

SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 17 MAY 2010
COMMENCING AT 3.02pm
IN THE LESSER HALL,
JOAQUINA STREET, YORK.**

SHIRE OF YORK

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TYHSCHA COCHRANE
ACTING CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 17 MAY 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 Acting Chief Executive Officer to read the disclaimer
Tyhscha Cochrane, Acting Chief Executive Officer, read the disclaimer.
- 1.3 Announcement of Visitors
Nil – Welcome to David Lawn and Wilf Caporn of the Men's Shed.
- 1.4 Announcement of any Declared Financial Interests
Cr Lawrance – Item 9.2.2

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
T Cochrane, Acting CEO; P Ruettjes, Planner; S Patterson, Engineer – Works Manager; G Tester, Manager of EHO and Building; N McNamara, DSO; Helen D'Arcy-Walker, Executive Support Officer.
- 2.3 Apologies
Cr Trish Walters.
- 2.4 Leave of Absence Previously Approved
Ray Hooper, CEO.
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 3 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
Nil

3.2 Written Questions
Nil

4. **PUBLIC QUESTION TIME**
Nil

5. **APPLICATIONS FOR LEAVE OF ABSENCE**
Depending on her medical condition, Cr Walters may be unable to attend the June meeting.

6. **PETITIONS / PRESENTATIONS / DEPUTATIONS**

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

7.1 Minutes of the Ordinary Council Meeting held April 19,2010

Corrections
Nil

Confirmation

RESOLUTION
010510

Moved: Cr Boyle

Seconded: Cr Randell

"That the minutes of the Ordinary Council Meeting held April 19, 2010 be confirmed as a correct record of proceedings."

CARRIED (5/0)

8. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
Councillors and Staff send their condolences and best wishes to Cr Trish Walters after her car accident on Thursday. We all wish her the very best, and hope she's well soon.

Welcome to the Secretary and President of the Men's Shed, Mr David Lawn and Mr Wilf Caporn. The Men's Shed held their AGM last Saturday.

David Lawn explained that the AGM went very well. John Fenn has been announced as the treasurer, and an auditor has been appointed. The constitution has been adopted and incorporated. There were 23 membership applications that were paid on the night, with over 30 people attending. Most of these men have experience in farming and building. We hope to have a premises very soon.

Cr Hooper explained that discussions have been held with Mark Tidman of Balladong Farm. The Shire may have to lease a section of the farm from Mark, for the Men's Shed to use. There may possibly be a Special Council Meeting held in June on the first Wednesday. Congratulations must go to the Men's Shed, this is an extremely worthwhile course and you have the full support of Council.

9. **OFFICER'S REPORTS**

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Retrospective Approval for a Home Business (Cold Storage Facility)

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:	NE4.12645
COUNCIL DATE:	17 May 2010
REPORT DATE:	4 may 2010
LOCATION/ADDRESS:	Lot 71 (74) Newcastle Street, York
APPLICANT:	Ms Jasmine Porter
SENIOR OFFICER:	Ray Hooper
REPORTING OFFICER:	Brooke Newman
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Annexure A - Aerial Photograph Annexure B - Cold Storage Facility Annexure C - Schedule of Submissions Annexure D - LJ's as It Was with Proposed Changes Annexure E - Renovated Terrace Fruit, Veg & Café Annexure F - Refrigerated Vehicle

DOCUMENTS TABLED:

Summary:

Council is asked to consider an application for retrospective approval for the commencement of a home business (cold storage facility) at Lot 71 (74) Newcastle Street, York.

Background:

An application has been received for retrospective approval for the commencement of a home business which involves the installation of a cold storage facility (the "facility") at Lot 71.

The facility is 2.4m x 2.4m (5.76m²) and 2.2m high and the applicant proposes to utilise the facility to store fruit and vegetables which are proposed to be sold from the applicant's commercial business (Terrace Fruit, Veg and Café) situated at Lot 3 (96-102) Avon Terrace, York (previously LJ's Café).

The applicant has expended considerable funds in refurbishing the site previously occupied by LJ's Café, however, it is not possible to install the facility at the rear of the Terrace Fruit, Veg and Café as there is insufficient safe space available.

In order for the applicant to open the Terrace Fruit, Veg and Café business, an alternative location for the facility was required to be found. The applicant, with significant time constraints, placed the facility at Lot 71 prior to approval being issued. However, the applicant did make application for the home business prior to installing the facility.

A site inspection revealed that the facility is positioned under the rear verandah of the existing dwelling on Lot 71 and is not visible from the street from any direction.

During the course of the site inspection, staff observed the facility whilst in operation. A low frequency resonance was noted to be emanating from the facility towards the south. At the time of the inspection, staff advised the applicant that the low frequency noise emanating from the facility which will be required to be addressed.

The applicant proposes to transport produce from the Perth Metropolitan Area to York once a day in a small commercial refrigerated van (see attached photographs) and advises that there will be no other deliveries to or from Lot 71 via any other vehicle. The applicant advises that the produce will be transported from Lot 71 to the Terrace Fruit, Veg and Café premises once or twice a day (typically once in the morning and once in the evening) with the same vehicle.

Consultation:

The proposed development has been advertised in accordance with clause 7.3.3 of the Scheme, i.e. advert in local newspaper and a letter to adjoining landowners. Detailed plans of the proposed development and relevant documentation have been on display at the Council offices during the advertising period.

During the consultation process, 6 submissions were received (see attached summary of submissions). It should be noted that two of the submissions received were from the same adjoining landowner.

Statutory Environment:

Shire of York Town Planning Scheme No 2 ("the Scheme").

Lot 71 is zoned "Residential R5" under the provisions of the Scheme and is approximately 1,481m².

Home employment is specifically dealt with under Clause 4.7 of the Scheme as follows:

"4.7 HOME BUSINESS OR HOME OCCUPATION AMD 9 GG 17/10/03

- 4.7.1 *A person is not to carry on a home business or home occupation unless planning consent has been issued by the local government and is current.*
- 4.7.2 *An approval to carry on a home business or home occupation:*
 - (a) *is valid for a period of 12 months after the date of issue thereof but may be renewed upon application in writing to the local government;*
 - (b) *relates only to the premises for which, and the person for whom, the application was made and the approval subsequently issued; and*
 - (c) *is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it was granted.*
- 4.7.3 *In granting planning consent to carry on a home business or home occupation the local government may impose any reasonable condition it thinks fit to preserve the amenity of the area and reduce potential land use conflicts."*

A Home Business is further defined under the Scheme as follows:

"home business: means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which - AMD 8 GG 21/3/03

- (a) *does not employ more than 2 people not members of the occupier's household;*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*

- (c) *does not occupy an area greater than 50 square metres, except that for land in the Farming zone under the Scheme the local government may permit an area up to 200 square metres; AMD 9 GG 17/10/03*
- (d) *does not involve the retail sale, display or hire of goods of any nature;*
- (e) *in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Farming zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and AMD 9 GG 17/10/03; and*
- (f) *does not involve the use of an essential service or greater capacity than normally required in the zone.”*

Policy Implications:

Nil.

Financial Implications:

Planning fees have been paid and building licence fees will be required.

Strategic Implications:

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

The applicant, in providing a business at the Terrace Fruit, Veg and Café which is made sustainable by utilising the facility at Lot 71 is creating a potential place of employment. The applicant has also invested substantial funds in the Shire by employing local tradespeople to assist with the refurbishment of the site previously occupied by LJ's Café.

2. *To increase tourism to achieve business viability and growth.*

Creating a fruit and vegetable shop/café combination on Avon Terrace which is made sustainable by utilising the facility at Lot 71 is promoting tourism by providing a “different” atmosphere in which to dine. Attracting tourists to York is important in promoting and achieving growth.

3. *To increase the net disposable income of the York community and investigate ways of increasing spending within the Shire.*

Attracting tourists and locals to a “different” café experience is promoting expenditure within the Shire of York.

4. *To utilise the unique features of York's heritage and rural lifestyle, where appropriate, as the basis for economic development.*

The proposed home business does not utilise any heritage or rural lifestyle features. However, the Terrace Fruit, Veg and Café is situated within a heritage listed building and is made sustainable by the facility at Lot 71.

There is a possible noise related issue which may adversely affect the rural lifestyle of the adjoining landowners to Lot 71. However, the applicant is aware of the issue and will be required to undertake remedial works to alleviate the issue.

It is understood by staff that in order to alleviate the possible noise issues associated with the facility, an acoustic engineer will be required to implement remedial works.

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

Again, it is possible that there will be low frequency noise issues emanating from the facility at Lot 71 (particularly to the south) which the applicant will be required to remedy.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken:

A site inspection was undertaken on 19 April 2010 at which time, it was observed that the facility was already in situ under the verandah (southern end) of the existing dwelling.

Staff stood at the fence line of the property to the south of Lot 71 and observed a low frequency resonance emanating from the facility.

Triple bottom Line Assessment:

Economic Implications:

Additional businesses, particularly located on Avon Terrace, should be promoted as the overall high standard of presentation of Avon Terrace and the town site in general is an important icon of the Shire of York which attracts tourism and expenditure within the Shire. Assisting any additional commercial enterprise should be supported and any development which has significantly improved the presentation of Avon Terrace should be encouraged.

For the Terrace Fruit, Veg and Café enterprise to be sustainable, the facility was required to be located at Lot 71 as there is insufficient safe space at the rear of the building on Avon Terrace.

Social Implications:

Providing an alternative produce store/café environment promotes community and social gatherings which may increase social activity within the town site of York.

Noise resonance from the facility at Lot 71 may cause a disturbance to the adjoining landowners (particularly to the south), however, any perceived noise related issues will be required to be remedied as part of any approval granted.

For the Terrace Fruit, Veg and Café enterprise to be sustainable, the facility is required to be located at Lot 71 as there is insufficient safe space located on Avon Terrace.

Environmental Implications:

It is considered that there are no environmental impacts apart from a small amount of water discharge from the facility which will be required to be drained into the existing drainage system at Lot 71 and the issue relating to the low frequency resonance from the facility which will be required to be remedied as part of any approval granted.

Comment:

It is acknowledged that the applicant has installed the facility at Lot 71 prior to an approval being issued, however, it is considered that the installation of the facility is consistent with the requirements of the Scheme and the definition of a home business under that Scheme.

The installation of the facility at Lot 71 is to enable the applicant to maintain a sustainable produce outlet and café at Lot 3 (96-102) Avon Terrace, York (old LJ's Café). There is currently insufficient safe area at the rear of Lot 3 to allow a facility of this nature to be installed.

The applicant has advised that the reason the facility was installed at the property without waiting for an approval to be issued was that the facility was required to be purchased and removed from its previous location within a certain restricted timeframe. The applicant made application to the Shire of York for the facility on 25 February 2010 and, due to administrative complications, the application was not able to be processed in a timely manner.

It should be noted that there is a low level resonance noise issue emanating to the south of the facility which may cause detriment to the landowner to the south of Lot 71. However, the applicant is aware of the issue and has been advised that she will be required to remedy the noise issue as part of any approval granted.

In relation to the submissions received from adjoining landowners, it is acknowledged that the installation of the facility is not "ideal" in a residential area, however, it is considered by staff that the size and location of the facility will not cause any detriment to the surrounding properties except to say that the noise issues will be required to be remedied.

The applicant is not proposing any commercial vehicles making deliveries to Lot 71 except for the small scale van which has been purchased by the applicant. It is staff's opinion that this van is considered to be of "domestic" scale and is the type of vehicle that any family, perhaps with a number of children, would utilise for day to day activities. It is also considered that the van associated with the business would be making similar trips to that of any resident leaving for work in the morning and returning in the evening. It is not anticipated that any more than 2 transport movements will be made on any given day (vehicle movements that are considered to be consistent with residential use).

The home business is considered by staff to be of sufficient size and scale to be permissible in a residential area and should not, subject to the remedial works being undertaken to alleviate the noise issue, cause any detriment to the locality of the area.

As at the date of writing this report, the applicant has advised that she has engaged the services of an acoustic engineer to install remedial works to alleviate the noise resonance issue and staff will, as part of the approval, monitor the noise situation closely.

An option available to Council is to consider an approval for a limited period of time. Clause 7.9 of TPS 2 allows Council to impose time limits on approvals. This option would allow a period of time in which the applicant can operate the home business to ascertain its impact on the locality. Should legitimate complaints be received during this time, a review of the approval may be undertaken and either refused to be renewed or approved, with conditions, on a permanent basis.

