



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 6 SEPTEMBER, 2012
COMMENCING AT 4.30pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL
HELD ON THURSDAY, 6 SEPTEMBER 2012, COMMENCING AT
4.30PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

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

1. OPENING

- 1.1 Declaration of Opening
Cr Tony Boyle, Shire President, declared the meeting open at 4.30pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
*Cr Tony Boyle, Shire President; Cr Roy Scott, Deputy Shire President;
Cr Brian Lawrance; Cr Pat Hooper; Cr Denese Smythe*
- 2.2 Staff
*Ray Hooper, Chief Executive Officer; Tyhscha Cochrane, Deputy Chief Executive
Officer; Jacky Jurmann, Manager Planning Services; Gordon Tester – Manager
Environmental Health & Building Services; Helen D'Arcy-Walker, Executive Support
Officer*
- 2.3 Apologies
Cr Mark Duperouzel
- 2.4 Leave of Absence Previously Approved
Nil
- 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

Nil

4. PUBLIC QUESTION TIME

4.1 Written Questions – Current Agenda

Nil

4.2 Public Question Time

Ms Julie Rowe
Lot 143 Prunster Road
York WA 6302

Question 1:

Considering the months that this has been in the pipeline, what is it about this proposal that requires a Special Council Meeting being called at such short notice when there is an Ordinary Council meeting scheduled in 11 days on the 17th September.

Response:

So company can undertake advertising with two weeks noticed.

Question 2:

Why it is that Council have been able to meet with Komatsu a number of times and even with those who do cropping on Springbett Reserve to the extent of having worked out a compensation arrangement and yet have chosen not to inform landowners and ratepayers who will be most affected by this proposal until the very last minute and with almost no detail available even on personal enquiry to the Planning Officer at the Shire Office.

Response:

Council has followed due process set out in Town Planning Scheme.

Question 3:

Was there any possibility of the agenda item not going through today?

Response:

Conditions that have been put on the proposal are fairly stringent. There is one word in the report that must be remembered 'temporary' – this is only a trial run, then it will be re-evaluated. When site was used as an airport aeroplanes used to make more noise.

Question 4:

When did Komatsu first speak to the Shire? How long has this been unofficially in the pipeline?

Response:

Cr Hooper stated that the initial contact with Komatsu was approximately 4 years ago at a Local Government conference. Komatsu asked if there was land available in the Shire of York that could be used for demonstration work. Nothing further occurred until last year Komatsu raised the issue again.

What has precipitated the rush is that a 'levelling machine' is coming across from Queensland and will be in the area before continuing to the North West. Other Shires and TAFE students will be coming to view the trial. At no stage will this be permanent, only a one off. As stated in the report the demonstrations will only be 3-4 per year, if approved, with very stringent conditions to ensure it will not be a 'cowboy' operation.

Mr Paul Good
18 Prunster Road
York WA 6302

Question 1:

Is there any limitation with the size and quantity of machinery that will be allowed to be used for demonstration days?

Response:

Not about haul pak or mining equipment. It is about Council machinery. Bobcat, grader training. etc. York appeals as it is only 1 hour from Perth and it will be only 3-4 times per year, if approved.

Question 2:

A bit more information sooner would have alleviated fear.

Response:

Haul Paks are not able to use the York-Perth road or Spencers Brook Road.

Question 3:

Will the pit be too large for the machinery being trialled?

Response:

Until Komatsu get the go ahead they cannot tell us what equipment is coming but is likely to be two graders and a range of light vehicles.

Need room to turn machinery and people viewing trial must be on a platform out of the pit – only operators will be in the pit. Unsure of the number of people attending, there may be 150 people on the banks.

Question 4:

Will Springbett Reserve be offered as a site for other similar events?

Response:

Trial only. However there could be up to 3-4 events per year.

Question 5:

Will Springbett Reserve be re-zoned in the future?

