Bendigo - CEO		(2,205.99)		
Business Card Bendigo - DCEO		(84.50)		
<b>PAYMENTS IN ADVANCE - Previous month</b>				
<b>PAYMENTS IN ADVANCE - Current month</b>		<b>(2,851.79)</b>		
<b>NET PAYMENTS IN ADVANCE</b>		<b>(2,851.79)</b>		
<b>TOTAL BUSINESS CARDS Direct Debits</b>		<b>(5,142.28)</b>		
Shell Card		(571.60)		
Muni - Trust Transfer				
Muni - Reserve Transfer				(458,160.91)
Reserve - Muni Transfer				
Rounding				
<b>TOTAL EXPENDITURE</b>		<b>(632,448.06)</b>	<b>(129,492.43)</b>	<b>(458,160.91)</b>
<b>CLOSING BALANCE - CALCULATED</b>		<b>1,764,239.86</b>	<b>446,123.41</b>	<b>2,146,496.88</b>
<b>CLOSING BALANCE - SYNERGY</b>		<b>1,764,239.87</b>	<b>446,123.41</b>	<b>2,146,496.88</b>

<b>BALANCES AS PER BANK STATEMENTS</b>				
BENDIGO MUNICIPAL 118630623		839,642.63		
BENDIGO MUNICIPAL AT-CALL ACCT 61158		150,000.00		
WESTPAC MUNICIPAL TERM DEPOSIT DUE 5/6/10	M7	322,406.58		
WESTPAC MUNICIPAL TERM DEPOSIT DUE 5/6/10	M8	335,282.26		
BENDIGO TRUST 13074174			114,914.17	
BENDIGO TRUST NCD Open space DUE 29/6/2010	T26		131,590.60	
BENDIGO TRUST TERM DEPOSIT	T2		23,764.88	
BENDIGO TRUST TERM DEPOSIT	T16		9,241.32	
BENDIGO TRUST TERM DEPOSIT	T19		13,126.82	
BENDIGO TRUST TERM DEPOSIT	T32		0.00	
BENDIGO TRUST TERM DEPOSIT	T40		22,295.33	
BENDIGO TRUST TERM DEPOSIT	T77		57,404.08	
BENDIGO TRUST TERM DEPOSIT	T78		49,396.21	
BENDIGO TRUST TERM DEPOSIT	T87		3,017.01	
BENDIGO RESERVE 119521748			18,399.12	
BENDIGO RESERVE AT-CALL ACCT			527,000.58	
BENDIGO RESERVE NCD DUE 30/6/10	R1		591,999.45	
BENDIGO RESERVE NCD DUE 30/6/10	R2		341,240.17	
BENDIGO RESERVE NCD DUE 31/5/10	R3			
WESTPAC RESERVE			0.00	
WESTPAC RESERVE TERM DEPOSIT DUE 23/8/10	R5		309,543.08	
WESTPAC RESERVE TERM DEPOSIT DUE 24/5/10	R6			
WESTPAC RESERVE TERM DEPOSIT DUE 5/6/10	R7		503,760.27	
<b>TOTAL PER BANK STATEMENTS</b>		<b>1,647,331.47</b>	<b>424,750.42</b>	<b>2,291,942.67</b>
<b>RECONCILING ITEMS</b>				
Plus Outstanding Deposits		2,248.50	7,430.69	
Less Outstanding cheques		(4,501.81)	(5,234.13)	
Less Outstanding Licence Debits			(9,650.45)	
Adjustment Muni banked in to Trust				
Less May credits - received June		(232.00)		
Trust - Muni Transfer	T19	(12,500.00)	12,500.00	x
Trust - Muni Transfer	T32	(16,796.84)	16,796.84	x
Muni - Reserve Transfers (R7 interest pd into Muni)		(12,715.07)		12,715.07
Reserve - Muni Transfers		158,160.91		(158,160.91) x
Muni - Reserve Transfers		(0.05)		0.05
Less Outstanding EFT payments				
Underbank				
Plus payments in advance to Business Cards		2,851.79		
Muni to trust transfer - 31/5/10 u/bank \$250.00		(250.00)	250.00	
O/bank unidentified money order 27/11/08 \$250.00 - Received to T25 31/5/10				
Adjustments		642.97	(719.96)	
<b>TOTAL CLOSING BALANCE - CALCULATED</b>		<b>1,764,239.87</b>	<b>446,123.41</b>	<b>2,146,496.88</b>
<b>- PER SYNERGY</b>		<b>1,764,239.87</b>	<b>446,123.41</b>	<b>2,146,496.88</b>