Council is also able to impose retrospective planning fees to any development which is undertaken without approval. Council's Schedule of Fees and Charges for 2009/2010 budget allows for a fee of \$597.00 for the commencement of a home business without approval. In this case, it is not recommended that Council impose the retrospective fee as the applicant lodged a development application well prior to the location of the facility and the application was not able to be processed in a timely manner by staff.

In light of the above and in consideration of the benefits to the Shire of York in general in promoting new business activities and renovations/upgrades to the town centre, it is recommended that retrospective approval be granted for the running of a home business (cold storage facility) at Lot 71 (74) Newcastle Street, York for a period of two (2) years, subject to various conditions.

**RESOLUTION
020510**

Moved: Cr Lawrance

Seconded: Cr Randell

"That Council:

1. *advise the Applicant that it grants retrospective planning consent for a period of two (2) years (in accordance with clause 7.9 of TPS 2) from the date of determination for the running of a home business (installation of one (1) cold storage facility with the measurements of 2.4m x 2.4m (5.76m²) with a wall height of 2.2m) from Lot 71 (74) Newcastle Street, York, subject to the following conditions:*
 - (a) *The applicant must reapply for the landuse within two (2) calendar years of the date of approval.*
 - (b) *If a new approval has not been granted at the time the initial approval expires, the land use is to cease operating and any infrastructure removed from Lot 71 until such time as a new approval has been issued for the use.*
 - (c) *If complaints are received within the two (2) year period, the proposal will be required to be re-assessed with the view to negotiating an amicable outcome for the running of a home business (cold storage) at Lot 71.*
 - (d) *Should an amicable outcome be unachievable, Council may rescind or resolve to re-issue the approval for the running of a home business at Lot 71.*
 - (e) *The operating hours of the cold storage facility shall be twenty four (24) hours a day, seven (7) days per week.*
 - (f) *The applicant shall be permanently resident at the premises while it is being used for home business purposes.*
 - (g) *No more than two persons, who are normally resident at the premises and no more than two persons not resident at the premises may be employed in the home business.*
 - (h) *The home business shall be conducted in such a manner that it will be unobtrusive and will not prejudicially affect the amenity of the neighbourhood.*
 - (i) *No advertisement other than a sign up to 0.2m² depicting the type of home business and telephone numbers will be permitted at the premises.*
 - (j) *The home business shall not give rise to vehicular traffic beyond that which is normal to the neighbourhood or to a requirement for parking other than that which can normally be expected at the premises. No parking on the street or road verge will be permitted.*
 - (k) *Collections or deliveries shall not involve anyone other than the applicant visiting the premises utilising the approved commercial vehicle. Vehicle movements shall be limited to two (2) per day on a weekday and one vehicle movement on a Saturday or a Sunday with movements to occur no earlier than 6.00am and no later than 7.00pm.*
 - (l) *Goods shall not be sold at the premises.*

- (m) *The storage of pesticides, swimming pool chemicals, explosives or dangerous or toxic materials is not authorised under this approval.*
- (n) *Council reserves the right to inspect the premises and, if any of the above conditions are not being complied with to its satisfaction, to rescind its approval and require the immediate discontinuance of the home business.*
- (o) *Upon the expiration of each financial year, application be made to the local government to renew the licence for the running of the home business from Lot 71.*

2. *delegate to the Chief Executive Officer the power to approve or refuse to re-issue approval for the landuse upon review of any legitimate objections that are received during the two (2) year period.*

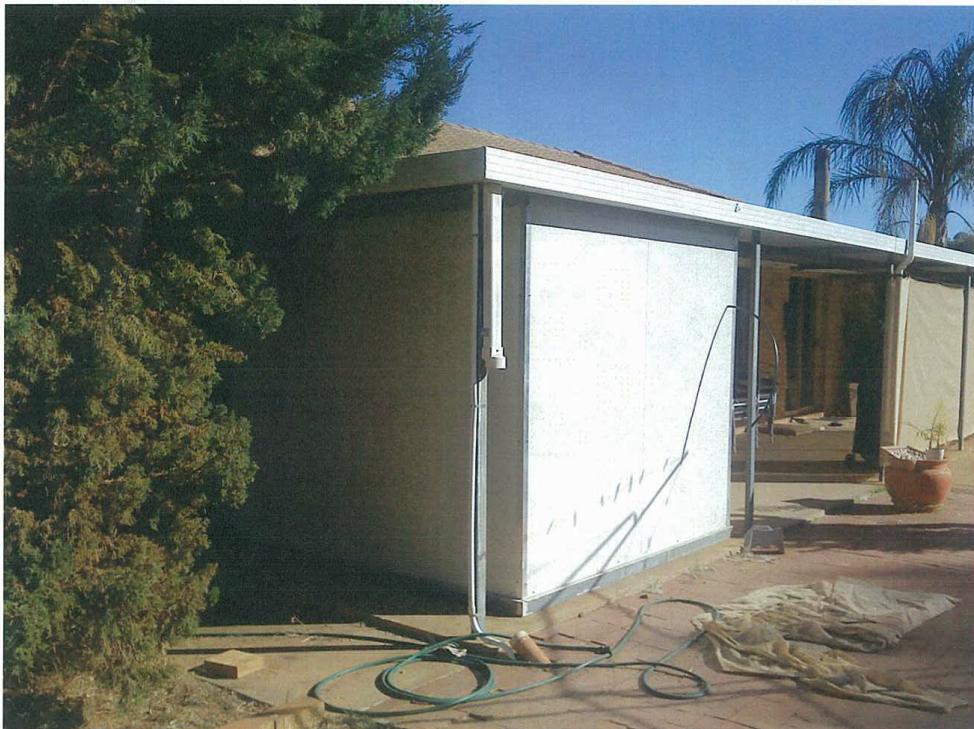
CARRIED (5/0)

Cr Hooper congratulated the staff involved with the preparation of this report. This report was very thorough, and the work undertaken by new staff is evident in the various photos and information included.

Annexure A



Annexure B





SCHEDULE OF SUBMISSIONS
HOME BUSINESS (COLD STORAGE FACILITY) - LOT 71 (74) NEWCASTLE STREET, YORK

No	SUBMITTOR	SUMMARY OF SUBMISSION	APPLICANT'S RESOLUTION	OFFICER COMMENT
1	Adjoining Landowner	<p>I have been informed via my neighbours that an application has been made to erect a cool room at 74, Newcastle Street. I have not received any correspondence from Council re: this proposal but would like to present my objection to this proposal.</p> <p>Our street is zoned residential and as this cool room is for a commercial enterprise which has plenty of room to be erected there, I object on the grounds that it will devalue my property.</p> <p>I believe there will be an increase in traffic on our street and as I have three young children it is of concern plus with traffic noise at all hours.</p> <p>I have bought in Newcastle Street due to its serenity and I feel this would be compromised if this cool room was allowed.</p> <p>As this cool room has already been erected, I am disturbed that this has already been allowed by Council when the date for objection is 23 April.</p> <p>Therefore, I urgently request that Council do not give the go ahead for this to happen in our strictly residential area.</p>	<p>No increase in traffic is proposed.</p> <p>Remedial works are currently being undertaken to alleviate any noise resonance from the cold storage facility.</p>	<p>The objector's property is not located adjacent but rather in close proximity to 74 Newcastle Street and, under Council's regulations, not obliged to receive notification of the proposal. Advertising is to direct adjoining landowners.</p> <p>Although the locality is zoned "Residential" a home office, home occupation or home business is able to be commenced (subject to approval) by any landowner.</p> <p>The applicant is proposing to transport produce in a "domestic" size van. The produce will be collected from Perth by the applicant and vehicle movements will be restricted to once in the morning and once in the evening. However, the coming and going of the van would not constitute excessive vehicle movements and would be similar to family vehicle movements in terms of noise and impact.</p>
2	Adjoining Landowner	No problem with the cool room at current size of 2.4m x 2.4m x 2.2m subject to no alterations or additions in the future to this size.	Food transport will be in a refrigerated van.	<p>The applicant has installed the cool room without approval and an approval, if granted will be retrospective.</p> <p>Any approval granted would be conditioned such that no additional infrastructure is permitted to be located on site without prior application and approval by Council.</p>
3	York Co-Op	No objection subject to a condition being imposed in relation to safe food handling.		<p>Any approval will be conditioned to comply with relevant Health Regulations.</p>
4	Adjoining Landowner	I have very strong objection to the proposal of 74 Newcastle Street to erect a "cool room" on their property and the following comments (in random	<p>The cold storage facility will not be increasing in size. The motor for the unit is small and remedial works are currently being undertaken</p>	<p>Although Newcastle Street is zoned "Residential" a home office, home occupation or home business can be</p>

Annexure C

		<p>order) outline my objection:</p> <ul style="list-style-type: none"> - My property is in an area zoned as residential as are all the other properties in my near vicinity in Newcastle Street and adjacent streets. - My original purchase of my property was against the background that I knew that the area was zoned residential and I therefore had confidence in the atmosphere of the area and that I could have further confidence that this atmosphere would be protected and would continue. - Having previously lived in an area other than York in what I knew to be high density living I was attracted to the residential atmosphere that prevailed in York and more specifically in Newcastle Street. - I am in close contact with other friends who have now purchased in Newcastle Street for the same reason as for similar reasons. - The erection of a cool room by 74 Newcastle Street on their property would clearly represent a departure from the ambience of Newcastle Street enjoyed by the fact that the street and adjacent streets were, and still are, zoned as residential. - I do not wish to live in an area that is used for industrial purposes or for light industrial purposes. - I am aware that 74 Newcastle Street will have a commercial sized electric motor driving coolers for the purposes of their cool room and I am aware that these motors will be in use on a 24 hour basis and will be situated on the roof. - I am also aware that there will be significant noise associated with a motor and the use of the cool room and this noise will be contrary to the original purpose of the zoning as residential and the reason as to why I purchased initially. - I also am aware that if a cool room is to be used as an aid to storage, and the cooling of goods normally used in the proposed "Terrace Fruit, Veg and Café" and that there <p>To alleviate any noise resonance issues.</p> <p>'Commercial' vehicles are not proposed to be utilised as part of the home business. A small van is currently being utilised and will continue to be utilised as the only vehicle run in conjunction with the home business.</p> <p>Transport of food to and from the premises on Avon Terrace will be no more than two vehicle movements per day. Deliveries of fruit and vegetables will be made by myself on three days per week and only once per day.</p> <p>There is no plan to employ any other person in order to transport produce.</p> <p>Any vehicle movements associated with the transportation of produce will be conditioned to be once in the morning and once in the evening.</p> <p>The motor for the cool room is located on the unit itself and there is no proposal for any other motors to be installed (particularly on the roof) in association with the cool room.</p> <p>The applicant purchased the business at 96-102 Avon Terrace and has not purchased the land so is unable to install the cool room at the premises. Further, there is no safe space available at the Avon Terrace premises.</p> <p>It is acknowledged that the cool room has been installed prior to approval being granted by Council and will be taken into account when considering any approval.</p>
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	<p>will be a constant need for the transfer of items between the restaurant and the cool rooms on a daily basis. It is also likely that the transfers could occur several times a day as needs dictate.</p> <ul style="list-style-type: none"> - With the transfer of items to and from a cool room on a regular basis there will be a heavy flow of traffic (including trucks or other vehicles such as vans and busses) on a regular basis. - Moreover, I am further aware that the activity in early morning or late evening will, of necessity, involve people and yet further noise. Such noise associated with motors, vehicles and workers will constitute a prevailing general condition which I cannot accept having regard to the original intention that I had at the time of purchase. - My property has a value attributed to it against the background that the property (and the general area) is zoned as residential. The erection of a unit that is clearly not residential but of a use normally associated with industry "or at best light industry" will cause a very significant decline in the value of my property and other nearby properties. I do believe there is ample room at the "Terrace Fruit, Veg and Café" proposed premises for this cool room. - Such decline in property value would likely be described as being in the proximity of tens of thousands of dollars and quite likely an amount in the vicinity of \$50,000 or perhaps more. Such a decline in value is not acceptable to me and I know that it would not be acceptable to my neighbours. - If my area is clearly seen to be used for purposes other than strictly residential and if there was clearly excessive noise and traffic in the vicinity of my property it is likely that there will not be a ready buyer for my property should I choose to sell in the future. Alternatively, if I chose to sell my property a sale may take considerably longer to achieve at a much reduced value.
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5	Adjoining Landowner	<p>Finally, I would like to draw to the attention of Council that the cool room proposed by Newcastle Street has already been erected before the final date set by Council for formal responses by people in the near vicinity who are likely to be affected by the erection of a cool room notwithstanding these other parties in the near vicinity may have a legitimate objection to the plans of 74 Newcastle Street for erecting a cool room. This erection of a cool room has therefore pre-empted approval by Council.</p> <p>Naturally, I expect Council to take formal action in regard to the premature erection of a cool room.</p>	<p>As noted above.</p> <p>I am strongly opposed to the building of a large cool room at 74 Newcastle Street as I believe that it may be noisy and disruptive for my small children (2 and 4 years old). Having this cool room at a residential address also means that there will likely be trucks coming and going to and from this address, probably late at night and/or early in the morning. If this cool room is built, it may impact my decision to build a house at my property.</p>
6	Adjoining Landowner (second submission)	<p>The intention of my wife and I is to relocate our family to this quiet suburban street, not for us to be living next to a commercial enterprise. I am concerned about potential risks and inconvenience caused by trucks coming and going from the site of this large cool room (with \$1200-\$1500 worth of stock on hand at any time).</p> <p>Not only will the cool room and associated deliveries and pickups probably be noisy (possibly early in the morning) but may also pose a danger to my preschool aged children walking past this address to Candace Bateman Park. The quiet location of our block was a prime factor in our decision to purchase this property, and I would not like to think that this would be jeopardised by this proposed development. I am also concerned that the development could potentially lower the value of our and adjacent properties.</p> <p>I write with reference to the (planning application) to install a cold storage facility at the applicant's private residence, 74 Newcastle Street, York. I am</p>	<p>As noted above.</p> <p>The scale of the operation from 74 Newcastle Street will be required to comply with Council's Town Planning Scheme No 2 for a home business.</p> <p>It is considered by staff that the proposed facility will have no adverse effect on any adjoining buildings</p>