Response:

The land to be re-zoned as Industrial land as York does not have any. DEC to approve before they advertise. Public will be informed.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER'S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Use Of Springbett Reserve For Training & Demonstration Days For Earthmoving Equipment & Technology

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: CCP.20, P797
COUNCIL DATE: 6 September 2012
REPORT DATE: 4 September 2012
LOCATION/ADDRESS: Springbett Reserve, Lot 497 Spencer's Brook-York Road, York
APPLICANT: Komatsu Australia Pty Ltd
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: J Jurmann, MPS
DISCLOSURE OF INTEREST: Nil
APPENDICES:
1 – Locality Plan
2 – Information Sheet & Site Plan
3 – Zoning Map excerpt
4 – Schedule of Submissions
DOCUMENTS TABLED: Nil

Summary:

Council is in receipt of a planning application to temporarily use a portion of Springbett Reserve for a demonstration and training event by Komatsu Australia Pty Ltd and Position Partners Pty Ltd.

The application has been advertised in accordance with the provisions of the York Town Planning Scheme No. 2 (TPS2). At the close of the exhibition period, there have been seven (7) submissions received regarding the proposal.

This report provides an assessment of the proposal in accordance with TPS2, including the issues raised in the submissions.

It is recommended that the application be approval for a one-off event to be held on 24 – 28 September 2012, subject to the conditions listed at the end of this report.

Background:

A Planning Application was received on 16 July 2012 for approval to temporarily use a portion of Springbett Reserve to conduct earthmoving equipment and technology days approximately 3 to 4 times per year for periods up to 5 days at any one time from Komatsu Australia Pty Ltd, in conjunction with Position Partners Pty Ltd.

Springbett Reserve is located on Spencer's Brook-York Road, York approximately 5 kilometres from the town centre towards Northam. Refer to Appendix 1 for a Location Plan.

The applicant has advised that the aim of the days is to demonstrate new earthmoving and agricultural equipment and associated technology to local government, farmers and other interested persons. It will also be used to provide practical training and experience to TAFE students and local government employees.

The initial demonstration and training day event will take place from 24-28 September 2012 and the proposed timetable for the event is as follows:

- Monday – set up;
- Tuesday – Training day for TAFE students (124) from 9.30am to 3.30 pm; and
- Wednesday to Friday – Demonstration days for local government, contractors and other from 9.30am to 3.30pm.

The machinery will operate between the hours of 8 am and 5 pm and there will be 2 graders (1 static), 1 dozer, 1 excavator and a trailer with a display inside and in total, there will be 5 machines and 2 prime movers on site during the event.

The equipment will be transported to the site using approved heavy haulage routes around town. Access to the site is from the existing Reserve access road. A Traffic Management Plan will be prepared, together with a Risk Assessment, for the events. These Plans will meet the requirements of the Shire of York's Events Management Policy.

Two pits will be excavated (as shown on the site plan at Appendix 2) to an approximate depth of 800mm to enable machines to operate in a safe and controlled environment as per the submitted site plan. Both pits will be bunded to a height of around 600mm high, which will assist in noise attenuation and sediment and erosion control. These pits will also allow safe viewing by invited participants.

Komatsu have agreed to rehabilitate the site and return the area to a flat and level area with only fresh earth any sign of activity, or to Council's preference/specification.

Consultation:

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2. Letters were sent to nearby landowners (the area was widened), an advertisement was placed in the West Australian newspaper and information was available from Council's office and website.

A total of seven (7) submissions were received regarding the proposal. Six (6) objections, however, four (4) of these submissions were form letters, and one (1) not objecting but provided recommended conditions. All submitters were notified of the Council meeting in writing.

Additionally, a number of consultation meetings have been held with representatives from Komatsu prior to the submission of this planning application to discuss the proposal.

Discussions have also been held with representatives from the community cropping group regarding the proposal, timing and potential compensation for the area affected.

Statutory Environment:

York Town Planning Scheme No. 2

Springbett Reserve is a Crown Reserve vested in the Shire of York for Public Purposes under the provisions of the York Town Planning Scheme No. 2 (TPS2). An excerpt from the zoning map is at Appendix 3.