Date: 14/06/2010  
Time: 9:36:40AM

**SHIRE OF YORK  
MUNICIPAL CHEQUE PAYMENTS  
MAY 2010**

USER:Tabitha Bateman  
PAGE:1

Cheque /EFT No	Date	Name Invoice Description	INV- Amount	Amount
28813		<b>YORK SHIRE COUNCIL (payroll only)</b> PAYROLL DEDUCTIONS		883.79
28814		<b>WA LOCAL GOVT SUPER PLAN PTY LTD, (ACN 0</b> SUPERANNUATION CONTRIBUTIONS		443.04
28815		<b>DOMINIC CARBONE</b> SEAVROC - MANAGEMENT & ADMIN - FEB/MAR 10		9,174.81
28816		<b>DEPARTMENT OF COMMERCE</b> BCA TRAINING REGISTRATION - G TESTER / L OAKLEY		176.00
28817		<b>LANDGATE</b> GRV'S - G2010/3, G2010/4 & G2010/5 - 19/3/10		2,768.41
28818		<b>TELSTRA</b> TELEPHONES 24/2-24/3/10		2,100.66
28819		<b>WATER CORPORATION OF WA</b> WATER USAGE - 17/12/09-16/4/10 - FORREST OVAL S/PIPE		31,718.75
28820		<b>SYNERGY</b> ELECTRICITY - 26/1-26/3/10 - ADMIN/TH/TB		7,120.45
28821		<b>BUNNINGS MIDLAND</b> HALOGEN WORKLIGHTS x 4		75.61
28822		<b>DOMINIC CARBONE</b> CONSULTANCY SERVICES - YVC FIN REVIEW / MID YEAR RE		6,600.00
28823		<b>DEPARTMENT OF PREMIER AND CABINET</b> GOVERNMENT GAZETTE ADVERTISING - TPS 2 AMEND 38		136.95
28824		<b>NEW IMAGE TRAFFIC</b> TRAFFIC MANAGEMENT - YORK-TAMMIN RD		623.15
28825		<b>LG SYSTEM INCORPORATED</b> SEAVROC - AIRFARES P. MOORE		405.72
28826		<b>JOHN S HAYES &amp; ASSOCIATES PTY LTD</b> HAND TOWEL / TOILET ROLL - DEPOT		213.51
28827		<b>BOND, FREDERICK JAMES</b> BOOKS x 5 - BORN UNDER A PEPPERCORN TREE		85.00
28828		<b>LANDGATE</b> GRV'S - 20/3-16/4/10		801.58
28829		<b>YORK HOCKEY CLUB</b> CONTRIBUTION		5,000.00
28830		<b>NORM REYNOLDS RETRAVISION</b> STAINLESS STEEL URN 6 LTR - DEPOT		135.00
28831		<b>TELSTRA</b> TELEPHONE LANDLINES - ADMIN - APRIL 10		1,882.47
28832		<b>WATER CORPORATION OF WA</b> WATER USAGE - 18/12/09-20/4/10 - SETTLER'S PARK		4,082.35
28833		<b>BUSH CONTRACTING PTY LTD</b> HIRE SIDE TIPPER - ASHWORTH/YORK-TAMMIN RD		13,601.50
28835		<b>WORLD VISION</b> RAG BAGS x 4 - DEPOT		40.00
28836		<b>SHIRE OF YORK</b> LGMA CONFERENCE ALLOWANCE - 14-21/5/10		400.00
28837		<b>SHIRE OF YORK</b> ALGA CONFERENCE ALLOWANCE - 11-19/6/10		450.00
28838		<b>CLARKE, CATHY</b> REIMBURSE RES MUS EXPENSES - 16GB MEMORY CARD		59.00
28839		<b>STATE LIBRARY OF WESTERN AUSTRALIA</b> DIGITAL IMAGES - RES MUS		65.00