	<p>an adjoining landowner and also attach my objection which was delivered to the York Shire Council prior to the 23rd April 2010 as required.</p> <p>I am very concerned and wish to reiterate that the cold storage facility has already been installed and this being prior to the 23rd April when submissions were required in by Council. This area is residential.</p> <p>I am very hopeful that you will support me and other neighbours and not let this dangerous precedent be permitted in a residential area. I am sure you would also be aware there is a Heritage home a few houses away and thus makes this application for a cold storage facility very distasteful to residents that have bought in an area for peace and quiet and which is strictly zoned residential. There is abundant space at the place of business for this cold storage facility and where it should be situated and not impinge on the residents of Newcastle Street.</p>	<p>whether heritage listed or otherwise.</p> <p>There is currently no safe space available at the premises on Avon Terrace to enable the facility to be erected there.</p>
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Annexure D



LJ's as at 31/12/2010 5.45pm Glebe Street View
PROPOSED CHANGES

- A- Blue paint to be changed to classic cream or white.
- B- Chipped cream paint to be repainted to match above choice, with downpipes and verandah supports to match. Window sills to be Heritage Green
- C- Large Glebe street window to have signage max 300mm high (from base of window frame) & 2.75m long (length of window.) Background of signage to be heritage green with classic cream writing – “Terrace Fruit, Veg and Cafe.” Refer to Annexure A
- D- Room Air con to be removed. Hole to be patched and split system reverse cycle airconditioner condenser unit to be mounted on brackets in its place under eaves or on above verandah.

** please refer to annexure E for drawings of proposed changes to existing interior

LJ's as at 31/12/2010 5.45pm Cur Glebe Street
and Avon Terrace Veiw (from Gallileo)
PROPOSED CHANGES CONTINUED



E- Corner window to display temporary sign
“Terrace Fruit and Veg opening soon”. In either
classic Cream writing on Heritage green back-
ground OR Heritage Green writing on Classic
Cream background with Heritage Green border
both to have Carrot symbol included.
Signage to be painted full length of main window.
Refer to Annexure B1.
Once store is opened,
signage to be replaced with “Terrace Fruit, Veg
and Cafe open 7 days - Phone: (TBA) in either
of the above colour combinations. Refer to
Annexure B2.

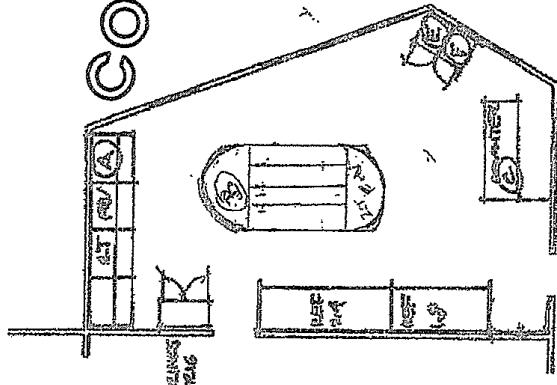
ANNEXURES C and D



Proposed FAV

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COPY



Rock Falls SK 19/10
1945 1946.

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ANNEXURE E

EXCELSIOR

DIALECT

STORE ROOM 

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ANNEXURE E

EXCELSIOR

DIALECT

3/4 partition
will to
store room.

THE KENNEDYS.

wood

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LJ's as at 31/1/2010 5.45pm Avon Terrace View
PROPOSED CHANGES CONTINUED

F- LJ's Cafe signage to be removed and replaced with signage max 300mm x 2500mm. Heritage green background with Classic Cream writing "Terrace Fruit and Veg"
 Refer to Annexure C.

G- Both doors currently powder coated blue, propose to powder coat Heritage Green.

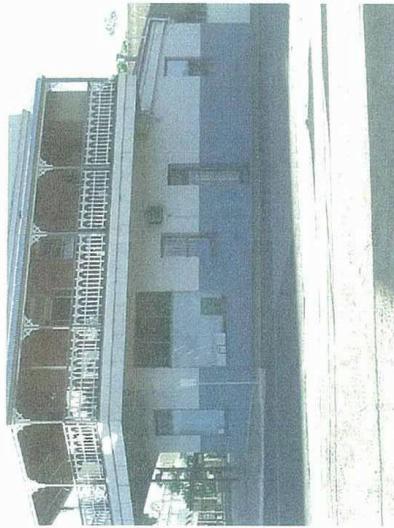
H- Small removable ramp to be built to enable elderly to exist F & V Shop safely and basket trolleys are able to be wheeled out of the store with ease if required. Ramp to be removed when store is not open. Alternatively bricks to be modified so that ramp can slope down to path level from store floor level within the entrance area.

I- Removal of existing LJ's Cafe sticker and replaced with permanent signage Max 300mm x 2800mm. "Terrace Cafe" Heritage green background with Classic Cream writing.
 Refer to Annexure D

J- Room Air conditioner to be removed from above doorway and hole patched.

K- Safety rails to be sanded and repainted black, heritage green or classic cream if the responsibility lies on Cafe owner.

ANNEXURE A

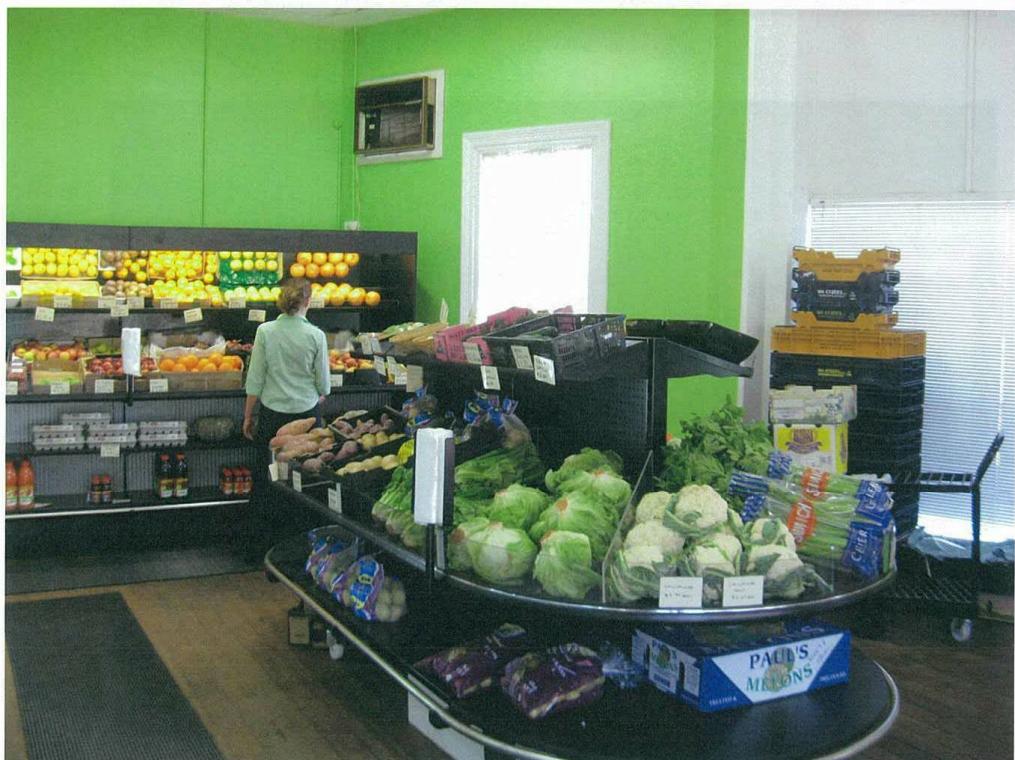


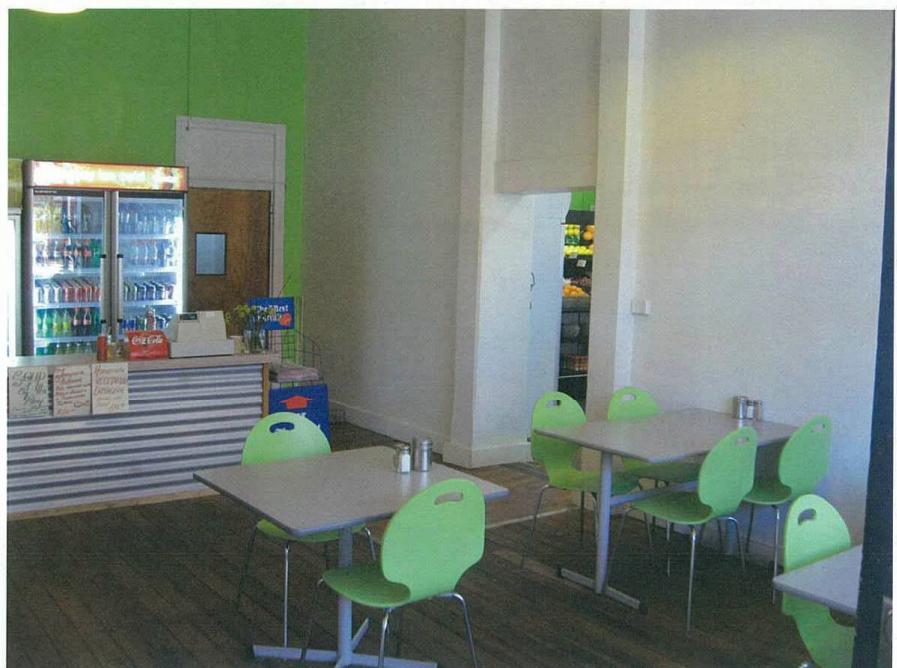
Terrace Fruit, Veg and Cafe

ANNEXURE B1 and B2



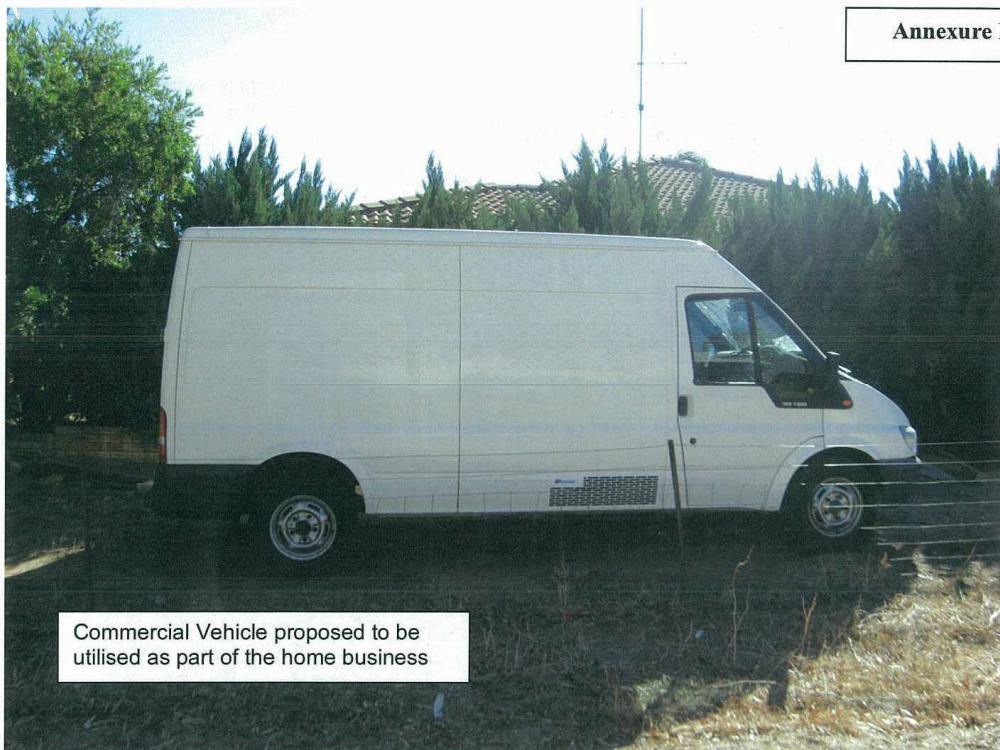
Annexure E







Annexure F



9.2 Administration Reports

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.1 Emergency Recovery Coordinator

FILE NO:	RS.FES.5
COUNCIL DATE:	17 May 2010
REPORT DATE:	16 April 2010
LOCATION/ADDRESS:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Emergency Management Act 2005 – Part 3

Summary:

Each local government is required to appoint a Recovery Coordinator as the lead person for dealing with the recovery process in a declared emergency such as fire, flood, earthquake, pandemics etc.