Clause 2.1 of TPS2 sets out the provisions relating to Scheme Reserves as follows:

“The land shown as Scheme Reserves on the Scheme Map, hereinafter called “Local Reserves”, are lands reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder.

PUBLIC PURPOSE
RECREATION AND OPEN SPACE
STATE FOREST
RAILWAY
ROAD”.

TPS2 does not contain any other specific provisions, including assessment and advertising of planning applications relating to the use of Scheme Reserves. The Scheme is currently under review and it is proposed to initiate an ‘Omnibus’ amendment in the near future as an interim measure, and then to undertake a full scheme review to adopt a new scheme.

The *Town Planning Amendment Regulations 1999* contain the Model Scheme Text for town planning schemes and includes the following clause regarding the use of Scheme Reserves and it is proposed to insert the following clause after Clause 2.1 to better define the use and development of local reserves as part of the Omnibus Amendment:

- “2.1.1 A person must not –
- (a) use a Local Reserve; or
 - (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 7 of the Scheme.
- 2.1.2 In determining an application for planning approval the local government is to have due regard to:
- (a) the matters set out in Clause 7.5; and
 - (b) the ultimate purpose intended for the Reserve.
- 2.1.3 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.”

If this clause formed part of TPS 2, it is considered that the proposal is consistent with the provisions for the following reasons:

1. A planning application has been submitted in accordance with Part 7 of the Scheme;
2. The matters in Clause 7.5 have been considered (assessment follows); and
3. Scheme Amendment No. 49 has been initiated by Council proposing the ultimate purpose for the Reserve is for light industrial uses. There are no adopted Management Plans or the like for the reserve providing details of any other ultimate purpose.

As indicated earlier, there are no specific provisions relating to reserve use. However, it is important to consider the matters for consideration listed in Clause 7.5 of the Scheme to ensure that the use of the reserve and the proposed structures will not result in an adverse impact on the locality.

Matters for Consideration

- (a) *The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.*

The Scheme objectives are:

- To zone the Scheme Area for the purposes described in the Scheme;
- To secure the amenity health and convenience of the Scheme Area and the residents thereof;
- To make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;

- The preservation of places of natural beauty, of historic buildings, and objects of historical and scientific interest;
- To make provision for other matters necessary or incidental to Town Planning and housing;
- To make provision for the protection and management of the natural environment within the Scheme area; and
- To recognise the special historic significance of the town of York to Western Australia and to preserve this through the implementation of Design Guidelines.

This is a proposal for a temporary day time use, there are no structures proposed, there will be no impacts on the river and the earthworks can be rehabilitated to the prior condition, it is therefore considered that the proposal is consistent with the scheme objectives.

- (b) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.*

Scheme Amendment No. 49 has been initiated by Council proposed to rezone Springbett Reserve (north of the waste transfer station) to light industrial. The amendment is currently with the Environmental Protection Authority for permission to advertise. This proposal does not affect the scheme amendment process or intent.

- (c) *Any approved statement of planning policy of the Commission.*

There are no statements applicable to the proposal.

- (d) *Any approved environmental protection policy under the Environmental Protection Act 1986.*

There are no policies applicable to the proposal.

- (e) *Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.*

There are no policies or strategies applicable to the policy.

- (f) *Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.*

There are no Local Planning Policies applicable to the proposal. The site is not within a heritage precinct.

- (g) *In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

As indicated earlier in this report, the land is reserved for Public Purposes and at present there are no adopted Management Plans or the like for the Reserve. However, it is intended that the ultimate purpose of the reserve is for Light Industrial purposes and the proposed temporary use is consistent with this purpose and will not affect the scheme amendment process or purpose.

- (h) *The conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.*

The site is not within a heritage precinct or listed in the Municipal Inventory.

(i) *The compatibility of a use or development with its setting.*

The site is located on Spencers Brook-York Road approximately 5 kilometres from the York town centre. On the western side of the road is the Rural Residential area known as the Equine Precinct. The eastern side of the site is bounded by the Avon River. The land on the north and south of the site forms part of the reserve. The reserve is currently used for community cropping and discussions have been held with representatives regarding the proposal.