Date: 14/06/2010  
Time: 9:36:40AM

**SHIRE OF YORK  
MUNICIPAL CHEQUE PAYMENTS  
MAY 2010**

USER:Tabitha Batemar  
PAGE:2

Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
28840		<b>PETTY CASH</b> PETTY CASH RECOUP		279.65
28841		<b>PETTY CASH</b> PETTY CASH RECOUP		128.75
28842		<b>AUSTRALIAN TAXATION OFFICE</b> FRINGE BENEFITS TAX RETURN 2009-10		11,403.80
28843		<b>AUSTRALIAN TAXATION OFFICE</b> ATO - APRIL 2010 BAS		37,122.00
28844		<b>WATER CORPORATION</b> SEWER EXTENSION & CONNECTION - FORREST OVAL REDE		40,011.95
28845		<b>CANTARA CHOIR</b> SPONSORSHIP 2009/10		500.00
28846		<b>AUSTRALIAN TAXATION OFFICE</b> YORK VISITOR CENTRE BAS - 1/7/08 - 31/3/10		53,805.00
28847		<b>DEPARTMENT OF TRANSPORT</b> REFUND MDL COMMISSION OVERPAYMENT - FEB 2010		1,553.60
28848		<b>THE YORK SOCIETY (INC)</b> SPONSORSHIPS 2009/10		1,750.00

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	235,597.50
	<b>TOTAL</b>	<b>235,597.50</b>

Date: 14/06/2010  
Time: 9:37:21AM

**SHIRE OF YORK**  
**MUNICIPAL ELECTRONIC PAYMENTS**  
**MAY 2010**

USER:Tabitha Batemar  
PAGE:1

Cheque/EFT No	Date	Name Invoice Description	INV Amount	Amount
EFT6707		<b>DAWSON'S CONCRETE &amp; REINFORCING</b> CULVERT CONSTRUCTION - GOLDFIELDS RD		10,428.00
EFT6708		<b>DEPARTMENT OF ENVIRONMENT AND CONSERVATION</b> WASTE TREATMENT FACILITY LICENCE - 2010/11		1,070.93
EFT6709		<b>ROCK SUPPLIES OF WA</b> PROGRESS PMT - SUPPLY & LAY TILING - HOCKEY CLUB		15,000.00
EFT6710		<b>MANSELL PTY LTD</b> SUPPLY RATE COPMPARISON BOOK 2009/10		148.50
EFT6711		<b>HANSON CONSTRUCTION MATERIALS</b> AGGREGATE 14mm - VARIOUS RDS		47,650.95
EFT6712		<b>DUSTRY PTY LTD</b> EXCAVATE DRAINAGE TRENCH / REMOVE TREES - F/OVAL		990.00
EFT6713		<b>COOL CLEAR WATER BEVERAGES LTD</b> WATER FILTRATION UNIT - MAY 10		66.00
EFT6714		<b>CORPORATE EXPRESS</b> ADMIN STATIONERY ORDER - APRIL 10		797.21
EFT6715		<b>DIRECT COMMUNICATIONS PTY LTD</b> BUSHFIRE RADIO - C CHIPPER		117.48
EFT6716		<b>YORK BUILDING SUPPLIES</b> TREATED TIMBER / SCREWS / NAILS - MT BAKEWELL RADIC		903.26
EFT6717		<b>YORK NEWSAGENCY</b> NEWSPAPERS/STATIONERY - APRIL 10		71.94
EFT6718		<b>YORK LANDSCAPE SUPPLIES</b> SUPPLY PAVING BRICKS - YORK HOCKEY CLUB		2,788.72
EFT6719		<b>GEMINI MEDICAL SERVICES PL</b> PAYMENT IN LEIU OF DOCTOR'S VEHICLE -		1,047.60
EFT6720		<b>NET REGISTRY PTY LTD</b> RENEW DOMAIN SUBSCRIPTION - 17/5/10-17/5/12		62.00
EFT6721		<b>PARS RURAL PTY LTD</b> TRANSMISSION OIL - Y130		121.00
EFT6722		<b>DEXION BALCATT</b> WIRE RACKS - RECORDS COMPACTUS		953.29
EFT6723		<b>P.H HANDCRAFTED FURNITURE</b> CONSTRUCT PINE BOOKCASE - RES MUS450.00		
EFT6724		<b>COMMUNITY NEWSPAPER GROUP</b> ADVERTISING - AV VALLEY GAZETTE - APRIL 10		835.99
EFT6725		<b>TATTY PARROT BAKERY</b> MIXED PLATTERS - PIERCE AWARDS - 25/3/10		616.05
EFT6726		<b>SHIRE OF NORTHAM</b> TIPPING FEES - MARCH 2010		12,839.70
EFT6727		<b>MOTORCHARGE LTD</b> GULL CARD		649.19
EFT6728		<b>ALLROUND CONCRETE</b> SUPPLY & LAY CONCRETE - AVON TCE BANNER POLES		748.00
EFT6729		<b>SPECTRUM DISTRIBUTORS (ORICA AUSTRALIA PTY LTD)</b> CHLORINE SERVICE FEE - SWIMMING POOL		112.86
EFT6730		<b>WA HINO</b> SERVICE KITS x 2 - Y397/Y3777		497.00
EFT6731		<b>HENDERSON, PJ &amp; KD</b> RENEW WATER SERVICE - STANDPIPE TO HOCKEY CHANGE		3,232.35