Background:

Consultation:

FESA.

Statutory Environment:

Emergency Management Act 2005 sections 36 and 41, as per the below:

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

41. Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements (***local emergency management arrangements***) for emergency management in the local government's district are prepared.
- (2) The local emergency management arrangements are to set out —
 - (a) the local government's policies for emergency management;
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);
 - (d) a description of emergencies that are likely to occur in the local government district;
 - (e) strategies and priorities for emergency management in the local government district;
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and

- (g) other matters about emergency management in the local government district the local government considers appropriate.
- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

Policy Implications:

Nil.

Financial Implications:

Nil at this stage.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable.

Triple bottom Line Assessment:

Economic Implications:

Any declared local emergency will have an economic impact on local and regional communities and the detrimental impacts need to be minimised.

Social Implications:

Community members may be severely impacted in any declared emergency and the placement of a dedicated coordinator provides a contact and coordinator point to benefit residents.

Environmental Implications:

The Recovery Coordinator will take into account and coordinate services on environmental damage.

Comment:

In all major disasters the role of the Recovery Coordinator is crucial as this role is needed long after the disaster event has finished.

The Toodyay and Victorian fires, the Beaconsfield mine, Queensland floods and other recent declared emergencies have highlighted the need for and value of this coordinator role.

**RESOLUTION
030510**

Moved: Cr Boyle

Seconded: Cr Randell

“That Council:

***Through the provisions of Section 41 (4) of the Emergency Management Act 2005,
designate and authorise the following Local Recovery Coordinator positions:***

Primary Local Recovery Coordinator – Shire President.

Deputy Local Recovery Coordinator – Deputy Shire President.

Local Recovery Coordinator – Chief Executive Officer.

Local Recovery Coordinator – Deputy Chief Executive Officer.

Advice Note:

***The appointment of deputies is considered appropriate to ensure availability during and
after an event.”***

CARRIED (5/0)

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.2 Policy – Gates Across Road Reserves

FILE NO:	OR.CMA.4
COUNCIL DATE:	17 May 2010
REPORT DATE:	6 May 2010
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tyhscha Cochrane, A/DCEO
DISCLOSURE OF INTEREST:	Cr Brian Lawrence
APPENDICES:	Appendix A – Draft Policy
DOCUMENTS TABLED:	Nil

Summary:

To develop a policy that states that gates will no longer be allowed across road reserves and that landowners will be required to fence properties or use other forms of stock control eg. grids and be fully responsible for installation and maintenance costs.

Background:

Currently only one approval is in place to Council's knowledge, however no licence fees have been paid after the 2006/07 financial year, the details are provided below:

"That Council advise Mr and Mrs Ladner that a gate licence can be issued in accordance with the plans attached and labelled 'Appendix A' subject to the following:

1. *A licence being issued for a two (2) year period or until the Local Planning Strategy and review of the Town Planning Scheme and the Local Rural Strategy is formalised and adopted and any relevant fees associated with a gate licence being paid prior to issuance;*
2. *If the gate is to be padlocked the local fire brigade and the fire control officers are to be provided with a key to access for fire fighting purposes; and*
3. *The gate is required to be maintained in a good working order, at the licensee's cost."*

Helena Road – gate licences have been paid in the past, however no record of approval can be located at this time.

Roads identified with gates that are currently across road reserves are Myannara, Caljie and Helena Road.

Consultation:

Landowners - Helena Road.

Councillors – Forward Planning Meeting held on the 19th April 2010.

Statutory Environment:

The Local Government Act and Local Government (Uniform Provisions) Regulations provides guidance in regards to this issue.

Permission to have gate across public thoroughfare – Schedule 9.1 cl 5(1).

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.

- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.
- (3) Permission granted by the local government under this regulation is required to specify the period for which it is granted and may be renewed from time to time.
- (4) The local government may impose such conditions as it thinks fit on the construction, placement and maintenance of the gate or other device across the public thoroughfare and may, when renewing the permission or at any other time, vary any condition.
- (5) The local government may at any time withdraw permission granted under this regulation and request the person responsible for the gate or other device to remove it within a time specified in the request.
- (6) A person to whom a request is made under subregulation (5) commits an offence if the person fails to comply with the request.
- (7) The penalty for an offence under subregulation (6) is \$1 000.
- (8) A local government is required to keep a register of gates and other devices constructed under this regulation.

(Note: Subregulation (6) is of a kind prescribed in Schedule 3.1 Division 2, Item 1A. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender).

- 10. Gate across thoroughfare not to be left open – Schedule 9.1 cl 5(2)
 - (1) A person who leaves open a gate registered under regulation 9(8) commits an offence.
 - (2) The penalty for an offence against subregulation (1) is \$1 000.
- 5. Gates across public thoroughfares - Schedule 9.1
 - (1) Regulations may be made under which a local government may authorize a person to have across a public thoroughfare that is under its control or management a gate or other device that enables motor traffic to pass and prevents the straying of livestock.
 - (2) Regulations may include provisions for ensuring that a gate that has been placed across a public thoroughfare with the authority of a local government is not left open.

Policy Implications:

To be developed.

Financial Implications:

Not applicable.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable at this time.

Triple bottom Line Assessment:

Economic Implications:

There will be an economic impact for those that do not have fencing or grids in place.

Social Implications:

There may be some social implications arise from the refusal of any gates across road reserves.

There appears to be some conflict in regards to having gate licences on road reserves, however this policy should alleviate these concerns.

Environmental Implications:

No environmental implications at this time.

Comment:

A complaint has been received regarding gates across Helena Road, which has instigated Council's investigation into gates across road reserves in the Shire of York.

Whilst sections of the Regulations provide guidance in regards to this issue and allow Council to consider gates or devices that prevents livestock from straying Council has discussed the issue in depth and have determined that the best way to move forward is to adopt a Policy.

It may be more appropriate to have a grid of some sort to stop stock from straying however the most suitable option in these times of litigation is to fence the stock. If Council considers an application for anything other than a gate it should ensure that all maintenance and insurances are in place to ensure no liability to the Council.

Policies are designed to show the Council's position on a particular matter so that decisions can be made in a consistent manner.

Cr Lawrance declared a Financial Interest in this item, and left the room at 3.16pm.

**RESOLUTION
040510**

Moved: Cr Boyle

Seconded: Cr Scott

"That Council advertises the draft Policy relating to Gates Across Road Reserves as per Appendix A for a minimum of 28 days.

Advice Note:

Notification will be provided to landowners identified through this process."

CARRIED (4/0)

Cr Lawrance returned at 3.21pm.

Policy

Gates Across Road Reserves

Objective:

To ensure that decisions are made in a consistent manner and that no approvals are granted for a gate/s across any road reserve or public thoroughfare in the Shire of York.

Policy:

That the Council does not support and shall not issue an approval for a gate licence across a road reserve or public thoroughfare.

Council may consider the use of other devices eg. grid to control straying stock.

History:

Adoption:

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.3 Fire Control Officers – Minutes of 20th April 2010

FILE NO:	RS.BFC.1
COUNCIL DATE:	17 May 2010
REPORT DATE:	12 May 2010
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Fire Control Officers' Meeting
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tyhscha Cochrane, A/DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Minutes
DOCUMENTS TABLED:	Nil

Summary:

That Council endorses the recommendations from the Fire Control Officers meeting held on the 20th April 2010.

Background:

At a meeting held with Peter Boyle and Councillors at a Forward Planning Meeting it was determined that the Minutes and recommendations are provided to Council for consideration.

The Chief Executive Officer has provided the following memorandum to the Ranger, Project Officer and the Acting Deputy Chief Executive Officer for action on the 7th May 2010:

"As per the FCO's meeting in April a meeting needs to be arranged with Richard Boulbee, Justin Corrigan, Warwick MacGregor to review the current systems and requirements which penalise small lot owners.

Need to hold the meeting by 31st May, 2010 so any changes can be referred to Brigades, FESA, etc for comment in June, adoption by Council in July and include in 10/11 fire notices to go out with rates.

Please arrange a suitable date and time and give all involved a copy of the current arrangements to make suggested changes."

Consultation:

Fire Control Officers;
Mark Bowen – FESA;
Council Staff; and
Councillors.

Statutory Environment:

Bush Fire Act 1954.

Policy Implications:

Not applicable.

Financial Implications:

Expenditure has been identified through the Minutes and expenditure will occur within budget allocations.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Not applicable.

Social Implications:

Decisions by a well informed group will give the community confidence.

Environmental Implications:

Environmental implications to be dealt with by a strategic approach to issues raised.

Comment:

That the Minutes of the Fire Control Officers' meeting and its recommendations be received and acted upon.

**RESOLUTION
050510**

Moved: Cr Randell

Seconded: Cr Scott

“That Council endorse the recommendations, as detailed in the Minutes labelled “Appendix A” of the Fire Control Officers’ Meeting held on the 20th April 2010.

Advice Note:

Meetings with relevant persons to be held to instigate the review to the current systems and requirements which penalise small lot owners.”

CARRIED (5/0)

Cr Hooper expressed his appreciation and congratulations to Peter Boyle, for his service as the Chief Fire Brigade Officer for many years. He has done a great job. Councillors will be recognising Peter Boyle’s service through a function to be arranged.

SHIRE OF YORK
BUSH FIRES ADVISORY COMMITTEE
AS AUTHORISED BUSH FIRE ACT 1954

APPENDIX
"A"
9.2.3

1. ATTENDANCE

Peter Boyle
Terry Davies
Richard Boulbee
Andrew Boulbee
Simon Penny
Jeremy Marwick
Simon Penny
Timothy Springbett
Bruce Gentle
Wayne Collins
David Emin
Glenn Davies
Vin Green
Warrick McGregor
Justin Corrigan
Peter Reynolds
Cr Roy Scott
Mark Bowen
Ray Hooper
Simon Patterson
Tyhscha Cochrane

APOLOGIES

Dennis Leulf
Brian Lawrence
Paul Jenkinson
Kevin Pollack - DEC

2. MINUTES OF PREVIOUS MEETING HELD ON 7 OCTOBER 2009

Corrections

The motion regarding trailers to add 'reasonable sized transfer pumps for west and east' so that the recommendation to Council reads:

"That an application for two (2) reasonable sized transfer pumps be instigated for the west and east side of York."

Confirmation

Moved: Richard Boulbee Seconded: Dave Emin

That the minutes of the meeting held on the 7th October 2009 be changed to reflect the corrections, and be confirmed as a correct record of proceedings.

Carried

3. BUSINESS ARISING

Business Arising from Previous Meeting

- Restricted (permits) 15 October – 30 November
- Prohibited 1 December – 14 February
- Restricted (permits) 15 February – 14 April

Under the Act there is the ability to bring forward up to 14 days.

Make standard across all areas of the Shire of York. Shire to send letter to FESA to have new dates gazetted.

Everyone was in agreement.

- Firebreaks
Suggestion put forward of 3 metres – no change to remain at 2.1 metres.
- Un-named Roads
Staff to prepare a report with costings.
Mark to provide map details to Tyhscha to provide to Brigades.

Peter Boyle spoke: Vin Green was absolutely fantastic, even though he's retired. Before him was Peter Brown, Mike Scott and Angela Plachota all very supportive. All brigades are going great.

Waiting on advice from FESA about index. The answer is yes the State standard is to be applied and enforced.