The use of the reserve that is reserved for 'public purposes' for a temporary event and does not permanently restrict or impact public use of the reserve is considered compatible with its setting.

(j) *Any social issues that have an effect on the amenity of the locality.*

There are no social issues for the community relevant to this proposal. An increase in noise levels in the area for the duration of the event may have an effect on the amenity of the immediate locality.

(k) *The cultural significance of any place or area affected by the development.*

The site is not of cultural significance. It is acknowledged that the Avon River has cultural significance and no impact will result from the use on the river.

(l) *The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*

The pits are located approximately 150 metres from the Avon River and it is proposed to excavate two pits with dimensions of 200m x 100m x 800mm deep. The excavation and perimeter bunding will provide environmental protection measures and to provide a safe operating environment for the machinery. The applicant has advised that they will rehabilitate the area following the event if requested by Council.

(m) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.*

The site is affected by flood on the land adjacent to the Avon River. The proposed area of use is not within the flood affected area (refer to Appendix 4 for a copy of the Department of Water flood mapping). The Avon Environmental Society has advised they have no objections to the proposal, subject to recommended environmental measures, and that excavation to a depth of 800mm will not disturb any acid sulfate soils, if present.

(n) *The preservation of the amenity of the locality.*

It is proposed to conduct the event over a period of 5 weekdays during daylight hours. The excavation of the pits will assist in reducing machinery noise. Due to the temporary nature of the use, it is unlikely that the amenity of the locality will be affected.

(o) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.*

This is a temporary development that can be rehabilitated to the condition prior to the use if Council requires.

(p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

It is proposed to use the existing access point onto the Reserve. A temporary parking area will be designated as indicated on the Site Plan (Appendix 2). The larger vehicles will be delivered to the site on an approved route and time to ensure that the movements do not affect local traffic or residents.

- (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

A Traffic Management Plan will be submitted to Council prior to the commencement of the use for approval. Transport by bus for the students has been organised by the applicants. Some minor disruptions to traffic may be experienced by road users when the larger vehicles are entering and leaving the site.

- (r) *Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.*

Public transport is not available to the site.

- (s) *Whether public utility services are available and adequate for the proposal.*

The proposed use does not require the use of public utility services. Temporary power and toilet facilities will be provided by the applicant.

- (t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).*

Not applicable to this proposal.

- (u) *Whether adequate provision has been made for access by disabled persons.*

Access to the site is available. Applicants are aware of obligations relating to the Disability Discrimination legislation.

- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.*

Not applicable.

- (w) *Whether the proposal is likely to cause soil erosion and degradation.*

Bunding of the pits will be constructed to prevent any potential soil erosion. The site will be rehabilitated at the end of the use.

- (x) *The potential loss of any community service or benefit resulting from the planning consent.*

As indicated earlier in this report, discussions have been held with the representatives from the community cropping group.

- (y) *Any relevant submissions received on the application.*

Seven (7) submissions were received regarding the application. (Refer to the Consultation section of this report).

- (z) *The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.*

It is proposed to operate machinery in daylight hours and within the designated pit areas. Excavation of the pits will assist in the attenuation of any noise emissions. A water cart will be required to be on site for dust suppression.

- (aa) *The comments or submissions received from any authority consulted under clause 7.4.*

Not required.

- (bb) *Any other planning consideration the local government considers relevant.*

Clause 7.9 of TPS2 enables Council to grants a planning consent with conditions limiting the period of time for which the approval is granted.

Policy Implications:

The proposal is consistent with the provisions of the York Town Planning Scheme No. 2 and the Scheme reserve for Public Purposes.

Financial Implications:

There are no financial implications for the Shire of York associated with this proposal.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- Manage population growth, through planned provision of services and infrastructure.
- Strengthen community interactions and a sense of a united, cohesive and safe community.
- Build and strengthen community, culture, vibrancy and energy.