Date: 14/06/2010  
Time: 9:37:21AM

**SHIRE OF YORK  
MUNICIPAL ELECTRONIC PAYMENTS  
MAY 2010**

USER:Tabitha Batemar  
PAGE:2

Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
		<b>SETTLERS HOUSE</b>		
EFT6732		CATERING - FCO MTG - 20/4/10		110.00
		<b>YORK GENERAL PRACTICE</b>		
EFT6733		MEDICAL		330.00
		<b>WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION</b>		
EFT6734		SEAVROC ADVERTISING - BUSINESS PLAN - LGS COMP S/WA		384.42
		<b>MIDLAND RUBBER STAMPS</b>		
EFT6735		DATER STAMP - RATES		45.80
		<b>FUJI XEROX AUSTRALIA PTY LTD</b>		
EFT6736		PHOTOCOPIER METER CHARGE FEES - APRIL 10		1,058.49
		<b>DARRY'S PLUMBING AND GAS</b>		
EFT6737		REDIRECT RETIC MAIN - F/OVAL & HOCKEY OVAL		1,397.00
		<b>BOSSTON CANOPIES</b>		
EFT6738		UNDERBODY POLY WATER TANK - Y3777		443.72
		<b>TREVS TRANSPORT</b>		
EFT6739		FREIGHT - TREE SURROUNDS / SIGNS		141.24
		<b>IMPACT SWEEPING</b>		
EFT6740		STREET SWEEPING - APRIL 10		2,046.00
		<b>HORIZON SURVEYS PTY LTD</b>		
EFT6741		SURVEY & MARK OUT OVAL - FORREST OVAL		2,255.00
		<b>P&amp;M AUTOMOTIVE EQUIPMENT</b>		
EFT6742		SERVICE SAFETY HOISTS - DEPOT		181.50
		<b>DARREN LONG CONSULTING</b>		
EFT6743		SEAVROC LOCAL LAWS REVIEW - FEB 2010		4,092.00
		<b>WATER DYNAMICS</b>		
EFT6744		RESET SPRINKLER HEIGHTS - F/OVAL		1,320.00
		<b>LNC HYDRAULICS</b>		
EFT6745		CIVIL ENGINEER WORKS - FORREST OVAL - SECOND CLAIM		7,150.00
		<b>TOURISM COUNCIL WESTERN AUSTRALIA</b>		
EFT6746		CONFERENCE REGISTRATION - "YOU'RE THE VOICE" CR HO		315.00
		<b>LGNET</b>		
EFT6747		SUBSCRIPTION ONLINE ADVERTISING - 1/12/09-31/12/10		1,655.50
		<b>KLEEN WEST DISTRIBUTORS</b>		
EFT6748		HAND SOAP / T ROLLS / BIN LINERS - ADMIN		366.49
		<b>ACCESS ENTERTAINMENT SOLUTIONS</b>		
EFT6749		AUDIO EQUIPMENT HIRE - ANZAC DAY SERVICE		430.65
		<b>MAKIN &amp; SONS</b>		
EFT6750		BACKHOE HIRE - FORREST OVAL DRAIN		385.00
		<b>AVON TRACTOR &amp; IMPLEMENT</b>		
EFT6751		SUPPLY HYDRAULIC HOSE - GRADER Y130		124.93
		<b>ARROW BRONZE</b>		
EFT6752		NICHE WALL PLAQUES,VASES		4,522.32
		<b>COURIER AUSTRALIA</b>		
EFT6753		FREIGHT TO 18/4/10		141.25
		<b>CASTLE HOTEL</b>		
EFT6754		REFRESHMENTS		190.95
		<b>CJD EQUIPMENT PTY LTD</b>		
EFT6755		SERVICE GRADER - Y130		6,032.38
		<b>EASTERN HILLS SAWS AND MOWERS</b>		
EFT6756		BAR OIL / SHARPENING KITS / BUMPHEADS		645.80
		<b>MIDALIA STEEL</b>		
EFT6757		SUPPLY STEEL - GREENHILLS FIRE SHED EXTENSION		698.73