Failed in Mt Brown, York Estates, St Ronan's Well firebreaks, Roads in the Water Catchment area and Firebreak inspections.

A go to person is very good and having Tyhscha in her new role is beneficial.

Shire has been pretty good. A group of people to get together and get FESA and DEC to look at Mt Bakewell, as it is still not done.

3.1 Election of Office Bearers

Mark Bowen took the position of Chairperson for the election of office bearers.

A Chief Bush Fire Control Officer (CBFCO) is required under the Act and as such when the first round of elections did not result in a CBFCO the election of office bearers preceded with the intent of revisiting the positions that remained vacant.

A request was put forward to elect a chairperson for meetings.

Richard Boulbtee.

Richard Boulbbee accepted.

Carried

Mark Bowen advised that a Chief Bush Fire Control Officer (CBFCO) is required under the Act. When the process was held again the Deputy became the CBFCO and the following officer bearers nominated:

3.1.1 CBFCO

Moved: Glen Davies Seconded: Warrick McGregor

That Terry Davies be nominated.

Terry Davies accepted on the fact that he would have Peter Boyle's knowledge and assistance.

Carried

3.1.2 DBFCO

It was recommended that the DCBFCO would be Wayne Collins with the assistance of Bruce Gentle.

Carried

3.1.3 Weather – East

Moved: Peter Boyle Seconded: Vin Green

Tim Springbett

Paul Jenkinson

John Hewett

The above to all be included as Weather Officers in the East.

Carried

3.1.4 Weather – West

Moved: David Emin Seconded: Wayne Collins

Glenn Davies

Carried

Richard Boulbee took up the position of Chairperson.

3.1.5 Congratulations

Congratulations to Peter Boyle on a great effort. He showed patience and great public relations so congratulations for a job well done.

4. REPORTS

4.1 Training – Calender and Issues.

Mark provided copies to Brigades and Members. Richard advised that Mark can organise training on request.

4.2 Un-named Roads – DEC Reserves

Dealt with under General Business.

4.3 Restricted Burning Times

Dealt with under General Business.

4.4 Firebreaks – Change date from 25 October to 11 November

Agreement from VES, Fire and Rescue and Shire, Peter Reynolds, Justin Corrigan, Richard Boulbee and Warrick McGregor.

Check the Fire Prevention Local Law and provide a copy to all members.

4.5 Location of Infrastructure Policy

Malebelling Shed – problems with Ravensthorpe – FESA will not allow infrastructure to be developed on private land.

Quellington Hall is no good, no power or water.

4.6 Construction of Infrastructure – Malebelling

If delays experienced this will not delay getting truck for Malebelling.

4.7 SMS

Vin Green system is good.

Information to be provided to Tyhscha.

Mapping to show areas to be provided. Mark to provide information after meeting.

4.8 000 Agreement

The 000 agreement will be changed to reflect that SMS from the FESA COMSEN will be used as the first call to brigades on any 000 call received by FESA, this will be followed by calls to the CBFCC or Ranger if the COMCEN do not receive an acknowledgement within three minutes from the brigade called by the SMS system.

SMS – 1st call. 3 minutes and then go to the back up system of 000 Agreement.

Saturday – Vin Green on leave.

Vin Green is used for Harvest Bans.

Phone 000 – this creates a fire report.

DEC under legislation needs to notify FESA of all fires that they have and provide updates.

4.9 Grant – ESL

Application lodged to FESA.

Lotterywest grants available – Richard has forms.

The pumps that David Emin put into the ESL grant are priced better than the trailer mounted option.

4.10 ESL Funds Available – Purchase Pallet foam etc.

A different coloured flashing light. Need to check Standards eg. red light and foam to be provided to brigades through this financial years budget.

Include on the distribution list the Ground Controllers.

Radios – new repeaters going in – advertise for installers – go through and replace through the FESA radio program.

Greenhills Shed – FESA and Shire 50% materials.

5. OTHER

Chandos Road need to investigate options.

Jeremy Marwick – New Radios from FESA - Don't have a problem with UHF. The radios will come out with both types.

Keys to Communication Hut to be provided to Mark Bowen - Fire and Emergency Services, Matthew Sharpe - Shire of York - Ranger, Shire – Administration Office.

Ranger vehicles to be considered each year – will not lock in ratepayers money. Standard needs to be determined for community needs.

Welcome Sgt Steve Evans to York. Steve has been in the bush most of his time. Here to support each one of us.

Introduced Roy Scott and Simon Patterson – thank you for coming.

Thanked Mark Bowen for coming.

Terry Davies queried whether anyone was interested in a desktop exercise after seeding. Give Mark Bowen a few dates and he can organise the training session.

6. QUESTIONS

Nil.

7. NEXT MEETING

Meeting to be organised for after the 15th September 2010.

8. CLOSURE

The meeting was closed at 8.50pm.

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Road Programmes

FILE NO:	OR.CMA.4
COUNCIL DATE:	20 May 2010
REPORT DATE:	10 May 2010
LOCATION/ADDRESS:	Shire of York
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Ray Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Road Programmes 2010/11, 2011/12 & 2012/13
DOCUMENTS TABLED:	Nil

Summary:

This 3 year road programme is submitted for adoption by Council and inclusion in 2010/11 budget and the plan for the future.

Background:

The Shire of York has utilised an annual and a 10 year road programme system since 2005 to provide structure and continuity to the road network and to provide an appropriate level of asset management.

Consultation:

Councillors and staff

Statutory Environment:

Local Government Finance Regulations

Policy Implications:

Not Applicable

Financial Implications:

The Road programme submitted is in line with expenditure projections in the 2008/09 – 2011/12 plan for the future and it is based on previous year levels of expenditure and revenue.

Strategic Implications:

The 10 Year Roads and Works Program is linked with the Strategic Planning of the Shire of York.

Key Result Area 8 – Resource Management is linked to this report:

“To provide services in the most cost effective way.

To ensure the financial viability of council.”

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: All roads listed have been inspected

Triple bottom Line Assessment:

Economic Implications:

A viable and functional transport network is integral to the local and regional economics

Social Implications:

A safe, reasonable standard road and street system is vital for rural residents for employment, health, education, recreation and social functions.

Environmental Implications:

Any works undertaken through the works programmes will comply with the relevant environmental legislation such as the clearing of Native Vegetation Regulations.

Comment:

The first component of the 2010/11 Programme is the presentation of 2009/10 construction works by final sealing.

The extension of seal has been targeted at feeder and distribution roads with the highest traffic volumes.

On extraordinary allocation in 2010/11 is \$200,000 for upgrading of the York-Williams Road in a reciprocal arrangement in 2009/10 by the Shire of Beverley. Application has been made for these funds to come from Royalties for Regions funds and if this occurs the \$200,000 will be re-allocated to local roads.

Grain freight funding may allow some regional road funding to be re-allocated to approved projects.

The approved regional roads in the Shire of York are:

- York-Tammin (Goldfields) Road
- Spencers Brook Road
- Top Beverley Road
- Quellington Road
- Talbot West Road

Council contributes approximately 40% of the road programme from municipal funds with the balance primarily being grants.

From 2011/12 all local governments will focus more on asset management and presentation in the interests of sustainability and capital works (new seals, etc) may be replaced by presentation such as gravel sheeting, re-seals, re-formation and stabilisation to protect and enhance what already exists rather than create new assets requiring higher levels of maintenance.

Community expectations of a sealed surface to the front gate cannot be met under the current economic circumstances as even maintaining what we have has a \$500,000 renewal gap.

From an asset presentation perspective the plan submitted can be supported and it does allow for some growth on sealed roads.

**RESOLUTION
060510**

Moved: Cr Boyle

Seconded: Cr Lawrance

“That Council:

- (1) Adopt the 2010/11 Works Programme for inclusion in the 2010/11 budget***
- (2) Endorse the 2011/12 and 2012/13 Works Programme for inclusion in a 10 year Works Programme and the Plan for the Future.”***

CARRIED (5/0)

**Shire of York
2010 / 11 Works Programme**

**Item 9.2.4
Appendix A**

<u>Road</u>	<u>Detail</u>	<u>Budget</u>
Roads to Recovery		
West Talbot	Final seal 7kms primer sealer in 2009/10 (SLK to)	\$150,000
West Talbot	Clear, gravel and seal final 2kms (SLK to)	\$130,000
		\$280,000
Regional Roads		
York – Tammin	Final seal and reseal of widening work in 2009/10 (SLK to)	\$203,300
York – Tammin	Clearing, drainage, widen seal to 7 metres (SLK to)	\$168,670
		\$371,970
Blackspot (State)		
York – Tammin Road	Separation lines and guide posts	\$12,800
Spencers Brook Road	Drainage, visibility, delineation, kerbing and signage (Bland and Eighth Road intersections).	\$33,700
Spencers Brook	Centre lines, reflectors, leadwall, sight lines, signage and guideposts (Ninth Road)	\$29,800
		\$76,300
Development Projects		
Subdivision Roads	Subject to Developments	\$60,000
		\$60,000
Townsite Projects		
Various Streets	Reseals, reconstruction, kerbing and drainage	\$100,000
Kauring	Gravel sheeting	\$15,000
Greenhills	Footpaths, drainage, shoulders	\$20,000
York	Footpaths (municipal)	\$50,000
York	York Estate	\$46,000
York	Footpaths and Developers	\$30,000
		\$261,000
Royalties for Regions		
Shire of Beverley	Contribution to York – Williams Road Note: Reaprcal arrangement for 09/10)	\$200,000
		\$200,000
Municipal Fund (Capital)		
Avon Terrace	Streetscape (Macartney to Ford Streets)	\$150,000
Ashworth	Final Seal	\$16,567
Greenhills South	Final Seal	\$16,000
Gwambygine East	Final Seal	\$16,000
Ashworth	Clear, gravel, drain and seal	\$73,000
Mackie	Clear, re-form and gravel	\$60,000
Town Streets	Extend Street lighting	\$15,000

Greenhills South	Extend Seal	\$60,000
Mannavale	Shoulder upgrade, clearing, drainage	\$50,000
Mokane	Extend Seal	\$50,000
York Townsite	Car parking	\$60,000
		<u>\$566,567</u>

**Municipal Fund
(Maintenance)**

Various Roads	Bridge maintenance as per MRWA Reports	\$20,000
Various Roads	Weed Control	\$20,000
Various Roads	General Road Maintenance	\$600,000
Various Roads	Verge Clearing	\$70,000
Town Streets	Street Lighting	\$45,000
Signage	Street and Road Signs	\$10,000
Various Roads	Road Safety Audits	\$10,000
		<u>\$775,000</u>

Note: Unfinished works in 2009/10 budget not brought forward to this programme as there is subject to end of year balances.

Any expenditure carried forward will be met from the end of year surplus.