Environmental

- Maintain and preserve the natural environment during growth, enhancing the 'rural' nature of York, and ensuring a sustainable environment for the future.
- Support sustainable energy and renewable resource choices.

Economic

- Build population base through economic prosperity.
- Value, protect and preserve our heritage and past.
- Grow the economic base and actively support local businesses and service provision.

This proposal is consistent with these goals as it will not impact on the environment, including the Avon River; it will provide economic opportunities; and will support local businesses.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

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

The proposal will provide opportunities for local businesses through the provision of accommodation, catering and temporary amenities. It will also provide TAFE students, Council works crews and others involved in building and construction the opportunity for training on the latest equipment and technology.

The Community Strategic Plan identifies economic diversity and viability as a key goal for growth and to provide employment opportunities for existing and future residents. Events such as this showcase York as a place for businesses to locate and access rural and metropolitan opportunities.

This proposal will have positive economic implications for the Shire.

Social Implications:

It is unlikely that a temporary use will have social implications for the community. It is not disagreed that it may temporarily increase everyday levels of noise and traffic experienced by nearby residents and road users. However, the predicted levels will not prevent access to or normal use of an affected resident's home.

Environmental Implications:

There are no environmental implications associated with this proposal. The site layout and bunding on the perimeter of the pits will provide protection to the river. The land can be rehabilitated easily by backfilling the pits.

Comment:

It can be ascertained from the comments made in the submissions that the information submitted with the application was insufficient to fully inform residents, which has unfortunately resulted in numerous wrong assumptions. The additional information requested and received from the application has enabled a full assessment of the application to be made in accordance with the provisions of the York Town Planning Scheme No. 2.

Some residents may experience a temporary increase in noise emissions in the area and some residents may experience some traffic delays on local roads when the machinery is delivered and removed. However, residents living near Forrest Oval or other community facilities or event locations also experience this.

This is an application for a temporary use and the assessment shows that there will be positive economic implications for the community and for local businesses involved in the event.

**RESOLUTION
010912**

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

- 1. APPROVE the planning application to use Springbett Reserve at Lot 497 Spencers Brook-York Road, York for a one-off training and demonstration event from 24-28 September 2012, subject to the following conditions of consent:**
 - (a) Condition 1: This approval is for a one-off temporary use from 24-28 September 2012 (inclusive). Any further events will require separate planning approval.**
 - (b) Condition 2: The development must take place in accordance with the stamped approved plans.**
 - (c) Condition 3: Machinery and truck movements are restricted to the hours of 8.00 am and 5.00 pm on the approved days of operation.**
 - (d) Condition 4: A Traffic and Safety Management Plan shall be submitted and approved by the local government prior to the commencement of the use and prior to use of any roads within the Shire of York.**
 - (e) Condition 5: A water tanker for dust suppression must be on site for the duration of the event, including set up.**
 - (f) Condition 6: Any temporary storage of soil must be at least 200 metres from the Avon River. Sediment control measures must be installed on the side closest to the river for the duration of the storage.**
 - (g) Condition 7: At the completion of the event, the pits shall backfilled and the area left flat, levelled and stabilised. Measures to prevent erosion downslope of the pit area shall be installed as part of the stabilisation works.**
 - (h) Condition 8: Sufficient ablution and waste management facilities shall be provided for the duration of the event. The applicant is responsible for the removal of all wastes from the site. These facilities must be located a minimum of 200 metres from the Avon River.**
 - (i) Condition 9: Prior to the event, details of an on-site contact person shall be provided to the Shire of York for community and resident liaison.**
 - (j) Advice Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
 - (k) Advice Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.**
 - (l) Advice Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.**
 - (m) Advice Note 4: This approval is not a building licence. In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.**
 - (n) Advice Note 5: The applicant is to liaise with Council’s Works Manager with regards to haulage routes and times.**

2. *The applicant is to provide monetary compensation for the area affected to the community cropping group at an agreed value.*

CARRIED: 4/1

Item 9.1.1 - Appendices

Manager Planning Services – distributed to all Councillors an additional submission from Mrs Margaret Hewitt as her report is slightly different to other submissions received.