Date: 14/06/2010  
Time: 9:37:21AM

SHIRE OF YORK  
MUNICIPAL ELECTRONIC PAYMENTS  
MAY 2010

USER:Tabitha Batemar  
PAGE:3

Cheque/EFT No	Date	Name Invoice Description	INV Amount	Amount
EFT6758		<b>KLEENHEAT GAS</b> GAS FACILITY RENTAL - GWAMBY / AV PK / DEPOT		362.80
EFT6759		<b>MCLEODS BARRISTERS AND SOLICITORS</b> SIGNAGE PROSECUTIONS - S SAINT		4,450.34
EFT6760		<b>PEERLESS JAL PTY LTD</b> FLOOR CLEANER / DISINFECTANT - TOWN HALL & REC CEN		926.39
EFT6761		<b>ROUS, ERIC DAVID</b> INSTALL SAFETY SWITCH - GYM TREADMILL		291.50
EFT6762		<b>SHERIDANS</b> NAME BADGES x 8 - VARIOUS STAFF		268.00
EFT6763		<b>AVON WASTE</b> RECYCLING / TRANSFER STATION MTC - APRIL 10		26,925.36
EFT6764		<b>SHIRE OF BEVERLEY</b> PURCHASE 2008 HOLDEN OMEGA - EHO VEHICLE		21,890.00
EFT6765		<b>AVON VALLEY TYRE SERVICE</b> WINDSCREENS x 2 / STONE CHIP REPAIR		935.00
EFT6766		<b>AVON EXPRESS</b> FREIGHT - APRIL 10		159.50
EFT6767		<b>RURAL PRESS REGIONAL MEDIA (WA) PTY LTD</b> ADVOCATE ADVERTISING - TOWN PLANNING		171.60
EFT6768		<b>FUEL DISTRIBUTORS</b> DIESEL 4900 LTRS / UNLEADED 1000 LTRS		7,583.25
EFT6769		<b>YORK QUALITY BUTCHERS</b> SUPPLY MEAT - DEPOT/COUNCILLORS FUNCTION		62.80
EFT6770		<b>DEADMAN, SUZANNE MARGARET</b> ANZAC WREATHS x 2		140.00
EFT6771		<b>MAC CHENO EARTHMOVING</b> GRADER HIRE - GREENHILLS SOUTH RD		39,877.75
EFT6772		<b>HOME HARDWARE</b> GAS REFILL - STREET SWEEPER		597.02
EFT6773		<b>HOME HARDWARE</b> KARRI TIMBER / FREIGHT - AVON PARK		3,229.43
EFT6774		<b>YORK BUILDING SUPPLIES</b> VILLABOARD/ MATERIALS - HOCKEY CLUB CHANGEROOMS		9,869.64
EFT6775		<b>HOME HARDWARE</b> PAINTING MATERIALS - YORK SOCIETY EXHIBITION		346.25
EFT6776		<b>YORK IGA</b> REFRESHMENTS - RES MUS		44.59
EFT6777		<b>YORK IGA</b> REFRESHMENTS - ADMIN		434.32
EFT6778		<b>JOHN'S LOCAL CLEANING SERVICE</b> CLEANING RES MUSEUM - APRIL 10		125.00
EFT6779		<b>AVON FENZING</b> DINGO HIRE - DIG HOLES - GREY ST GARDENS		308.00
EFT6780		<b>T-QUIP</b> CHECK / REPAIR MOWER - Y1328		1,437.25
EFT6781		<b>YORK GENERAL CONTRACTING</b> DIGGER/GRADER HIRE - FORREST OVAL		1,237.50
EFT6782		<b>AUSTRALIA POST</b> POSTAGE / PAPER - APRIL 10		1,056.30
EFT6783		<b>MORRIS PEST &amp; WEED CONTROL</b> INSTALL TERMIE SLAB BARRIER - HOCKEY CLUB		598.00