SUMMARY

Expenditure

Roads to Recovery	\$280,000
Regional Roads	\$371,970
Blackspot Projects	\$76,300
Townsites	\$261,000
Development Projects	\$60,000
Royalties for Regions	\$200,000
Bridges – Capital	–
Municipal Funds – Capital	\$566,567
Municipal Funds – Maintenance	\$775,000
	<u>\$2,590,837</u>

Revenue

Roads to Recovery – Direct Tied Grant	\$280,000
MRWA – Direct Grant	\$89,000
MRWA – Regional Roads	\$247,980
MRWA – Blackspot	\$50,867
MRWA – Bridges	–
MRWA – Street Light Subsidy	\$3,000
MRWA – Flood Damage	–
Royalties for Regions – Regional Grant	\$200,000
Royalties for Regions – Local Government Grant	–
Grants Commission – Road Grant	\$520,000
Community Infrastructure – RLCP Grant	–
Tied Funds, Reserves and Trust (Carparks)	\$60,000
Reserve Funds	\$46,000
Developer Contributions – Roads and Street	\$30,000
Developer Contributions – Footpaths	\$20,000
Developer Contributions – Developments	\$30,000
Municipal funds – 2010/11	\$1,013,990
	<u>\$2,590,837</u>

**Costing Summary
WORKS PROGRAMME 2010/11**

	<u>Wages</u>	<u>O/H/Head</u>	<u>Op Costs</u>	<u>Depreciation</u>	<u>Contractors and Materials</u>	<u>TOTAL</u>
Roads to Recovery	\$32,000	\$32,000	\$32,000	\$14,000	\$170,000	<u>\$280,000</u>
Regional Roads	\$63,990	\$63,990	\$63,990	\$20,000	\$160,000	<u>\$371,970</u>
Blackspot	\$19,000	\$19,000	\$19,000	\$7,000	\$12,300	<u>\$76,300</u>
Developments	\$15,000	\$15,000	\$15,000	\$3,000	\$12,000	<u>\$60,000</u>
Townsites	\$40,000	\$40,000	\$40,000	\$10,000	\$131,000	<u>\$261,000</u>
Royalties for Regions	—	—	—	—	\$200,000	<u>\$200,000</u>
Municipal – Maintenance	\$200,000	\$200,000	\$200,000	\$100,000	\$75,000	<u>\$775,000</u>
Municipal – Construction	\$112,000	\$112,000	\$112,000	\$54,000	\$176,567	<u>\$566,567</u>
	\$481,990	\$481,990	\$481,990	\$208,000	\$936,867	\$2,590,837

DRAFT**Shire of York
2011 / 12 Works Programme**

<u>Road</u>	<u>Detail</u>	<u>Budget</u>
<u>Roads to Recovery</u>		
West Talbot	Final seal 2 kms primer sealed in 2010/11 (SLK to)	\$60,000
Mokine Road	Gravel and primer seal (SLK to)	\$120,000
Greenhills	Re-seal (SLK to)	\$100,000
		<u>\$280,000</u>
<u>Regional Roads</u>		
York – Tammin	Final seals and re-seal of widening work in 2010/11 (SLK to)	
York – Tammin	Clearing, drainage, widen seal to 7 metres (SLK to)	
		<u>\$330,000</u>
<u>Blackspot (State)</u>		
Projects not approved at this stage	Contingency allocation to include local government contribution	\$90,000
		<u>\$90,000</u>
<u>Development Projects</u>		
Subdivision Roads	Subject to developments	\$60,000
		<u>\$60,000</u>
<u>Townsite Projects</u>		
Greenhills	Kerbing and drainage	\$15,000
Kauring	Minor works e.g. signs	\$7,000
York	Footpaths (Municipal)	\$100,000
York	Reseals, construction, kerbing and drainage	\$150,000
York	Footpaths – Developers	\$30,000
		<u>\$302,000</u>
<u>Municipal Fund (Capital)</u>		
Ashworth	Final Seal (10/11 work)	\$20,000
Greenhills South	Final Seal (10/11 work)	\$20,000
Mokine	Final Seal (10/11 work)	\$12,000
Greenhills South	Extend Seal	\$51,000
Avon Terrace	Streetscape (Henrietta to Ford)	\$140,000
Ashworth	Extend seal	\$70,000
Quellington	Widen Seal (Northam – Cranbrook to Sees)	\$90,000
Spencers Brook	Reseal	\$54,000
Qualen West	Reseal and shoulder upgrade	\$54,000
		<u>\$511,000</u>

**Municipal Fund
(Maintenance)**

Various Roads	Bridge maintenance as per MRWA Reports	\$25,000
Various Roads	Weed Control	\$25,000
Various Roads	Verge Clearing	\$75,000
Various Roads	General Maintenance	\$600,000
York Townsite	Street Lights	\$48,000
Signage	Street road and advisory	\$15,000
Carparks	Maintenance	\$12,000
		\$800,000

SUMMARY

Expenditure

Roads to Recovery	\$280,000
Regional Roads	\$330,000
Blackspot Projects	\$90,000
Townsites	\$302,000
Development Projects	\$60,000
Royalties for Regions	—
Budget – Capital	—
Municipal – Capital	\$511,000
Municipal – Maintenance	\$800,000
	\$2,373,000

Revenue

Roads to Recovery – Direct Tied Grant	\$280,000
MRWA – Direct Grant	\$90,000
MRWA – Regional Roads	\$220,000
MRWA – Blackspot	\$60,000
MRWA – Bridges	—
MRWA – Streetlight Subsidy	\$3,000
MRWA – Flood Damage	—
Royalties for Regions – Regional Grant	—
Royalties for Regions – Local Government Grant	—
Grants Commission – Road Grant	\$540,000
Community Infrastructure – RLCIP Grant	—
Tied Funds – Trust, Reserve	—
Reserve Funds – Developers	—
Developer Contributions – Roads and Streets	\$30,000
Developer Contributions – Footpaths	\$20,000
Developer Contributions – Developments	\$30,000
Municipal Funds – 2011/12	\$1,100,000
	\$2,373,000

DRAFT
Shire of York
2012 / 13 Works Programme

<u>Road</u>	<u>Detail</u>	<u>Budget</u>
<u>Roads to Recovery</u>		
Mokane	Final seal 2011/12 work (SLK to)	\$50,000
Top Beverley	Shoulder upgrade (SLK to)	\$70,000
Greenhills South	Extend Seal to Shire of Beverley boundary (SLK to)	\$120,000
Talbot	Shoulder upgrade (SLK to)	\$60,000
		<u>\$300,000</u>
<u>Regional Roads</u>		
York – Tammin	Final seal of 2011/12 widening (SLK to)	
York – Tammin	Clearing, drainage, widen seal to 7m (SLK to)	<u>\$360,000</u>
<u>Blackspot (State)</u>		
Projects not approved at this stage	Contingency allocation to include local government allocation	\$90,000
		<u>\$90,000</u>
<u>Development Projects</u>		
Subdivision Roads	Subject to developments	\$60,000
		<u>\$60,000</u>
<u>Townsite Projects</u>		
York	Footpaths (Municipal)	\$100,000
York	Footpaths (Developers)	\$30,000
York	Reseals, reconstruction, kerbing and drainage	\$150,000
		<u>\$280,000</u>
<u>Municipal Funds (Capital)</u>		
Quellington	Final seal of 2011/12 work and reseal	\$60,000
Ashworth	Final seal of 2011/12 work and reseal	\$20,000
Greenhills South	Final seal of 2011/12 work and reseal	\$30,000
Doodenanning	Gravel sheet and drainage	\$50,000
Mannavale	Shoulder upgrade and reseal	\$70,000
Wambyn	Clear, drain, gravel	\$60,000
Avon Terrace	Kerb, drain, and reseal (Ford to Sixth)	\$114,000
Various Roads	Gravel sheet, drainage	\$100,000
		<u>\$504,000</u>

Municipal Funds
(Maintenance)

Various Roads	Bridge maintenance as per MRWA reports	\$25,000
Various Roads	Weed Control	\$25,000
Various Roads	Verge clearing	\$60,000
Various Roads	General Maintenance	\$650,000
York Townsite	Street Lights	\$50,000
Signage	Street, Road and advisory	\$10,000
Carparks	Maintenance	\$10,000
		<u>\$830,000</u>

SUMMARY

Expenditure

Roads to Recovery	\$300,000
Regional Roads	\$360,000
Blackspot	\$90,000
Townsites	\$280,000
Development Projects	\$60,000
Royalties for Regions	–
Bridges (Capital)	–
Municipal – Capital	\$504,000
Municipal – Maintenance	\$830,000
	<u>\$2,424,000</u>

Revenue

Roads to Recovery – Direct Tied Grant	\$300,000
MRWA – Direct Grant	\$90,000
MRWA – Regional Roads	\$240,000
MRWA – Blackspot	\$60,000
MRWA – Bridges	–
MRWA – Street Light Subsidy	\$4,000
MRWA – Flood Damage	–
Royalties for Regions – Regional Grant	–
Royalties for Regions – Local Government Grant	–
Grants Commission – Roads Grant	\$550,000
Community Infrastructure – RLCIP Grant	–
Tied Funds – Trust, Reserve	–
Reserve Funds – Developers	–
Developer Contributions – Roads and Streets	\$30,000
Developer Contributions – Footpaths	\$20,000
Developer Contributions – Developments	\$30,000
Municipal Funds – 20/2/13	\$1,100,000
	<u>\$2,424,000</u>

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.5 Purchase of Lawn Mower for Forrest Oval Mowing

FILE NO:

COUNCIL DATE:	17 May 2010
REPORT DATE:	11 May 2010
LOCATION/ADDRESS:	Nil
APPLICANT:	Shire of York
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Simon Patterson, Shire Engineer
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

After the recent Forrest Oval reconstruction, Council hired contractors to supply a lawn mower and mow the new turf at a cost of \$350 per cut. This arrangement ceased during April 2010 after which Council used its existing park ride-on lawn mower.

When they commenced mowing of the oval in April 2010, Council staff observed that the grass surface was somewhat uneven. Some sand top dressing was undertaken however Council's slasher-style park lawn mower was unable to cut to a sufficiently low or consistent level to remove the uneven patches of grass across the oval.

Council subsequently hired a drum-style lawn mower at a cost of \$350 per week that was able to remove the unevenness within the surface and maintain a low, even surface.

Council has now been offered to purchase the drum-style hire mower to enable it to continue to mow Forrest Oval to maintain its existing condition.

Background:

Council currently uses a Gianni Ferrari ride-on slasher-style lawn mower on its parks which has also been used recently on Forrest Oval. The hockey pitch turf is mowed with a much smaller MEY single drum-style lawn mower which enables the hockey pitch turf to be maintained at a very low height.

The ride-on drum-style lawn mower that Council has recently hired for Forrest Oval is a 2009 John Deere 7700 with 128 hours previous usage. The hire company has offered this mower to Council for sale at \$39,990 (incl GST), less the value of all hire costs previously expended by Council on this mower. The John Deere agent in Western Australia has confirmed that existing John Deere warranties will be honoured.

The John Deere 7700 mower includes grass catchers and has been designed to have the cutters easily lowered which may enable it to also mow the hockey pitch. This could then allow Council to sell its small MEY mower.

The offer has been compared with other mowers as follows:-

Model	Year	Cutters	Location	Cost (incl GST)
Toro 6500D	2006	5 x 22"	Nerang, QLD	\$37,950
John Deere 7700	2009	5 x 22"	Belmont, WA	\$39,990
John Deere 7700	2010	5 x 22"	Guildford, WA	\$54,930
Toro Reelmaster 5510	2010	5 x 22"	Belmont, WA	\$69,990

The 2009 John Deere 7700 being offered to Council is in excellent condition and only completed 128 hours use before being hired by the Shire. An equivalent 2009 mower could not be found by Council officers and the closest comparison found within the used mower market was from 2006.

The 2009 John Deere 7700 being offered to Council is recommended as a very good deal as it is in excellent condition yet is almost 30% or more cheaper than a new mower. Similar used mowers can only be found that are 4 years old or older, and 2006 models with similar specifications are only 5% cheaper than the 2009 John Deere 7700.

Given the above comparison, the 2009 John Deere 7700 is recommended as providing excellent value to Council.

Consultation:

N/A

Statutory Environment:

N/A

Policy Implications:

N/A

Financial Implications:

The purchase of a new mower is not included in Council's 2009-10 budget. Purchase of the John Deere 7700 could be undertaken within savings and unspent funds within Council's 2009/10 "Plant Purchase Capital" budget.

Strategic Implications:

N/A

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications: Nil

Social Implications:

Improved maintenance of the turf at Forrest Oval will provide a benefit to all users of the oval.

Environmental Implications:

Improved maintenance of the turf at Forrest Oval will provide an excellent surface which would benefit the environment within the whole Forrest Oval complex.

**RESOLUTION
070510**

Moved: Cr Lawrance

Seconded: Cr Scott

“That Council:

Authorises the purchase of a John Deere 7700 lawn mower from T-Quip Turf Equipment Solutions for \$39,990 (incl GST) minus the costs previously paid to T-Quip Turf Equipment Solutions for lawn mower hire”.

CARRIED (5/0)

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.6 Youth Development Officer's Report

FILE NO:	CS.LCS.6
COUNCIL DATE:	10 May 2010
REPORT DATE:	03 May 2010
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Not Applicable
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Kim Crawford, YDO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The Youth Development Officer is required to give a monthly report of progress, projects and events that young people in York are initiating and participating in.

Background:

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

The YDO held two full YAC meeting and one fund raising sub-committee meeting. The YAC members have made the decision to change the meeting days from the second Monday of the month to the second Tuesday. Some YAC members suggested this change because of work commitments.

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 to a skate board excursion for the Wicked Wednesday Program.

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

The Banner Project is continuing with final design and rough draft nearly complete.

The YDO has attended one Friday night for young people at the local Salvation Army.

The YDO and four young people attended the 3-day WYLD camp at the Girl Guides Camp Grounds. The camp was the final process in the production of the Wheatbelt Youth Magazine with kick off at the end of May. The young people and staff agreed that it was a very worthwhile experience. The campers provided the following feedback at the end of the camp on some of the things that they got out of the camp experience:

- A safe and supportive environment for young people to develop a new set of skills in a fun environment
- Young people were provided with knowledge and techniques relevant to developing leadership skills
- Young people developed greater confidence, self-esteem, self-discipline, self-reliance, respect for themselves and others.
- Young people had the opportunity to promote a social and political awareness of issues, which may affect them as young people.