Date: 14/06/2010  
Time: 9:37:21AM

**SHIRE OF YORK  
MUNICIPAL ELECTRONIC PAYMENTS  
MAY 2010**

USER:Tabitha Bateman  
PAGE:4

Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
EFT6784		YORK RURAL TRADING GALVANISED POSTS x 40 - YORK-TAMMIN RD		603.75

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
1	MUNICIPAL FUND BANK	262,593.53
<b>TOTAL</b>		<b>262,593.53</b>

Date: 14/06/2010  
Time: 9:38:20AM

**SHIRE OF YORK  
TRUST CHEQUE PAYMENTS  
MAY 2010**

USER:Tabitha Batemar  
PAGE:1

Cheque /EFT No	Date	Name Invoice Description	INV Amount	Amount
3693		<b>BUILDERS REGISTRATION BOARD</b> BRB LEVY APRIL 10		552.00
3694		<b>BUILDING CONSTRUCTION INDUSTRY TRAINING FUND</b> BCITF LEVY APRIL 10		2,447.93
3695		<b>SHIRE OF YORK</b> BCITF/BRB COMMISSION APRIL 10		134.20

**REPORT TOTALS**

Bank Code	Bank Name	TOTAL
2	TRUST FUND BANK	3,134.13
	<b>TOTAL</b>	<b>3,134.13</b>

## **TOTAL RESERVES**

**31-May-10**

<b>Reserve Name</b>	<b>Current Balance</b>
<b>4. Plant Reserve</b>	<b>358,063.76</b>
<b>6. Staff Leave Reserve</b>	<b>116,849.52</b>
<b>7. Town Planning Reserve</b>	<b>12,376.46</b>
<b>8. Recreation Complex Reserve</b>	<b>114,077.36</b>
<b>9. Avon River Maintenance Reserve</b>	<b>20,228.78</b>
<b>14. Industrial Land Reserve</b>	<b>92,550.46</b>
<b>15. Refuse Site Development Reserve</b>	<b>196,379.47</b>
<b>22. Centennial Gardens Reserve</b>	<b>110,341.27</b>
<b>23. Public Open Space Cont Reserve</b>	<b>314.24</b>
<b>24. Community Bus Reserve</b>	<b>38,213.22</b>
<b>25. Pioneer Memorial Lodge Reserve</b>	<b>138,754.79</b>
<b>26. Residency Museum Reserve</b>	<b>19,951.72</b>
<b>27. Carparking Reserve</b>	<b>59,088.23</b>
<b>30. Building Reserve</b>	<b>60,319.39</b>
<b>35. Disaster Reserve</b>	<b>23,941.03</b>
<b>37. Archives Reserve</b>	<b>22,152.42</b>
<b>38. Water Supply Reserve</b>	<b>6,778.29</b>
<b>40. Tied Grant Funds Reserve</b>	<b>227,013.20</b>
<b>42. Main Street (Town Precinct) Update Reserve</b>	<b>117,875.35</b>
<b>43. Strategic Planning Reserve</b>	<b>19,448.58</b>
<b>44. Cemetery Reserve</b>	<b>27,118.30</b>
<b>45. York Town Hall Reserve</b>	<b>40,686.12</b>
<b>46. RSL Memorial Reserve</b>	<b>19,750.08</b>
<b>47. Greenhills Townsite Development Reserve</b>	<b>21,757.25</b>
<b>48. Youth Capital Works</b>	<b>23,156.48</b>
<b>49. Roads</b>	<b>59,835.16</b>
<b>50. Land &amp; Infrastructure</b>	<b>199,475.95</b>
<b>TOTAL RESERVE FUNDS</b>	<b>2,146,496.88</b>
<b>Funded by</b>	
BENDIGO RESERVE 119521748	31,114.24
BENDIGO RESERVE AT-CALL ACCT	368,839.67
BENDIGO RESERVE NCD DUE 30/6/10	591,999.45
BENDIGO RESERVE NCD DUE 30/6/10	341,240.17
BENDIGO RESERVE NCD DUE 31/5/10	0.00
WESTPAC RESERVE	0.00
WESTPAC RESERVE TERM DEPOSIT DUE 30/6/10	309,543.08
WESTPAC RESERVE TERM DEPOSIT DUE 26/5/10	0.00
WESTPAC RESERVE TERM DEPOSIT DUE 5/6/10	503,760.27
<b>Total Cash Funding</b>	<b>2,146,496.88</b>
<b>Comment</b>	
The Local Government Act 1995 Part 6 Division 4 Section 6.11 requires the reserves to be fully funded. The reserves are fully funded.	