The YDO and Wheatbelt ACC are currently finalizing an Avon Youth Big Day Out concert with Perth and Wheatbelt bands participating. The venue for the event will be held at the Avon Youth Centre it has all the necessary support facilities for such an event.

The YDO is finishing the final costing for the Youth Centre project.

Consultation:

YAC, Local Youth, Wheatbelt ACC, Northam PCYC, Northam Recreation Centre.

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:

Key Result Area 4: Youth

“To enhance recreational and cultural opportunities for young people.

To involve young people in decision-making and in taking a responsible role in our community.

To develop strategic alliances with other organisations working with young people.”

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:

That this report is received for information purposes.

**RESOLUTION
080510**

Moved: Cr Randell

Seconded: Cr Scott

“That Council:

- 1. supports a Council representative or a designated Councillor to accompany the YDO and York youth on a Wicked Wednesday excursion to get a first hand feel for the young people of York;***
- 2. advertise in the local newspaper for parents to volunteer for youth events; and***
- 3. note the activities and initiatives of the Youth Development Officer and the Youth Advisory Committee.”***

CARRIED (5/0)

9.3 Finance Reports

9. OFFICER'S REPORTS

9.3 FINANCE REPORTS

9.3.1 Town Hall – Waive Fees

FILE NO:

COUNCIL DATE: 17 May 2010
REPORT DATE: 10 May 2010
LOCATION/ADDRESS: Town Hall
APPLICANT: South West Aboriginal Land & Sea Council
SENIOR OFFICER: Ray Hooper, CEO
REPORTING OFFICER: Tyhscha Cochrane, A/DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

This report deals with a request from the South West Aboriginal Land & Sea Council (The Group) for Council to consider granting free use of the Lesser Hall, free of Charge.

Background:

The Deputy Chief Executive Officer granted a subsidised lesser hall hire on the 7th May 2009. The hall hire was reduced from \$275 to \$66.

The Group did not realise that Council had to consider the waiving of fees.

Consultation:

The Group Council provided the following information on the 26 March 2010:

“As discussed, the South West Aboriginal Land & Sea Council is requesting a reduction in the hire fees for a community meeting that is scheduled for 8 April 2010.

We have previously received subsidisation on the hire fees as provided for in the letter dated 4 May 2009.

Your assistance is greatly appreciated.”

Statutory Environment:

Local Government Act 1995 Section 6.12 states:

“Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
 - (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

** Absolute majority required.*
- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”*

Policy Implications:

Nil.

Financial Implications:

The granting of the request will result in amount of \$275.00 being forfeited by Council.

Strategic Implications:

Not applicable.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Inspection of the hall was carried out after the event.

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

Nil.

Social Implications:

Being seen to support the local community indigenous population. The meeting is an information seminar for Indigenous people.

Environmental Implications:

Not applicable.

Comment:

The group paid the hall and key bonds associated with the hire prior to the event. The hall was inspected and the officer could not tell that the group had even used the hall, it was left clean and everything was packed away where it belonged.

From time to time organisations apply to council for free use of the facility where the use is deemed to be of a community benefit. It is recommended that free use of the hall is provided on this occasion.

**RESOLUTION
090510**

Moved: Cr Scott

Seconded: Cr Boyle

“That Council by an absolute majority grants free use of the lesser hall and kitchen to the South West Aboriginal Land & Sea Council for the purpose of conducting an information seminar.

Advice Note:

Advice to be provided to the South West Aboriginal Land & Sea Council that future uses require further time to consider a report to waive or reduce the fees.”

CARRIED (5/0)

9. OFFICER'S REPORTS

9.3 FINANCE REPORTS

9.3.2 Sponsorships and Donations

FILE NO:	FI.DON
COUNCIL DATE:	17 May 2010
REPORT DATE:	10 May 2010
LOCATION/ADDRESS:	Not Applicable
APPLICANT:	Various
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Tyhscha Cochrane, A/DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Schedule of Non-Recurrent Funding Submissions Appendix B – Schedule of Recurrent Contributions
DOCUMENTS TABLED:	Nil

Summary:

Each year Council makes a number of contributions by way of donations to various community groups that operate within the York Shire. Some contributions are for ongoing programs that the Shire contributes to each year and others are for "one-off" or non-recurrent projects. This report makes recommendations to Council for inclusion in the 2010/11 Budget. Note: any decisions made are recommendations to the budget only and Council has the ability to change those recommendations when adopting the budget.

Background:

As part of Council's Annual Budget process, submissions for financial assistance with projects that benefit the community are called for from local community groups and organisations. Those applying provide details about their organisation and the project they are seeking funding for including a budget and quotations for the project and details of any other funding sources. Council also provides funding for other projects on an on-going or recurrent basis. Organisations receiving this type of funding are not required to submit applications however all groups receiving either recurrent or non-recurrent funding are required to provide an acquittal report to Council outlining how the funds were spent and providing copies of receipts where appropriate.

Consultation:

Council staff and various applicants.

Statutory Environment:

Local Government Act 1995.

Policy Implications:

Not applicable.

Financial Implications:

If Council accepts the recommendation as it stands, the total expenditure will be \$58,994.00.

The recurrent contributions changed from 2009/10 to 2010/11 by \$2,450.00 being the inclusion of the York Senior's Mobility Group – Stay on Your Feet Program and York Telecentre – York Business Directory.

Strategic Implications:

Council's support of local community organisations is of strategic importance to the District, as without this support these groups, who in many respects are the backbone of the community, become unviable from a financial perspective.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Local community organisations are a vital component of the local economy, as in many cases they provide the lifestyle type activities that attract individuals, families and businesses to a community, improving the overall diversification and market size of the local economy.

Social Implications:

Local community organisations provide the social framework of any community and without this type of financial support from the Council; many are not able to function effectively.

Environmental Implications:

Not applicable.

Comment:

It is recommended that the York Telecentre and the York Senior's Mobility Group are added to the recurrent funding program.

The recommendations are put forward for Council's consideration.

Council's contribution to projects of \$10,000 or more should be limited to a maximum of one third of the cash component of the project.

OFFICER RECOMMENDATION*"That Council:*

1. *approves the recommendations in the attached "Schedule of Non-Recurrent Funding Submissions" totalling \$25,894 for inclusion in the 2010/2011 draft Municipal Budget.;*
2. *approves the "Schedule of Recurrent Funding Contributions" totalling \$33,100 for inclusion in the 2010/2011 draft Municipal Budget; and*
3. *considers the outstanding sponsorships and donations from the 2009/10 Municipal Budget as at the 30th June 2010 to determine whether these will be carried over to the 2010/11 Municipal Budget."*

AMENDMENT**Moved: Cr Boyle****Seconded: Cr Lawrance**

“subject to a staff report being presented to Council relating to acquittal and public liability insurance of Account Number 111224.”

CARRIED (5/0)**THAT THE AMENDMENT BECOMES THE RESOLUTION****RESOLUTION****100510****Moved: Cr Lawrance****Seconded: Cr Boyle*****“That Council;***

- 1. approves the recommendations in the attached “Schedule of Non-Recurrent Funding Submissions” totalling \$25,894 for inclusion in the 2010/2011 draft Municipal Budget, subject to a staff report being presented to Council relating to acquittal and public liability insurance of Account Number 111224.***
- 2. approves the “Schedule of Recurrent Funding Contributions” totalling \$33,100 for inclusion in the 2010/2011 draft Municipal Budget; and***
- 3. considers the outstanding sponsorships and donations from the 2009/10 Municipal Budget as at the 30th June 2010 to determine whether these will be carried over to the 2010/11 Municipal Budget.”***

CARRIED (5/0)

Please note Account Number 111224 has been removed from the Schedule of Non-Recurrent Funding Submissions pending further investigation.



YORK SHIRE COUNCIL
SCHEDULE OF NON-RECURRENT FUNDING SUBMISSIONS
2010/2011

Group	Description of Project	Total Project Cost	Requested Amounted	Group Contribution	Funding From Other Sources	Funding 2008/09 Acquired	Account Number	Comments	Recommended Contribution
	Cobwebs World Vision Op Shop - request rent assistance \$55/week for providing needed goods & clothing to community members	\$2,860.00	\$2,860.00	In Kind	Nil	N/A	111224	Requests rent payment of \$55/week for pottery shed at the rear of the Old Fire Station for providing needed goods & clothing to community members and to fundraise for WV Endorsed Projects - Recommend that the group is endorsed as an "approved group" and pays the yearly fee in accordance with the Fees and Charges. It should be noted that the building is subject to future disposal.	\$297.00
York World Vision International Aid	2010 Avon Valley Business Awards		\$1,000.00			N/A	411112	Recommend approval.	\$1,000.00
York Chamber of Commerce & Industry	Community Entertainment / Choir Operating Costs	\$250.00	\$250.00	Twelve secondhand books purchased to date totalling \$136.88 - eighteen more required.	Nil	N/A	411112	Recommend approval for contribution to help cover purchase of new Cantatas, books & photocopying. Proceeds from the event to be split between the York District High School Chaplaincy F-Fund and Friends of the Hospital. The group has sourced additional funds.	\$250.00
York District High School	2010 National Tree Day		\$500.00	Beautifying and addressing issues of salinity.	Unknown	N/A	106104	Recommend approval for funds to assist in the purchase of trees for National Tree Day.	\$500.00



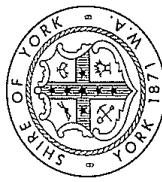
YORK SHIRE COUNCIL
SCHEDULE OF NON-RECURRENT FUNDING SUBMISSIONS
2010/2011

Group	Description of Project	Total Project Cost	Requested Amounted	Group Contribution	Funding From Other Sources	Funding 2008/09 Acquitted	Account Number	Comments	Recommended Contribution
York Junior Netball Club	Funding for 2010 Development Day and for purchase of representative uniforms	\$2,830.00	\$815.00	\$1,315.00	\$700.00	Yes	113167	Recommend approval. A very active, hard working club who have worked hard to source other funds.	\$815.00
Wheatbelt Men's Health (Inc)	York Biannual Well Men's Health Day	\$5,000.00	\$1,600.00	\$2,000.00	\$1,400.00	Yes	411112	Recommend approval. Potential funding from Bendigo Bank and WACHS. Obvious Community benefits. Have held a number of successful events in York & Council's contribution will help provide resource materials.	\$1,600.00
York Telecentre	Public Area Computer Upgrades	\$7,194.00	\$2,000.00	\$3,194.00	\$2,000.00	N/A	411112	Recommend approval. Funding not provided for two years other than peppercorn lease for use of Telecentre Building. Funding requested for computer upgrades for public use. Telecentre provides up-to-date computer training and programs for York and surrounding areas at low cost.	\$2,000.00
York Society	2011 State History Conference	\$4,700.00	\$1,500.00	\$1,000.00	\$2,700.00	N/A	411112	Funding requested for production of calico bags for Royal WA Historical Society's History Conference 2011 to be held in York Sept 2011.	\$1,500.00



YORK SHIRE COUNCIL
SCHEDULE OF NON-RECURRENT FUNDING SUBMISSIONS
2010/2011

Group	Description of Project	Total Project Cost	Requested Amounted	Group Contribution	Funding From Other Sources	Funding 2008/09 Acquitted	Account Number	Comments	Recommended Contribution
York Men's Shed Inc.	Establish York Men's Shed	\$5,000.00	\$10,200.00		N/A	41112	Proposal for the establishment of a York Men's Shed for opportunity to provide support for health and social issues to York Members. Application lacks detail however it is in the establishment stage and the Shire of York may be able to provide financial support by way of Community Bus hire to visit other Men's Shed groups.		\$5,000.00
York Branch CWA of WA Inc.	Addition of Disabled/Men's toilet and refurbishment of Ladies toilet	\$15,900.00	\$10,000.00	\$3,000.00	\$3,000.00	N/A	41112	Recommend one third of the total project cost to upgrade disability access to toilets. CWA Rooms are used on a regular basis by various local and visiting groups.	\$5,300.00
York Branch CWA of WA Inc.	Roses from the Heart	\$1,750.00	\$250.00	\$500.00		N/A	41112	Recommend approval. To assist in providing airfares/accommodation for Christina Henri to hold 'Blessing of the Bonnets' ceremony to recognise female convicts Australia-wide.	\$250.00
York Youthcare	YDHS School Chaplaincy	\$26,900.00	\$2,000.00	\$12,700.00	\$9,200.00	Received through Recurrent Funding	41112	Do not recommend approval for the full amount provide half as a one off payment for additional funding to cover Chaplaincy expenses. No further requests to be considered. Already receive \$3000 as per annual contributions.	\$1,000.00
First York Scout Group	Security Upgrade & Maintenance of Scout Hall	\$12,235.00	\$3,382.00	\$6,353.00	\$2,500.00	N/A	41112	Scout building in need of attention due to recent break ins and vandalism. Funding is requested for new locking doors and security screens and to repair damaged floor.	\$3,382.00



YORK SHIRE COUNCIL

SCHEDULE OF NON-RECURRENT FUNDING SUBMISSIONS 2010/2011

Group	Description of Project	Total Project Cost	Requested Amounted	Group Contribution	Funding From Other Sources	Funding 2008/09 Acquitted	Account Number	Comments	Recommended Contribution
York District High School P & C	Additional funding for cross walk attendant	\$10,544.00	\$5,000.00	\$5,544.00			69101	Recommend that Council only provide an additional \$1,000, as 2009/10 increased from \$2,000 to \$3,000. This \$1,000 be a one off payment.	\$1,000.00
York Children's Christmas Party	Additional Funding for Party above the recurrent funding of \$2,500.	\$10,783.94	\$1,500.00	\$2,305.10	\$6,175.00		132150	Recommend that Council provide \$1,500, as per previous financial year. Already pay \$2,500 under recurrent.	\$1,500.00
Central Group of Affiliated Agricultural Societies	District Display 2010 Royal Agricultural Show	\$0.00	\$0.00	\$0.00			N/A	Request for 'sponsorship' or donation. No \$ amount specified. The District Display at the Royal Show is very popular. Most rural shires support the displays as they promote the area to many city visitors. Suggest \$500 contribution.	\$500.00
		\$100,946.94	\$37,657.00	\$48,111.10	\$27,675.00			TOTAL 2010/2011 NON-RECURRENT CONTRIBUTIONS	\$25,894.00

YORK SHIRE COUNCIL SCHEDULE OF RECURRENT CONTRIBUTIONS 2010/2011				
ORGANISATION	DESCRIPTION OF PROJECT	ANNUAL CONTRIBUTION	CHART OF ACCOUNT	FUNDING 2009/10 ACQUITTED
York Agricultural Society	Staging of 2010 Agricultural Show + Evening Entertainment	\$ 3,000	132150	Yes
York District High School P & C Association	Crosswalk attendant service	\$ 3,000	69101	
York District High School	2008 Presentation Night - Book awards	\$ 500	69101	
York District High School P & C Association	Senior Citizens Appreciation Day	\$ 1,500	41112	
York Society	Archives and Historical Research	\$ 750	106194	Yes
York Society	New Residents Pack	\$ 500	41112	Yes
York Society	Photographic Awards	\$ 500	132150	Yes
Greenhills Progress Association	Improvements and maintenance of Hall	\$ 4,200	111104	
Cycle clubs	Event funding	\$ 2,000	132150	
	Australia Day Breakfast	\$ 1,000	41112	Yes
York Youthcare	Chaplain at York District High School	\$ 3,000	69101	Yes
York Children's Christmas Street Party	Christmas Street party and late night trading & Insurance for event	\$ 2,500	132150	Yes

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YORK SHIRE COUNCIL
SCHEDULE OF RECURRENT CONTRIBUTIONS 2010/2011

ORGANISATION	DESCRIPTION OF PROJECT	ANNUAL CONTRIBUTION	CHART OF ACCOUNT	FUNDING 2009/10 ACQUITTED
York Racing	Promoting York Beverley Turf Club Meetings.	\$ 1,000	411112	
Talbot Brook Environmental group	Travel Reimbursement	\$ 500	105104	
Talbot Brook Community Group	Improvements and maintenance of Talbot Hall	\$ 4,200	111107	
York Senior's Mobility Group	Stay on Your Feet	\$ 1,250	113221	N/A
York Telecentre	York Business Directory	\$ 1,200	411112	N/A
Community Bus Hire for Companion Time Committee & Other Community Groups	Community Bus Hire for Seniors and Youth Outings	\$ 2,500	411112	N/A
Total Recurrent Contributions 2010/2011		\$ 33,100		

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9.4 Confidential Reports

9.5 Late Reports

9. OFFICER'S REPORTS

9.5 LATE REPORTS

9.5.1 SEAVROC Tree Cropping Policy Amendment – Final Adoption

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

FILE NO:	OR.RDT.4.1
COUNCIL DATE:	17 May 2010
REPORT DATE:	14 May 2010
LOCATION/ADDRESS:	Whole of Shire
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Patrick Ruettjes/Peter Wright (Shire Planners York and Beverley/Brookton)
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Tree Cropping Policy
DOCUMENTS TABLED:	Nil

Summary:

Council is asked to consider the final adoption of the amended SEAVROC Tree Cropping Local Planning Policy following advertising. No submissions have been received.

Background:

Council at its Special Meeting of 3 March 2010 resolved to adopt an amended Draft Tree Cropping Local Planning Policy for advertising purposes.

The proposed changes reflected the incorporation of FESA's Plantation Fire Protection Guidelines into the policy by reference and to modify the SEAVROC Tree Cropping Policy to require planning consent for tree plantations with an area of 10 hectares or greater, to match FESA's guidelines. This applies already in the other SEAVROC Shires (Beverley, Brookton, Cunderdin and Quairading).

Consultation:

The Draft SEAVROC Tree Cropping Policy has been advertised for public comment for a period of 21 days in accordance with clause 8.8.2 of the Shire of York Town Planning Scheme No. 2. No submissions have been received.

Statutory Environment:

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

8.8 Planning Policies

8.8.1 *The local government may prepare a planning policy (hereinafter called "a Policy") which may make provision for any matter related to the planning or development of the Scheme area and which may be prepared so as to apply:*

- (a) *generally or in a particular class of matter or in particular classes of matters; and*
- (b) *throughout the Scheme area or in one or more parts of the Scheme area*

and may amend or add to or rescind a Policy so prepared.

8.8.2 A Policy shall become operative only after the following procedures have been completed:

- (a) the local government having prepared and adopted a draft Policy shall publish a notice once a week for 2 consecutive weeks in a local newspaper circulating within the Scheme area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.
- (b) a policy which the local government considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.
- (c) the local government shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.
- (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme area.

8.8.3 The local government shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.

8.8.4 An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in clause 8.8.2.

8.8.5 A Policy may be rescinded by:

- (a) final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and
- (b) publication of a formal notice of rescission by the local government twice in a local newspaper circulating in the Scheme area.

8.8.6 A Policy shall not bind the local government in respect of any application for planning consent but the local government shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

8.8.7 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

Policy Implications:

The proposed amendments to the policy reflect recommendations from FESA guidelines and bring the Shire's Tree Cropping Policy in line with the other SEAVROC member councils.

Financial Implications:

Nil.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: **No**

Site Inspection:

Site Inspection Undertaken: N/A

Triple bottom Line Assessment:

Economic Implications:

It is not anticipated that the proposed changes to the policy will have any economic implications.

Social Implications:

N/A

Environmental Implications:

The proposed modifications have been proposed to follow FESA guidelines with respect to fire protection.

Comment:

The proposed amendment to the Tree Cropping Policy deals with the incorporation of FESA guidelines and the requirement to apply for planning consent for a tree plantation of an area larger than 10 hectares in line with FESA recommendations.

The main aim of the policy is to ensure proper management and fire protection plans being in place for any tree plantation and to promote tree plantations as a viable business.

As no submissions have been received during the advertising period, it is proposed to finally endorse the attached SEAVROC Tree Cropping Policy with minor modification – the minor modification being the textual adjustments reflecting all SEAVROC Shires having the same threshold for planning consent and the FESA guidelines being incorporated. In accordance with clause 8.8.2 of the Scheme, the final policy will be advertised in a local newspaper.

**RESOLUTION
110510**

Moved: Cr Boyle

Seconded: Cr Randell

“That Council resolves to finally adopt the SEAVROC Tree Cropping Policy with minor modification in accordance with Clause 8.8.2 of the Shire of York Town Planning Scheme No. 2.”

CARRIED (5/0)



Shire of York Town Planning Scheme No. 2 Local Planning Policy SEAVROC Tree Cropping Policy (Final Version – May 2010)

1. Background

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

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

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

2. Objectives/Purpose

The objectives of this Local Planning Policy are to:

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

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

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

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

3. Definitions

Applicant

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

Tree crop

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

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

Landowner

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

Management Plan

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

A Management Plan includes the following components:

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

Code of Practice

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

Guidelines for Plantation Fire Protection

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

4. Areas of application

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

5. Application and approval requirements

5.1. When is an application required?

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

In the Shires of Brookton and Beverley, an application is required for all tree crop developments greater than 40 hectares in size. If an Applicant has tree crops with an aggregate area of less than 40 hectares or less than 10 contiguous hectares within any one Shire an application is not required. However, the Applicant is required to submit a Tree Crop Development Application when new tree crop developments will result in the total aggregate area exceeding 40 hectares.

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

In the Shires of Beverley and Brookton, an application is required when an applicant has a contiguous area of tree crops which is 10 hectares or greater.

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

5.2. Tree Crop Development Application requirements

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

1) Registration - which must contain the following information:

- Title details of the subject land;
- Name of the Landowner(s);
- Name of the Applicant (tree crop manager);
- Address and contact details of the Applicant;
- Area (hectares) to be planted and species to be planted; and
- Signatures of the Applicant and the Landowner(s).

A Registration form is provided in Attachment 1.

2) Management Plan.

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

3) Map - which should show the following:

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

5.2.1. Modification to Tree Crop Development Application

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

If this is not the case the Applicant is required to submit a modified or new Management Plan. If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

5.3. Assessment of applications

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

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

6. Additional policy measures

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

6.1. General tree crop management

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

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

6.2. Access and roads

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

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

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

6.3. Fire management

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

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

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

Attachment 1

Tree Crop Development Application Registration Form

Section 1 – New application or modification

Select one of the following:

New Tree Crop Development Application

Complete all Sections except Section 6

Modification to existing Tree Crop Development Application Complete all Sections except Section 5

Section 2 – Applicant details

Name of Applicant (company or individual): -----

Name of contact person: -----

Address: -----

Telephone: -----

Fax: -----

Section 3 – Landowner details (if multiple Landowners provide details of additional Landowners on page 3)

As above (tick box): or -----

Name of landowner: -----

Address: -----

Telephone: -----

Fax: -----

Section 4 – Land title

Title details of the land on which trees will be planted (if multiple titles, specify the area to be planted on each title):

COMPLETE IF NEW APPLICATION**Section 5 – Tree crop information (new applications only)**

Total area to be planted (hectares): _____

Species to be planted (and area of each): _____

Proposed planting dates: _____

Management Plan attached (circle one): Yes / No _____

Map attached (circle one): Yes / No _____

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

COMPLETE IF APPLICATION MODIFICATION**Section 6 – Tree crop information (modifications only). Complete relevant sections**

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

Additional area to be planted (hectares): _____

Species to be planted: _____

Proposed planting dates: _____

Management Plan attached (circle one): Yes / No _____

Map attached (circle one): Yes / No _____

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

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

Signature of Applicant _____

Print Name - Date _____

Signature of Landowner (if land owner is not Applicant) _____

Print Name- Date _____

SHIRE USE ONLY

Application received on: _____

Application reviewed by: _____

Approved / Not approved: _____

Reasons for non approval: _____

Advice provided to Applicant on: _____

Tree crop register updated on: _____

Additional Landowners

Landowner 2

Name of landowner: _____

Address: _____

Land title: _____

Telephone: _____

Fax: _____

Landowner 3

Name of landowner: _____

Address: _____

Land title: _____

Telephone: _____

Fax: _____

Landowner 4

Name of landowner: _____

Address: _____

Land title: _____

Telephone: _____

Fax: _____

Signature of Landowner 2

Print Name _____

Date _____

Signature of Landowner 3

Print Name _____

Date _____

Signature of Landowner 4

Print Name _____

Date _____

Attachment 2

Tree Crop Development Application

Management Plan Checklist

Tree Crop Development Application Management Plan Checklist

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

---	Section in Code of Practice
-----	-----------------------------

Establishment Plan

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

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

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

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

Maintenance Plan

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

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

Fire Management Plan

This should contain the following details:

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

NOTE:

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2001, produced by Fire and Emergency Services Authority WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application will normally be refused.

10. NEXT MEETING

RESOLUTION
120510

Moved: Cr Scott

Seconded: Cr Lawrence

“That Council:

hold the next Ordinary Meeting of the Council on June 21, 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 3.53pm.