**STATEMENT OF PAYROLL DIRECT DEBITS**  
**FOR THE MONTH ENDING MAY 2010**

3 May 2010	883.79
5 May 2010	64,112.86
6 May 2010	1,619.08
20 May 2010	64,932.90
 <b>PAYROLL TOTALS</b>	 <b>\$ 131,548.63</b>
 (LESS PAYMENTS BY CHEQUE)	 883.79
 <b>TOTAL PAYROLL DIRECT DEBITS AS PER BANK REC</b>	 <b>\$ 130,664.84</b>

**SUMMARY OF CREDIT CARD PAYMENTS  
FOR THE MONTH ENDING MAY 2010**

REFRESHMENTS	343.60
TRAINING & CONFERENCES	1,706.40
LIBRARY BOOKS	58.42
FUEL	55.39
HOUSING MAINTENANCE	126.68
OTHER	<hr/>
<b>TOTAL PURCHASES</b>	<b>\$ 2,290.49</b> <hr/>
PAYMENTS TO C/C IN ADVANCE	0.00
(LESS PREVIOUSLY PAID IN ADVANCE)	<hr/> 0.00
<b>TOTAL PAYMENTS TO C/C AS PER BANK REC</b>	<b>\$ 2,290.49</b> <hr/>

**STATEMENT OF SHELL CARD PURCHASES  
FOR THE MONTH ENDING MAY 2010**

0 Y - CEO	0.00
Y 000 - MHB	250.51
Y 00 - DCEO	133.63
Y 86 - BUILDING	177.46
CARD FEES	10.00
<b>TOTAL PURCHASES</b>	<b>\$ 571.60</b>
<b>TOTAL PAYMENTS TO SHELL AS PER BANK REC</b>	<b>\$ 571.60</b>



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

### **9.3 FINANCE REPORTS**

#### **9.3.2 Round Two of the Regional and Local Community Infrastructure Program (RLCIP) - Amendment**

<b>FILE NO:</b>	<b>FI.FAG.8</b>
<b>COUNCIL DATE:</b>	<b>21 June 2010</b>
<b>REPORT DATE:</b>	<b>16 June 2010</b>
<b>LOCATION/ADDRESS:</b>	<b>N/A</b>
<b>APPLICANT:</b>	<b>Shire of York</b>
<b>SENIOR OFFICER:</b>	<b>R Hooper, CEO</b>
<b>REPORTING OFFICER:</b>	<b>T Cochrane, A/DCEO</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>Nil</b>
<b>APPENDICES:</b>	<b>Nil</b>
<b>DOCUMENTS TABLED:</b>	<b>Nil</b>

#### **Summary:**

The Shire of York was notified after the completion of a progress report that the project for the starting blocks is not valid for funding, as this was completed prior to the signing of the Financial Assistance Agreement.

Therefore \$18,500 of Round Two needs to be reallocated and further projects nominated up to this value.

#### **Background:**

Council approved the new starting blocks for the Swimming Pool at its Ordinary Council Meeting held on the 15<sup>th</sup> February 2010.

#### **Consultation:**

The allocation of the funds to various projects has been the subject of discussion between senior staff and Councillors at the forward planning session on the 27<sup>th</sup> January 2010.

Councillors have had some input from community members.

#### **Statutory Environment:**

Grant expenditure must be allocated specifically to community infrastructure.

#### **Policy Implications:**

Not applicable.

#### **Financial Implications:**

The reallocation of this funding is an opportunity to address infrastructure shortfall issues for the long term benefit of the community.

#### **Strategic Implications:**

Key Result Area 3: Community Development – Objective 1: To have in place the infrastructure to enable the community to develop.

#### **Voting Requirements:**

**Absolute Majority Required:** Yes

#### **Site Inspection:**

**Site Inspection Undertaken:** Not applicable

**Triple bottom Line Assessment:**

**Economic Implications:**

The development of high level facilities and structures in York will assist in income generation in the business community and further enhance lifestyle attraction and investor readiness.

**Social Implications:**

This expenditure will provide facilities and services to assist with community cohesion and encourage further tourism.

**Environmental Implications:**

All proposed developments will need to meet relevant environmental standards.

**Comment:**

That the funding for the proposed projects be supported.

**RESOLUTION**

**110610**

**Moved: Cr Randell**

**Seconded: Cr Boyle**

**“That Council:**

**1. Endorse the projects below for Round Two of the Regional and Local Community Infrastructure Program:**

<b>BBQ Shelter for the Candice Bateman Park</b>	<b>\$8,000.00</b>
<b>Avon Park Shelter</b>	<b><u>\$10,500.00</u></b>
	<b><u>\$18,500.00”</u></b>

**CARRIED (5/0)**

Council Meeting concluded to go into Committee at 4.00pm to discuss the Confidential Reports.

**RESOLUTION**

**120610**

**Moved: Cr Randell**

**Seconded: Cr Boyle**

**“That Council:**

**Move into Committee to consider the Confidential Reports”**

**CARRIED (5/0)**

## **9.4 Confidential Reports**



**RESOLUTION**  
**130610**

**Moved:** Cr Boyle

**Seconded:** Cr Randell

**“That Council:**

***Come out of Committee and resume the meeting at 4.37pm”***

**CARRIED (5/0)**

The resolutions from the Committee session were brought forward for inclusion in the Minutes of the Meeting.

**9.4.1                    Business Plan - Old York Primary School**

**RESOLUTION**  
**140610**

**Moved:** Cr Lawrance

**Seconded:** Cr Randell

**“That Council:**

1. ***progress the potential purchase of Lot 619 Howick Street, York through the preparation of a Business Plan in accordance with the Local Government Act 1995 – Section 3.59 and that the Business Plan is to be prepared in accordance with Section 3.59 (3) of the Local Government Act 1995.***
2. ***Endorse the action to obtain a legal opinion regarding the Shire’s compliance with the Local Government Act 1995 in its proposed acquisition of the Old York Primary School.***

**CARRIED (5/0)**

**9.4.2                    Legal Proceedings**

**RESOLUTION**  
**150610**

**Moved:** Cr Scott

**Seconded:** Cr Boyle

**“That Council:**

1. ***endorse the appeal action against the prosecution of the owner of Lot 3 Great Southern Highway, York for breaches of the Health Act 1911; and***
2. ***note the legal opinions attached and labelled “Appendix A and Appendix B”.***

**CARRIED (5/0)**



## **9.5 Late Reports**



## 10. NEXT MEETING

**RESOLUTION**  
**160610**

**Moved: Cr Boyle**

**Seconded: Cr Randell**

***“That Council:***

***hold the next Ordinary Meeting of the Council on July 19, 2010 at 3.00pm in the Lesser Hall, York.”***

**CARRIED (5/0)**

## 11. CLOSURE

*Cr Hooper thanked all for their attendance and declared the meeting closed at 4.38pm.*