9.2 Administration Reports

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.1 Investigation & Remediation of Contaminated Site

FILE NO: AV1.60050
COUNCIL DATE: 6 September 2012
REPORT DATE: 23 August 2012
LOCATION/ADDRESS: Lots 2,3,4,5 and 6 Avon Terrace York
APPLICANT: Not Applicable
SENIOR OFFICER: Ray Hooper CEO
REPORTING OFFICER: Gordon Tester MHB
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Council is requested to consider all matters associated with the continued contaminated site investigation by GHD Pty Ltd, of the former Power Station Site comprising of Lots 2,3,4,5 and 6 Avon Terrace.

Council is requested to endorse the officer's actions in arranging works necessary for remediation works to return the site to a useable and saleable site for residential development.

Background:

The site operated as a coal fired powerhouse from 1911 to the mid 1950's. The site was then sold as a commercial operation until the 1990's when the powerhouse shed was gutted and used as a panel beating workshop when two additional buildings were added to the existing infrastructure. The site was then sold for residential use and used for private residential purposes until it was acquired by the Shire of York in 2006 when it was cleared of all buildings and infrastructure.

Photographs of the site taken in 2006 indicated that much of the eastern portion of Lots 3 and 4 had been used for illegal dumping of residential and commercial waste including fill material, car bodies, batteries, steel pipes, cables, concrete and general waste.

The sites were reported to the Department of Environment and Conservation (DEC) by a York resident under the Contaminated Sites Act 2003 as a known or suspected contaminated site, in response to this advice, the Shire of York has requested that a Preliminary Site Investigation be undertaken to investigate the likelihood of contamination on the site.

GHD was commissioned by the Shire of York in 2011 to undertake a Preliminary Site Investigation (PSI) for lots 2, 3, 4, 5, 6 Avon Terrace in the York Town site

No previous environmental investigations have been undertaken on the site. An intrusive investigation consisting of test pitting was undertaken in 2006, however no formal report was provided to the Shire of York and anecdotal information and photographs are the only evidence of this work being undertaken.

A preliminary site investigation was undertaken in February 2012 which resulted in GHD recommending that a detailed site investigation be undertaken to assess the potential risks proposed by the contamination issues identified in the report.

GHD conducted an investigation June 2012 to assess the extent of the contamination and significance of the contamination in the fill along the south eastern extent of the site and the potential linkage between those contaminants, the site users underlying aquifer and the adjacent creek line.

The investigation and subsequent analysis of the soil samples revealed unacceptable concentrations of various forms of heavy metals and asbestos being discovered on site.

GHD advised that is considered necessary to conduct further ground water and asbestos investigations before arriving at a site remediation strategy.

Consultation:

Meetings and correspondence have occurred in regards to discussing the sites with DEC Officers, the Minister for the Environment as well as officers from the Avon Development Commission.

Statutory Environment:

Contaminated Sites Act 2003

Policy Implications:

Nil

Financial Implications:

The process of determining the extent of the contamination on these sites and the subsequent remediation process may well approach \$200,000.00 prior to the site being approved for residential development.

At the time of writing this report approximately \$66,000.00 has been allocated to a preliminary site report and stage1 of a 2 stage detailed site investigation.

A further expenditure of \$50,966.30 was required to commission Councils Contaminated Site Consultants GHD to undertake stage 2 of the site investigation.

Strategic Implications:

In the built environment it is one of Councils objectives to increase the capacity and diversity of housing choices.

It is a priority of Council to review land use strategies and policies to ensure housing and land choices are available and to facilitate affordable and sustainable housing options.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

The bottom line is that the former power house site is potentially very valuable as a residential development site both now and in the future.

It is however worthless and potentially damaging to the environment in its present contaminated state.

Social Implications:

In the event that the former power house site is successfully developed for residential purposes an increase in the suburban population has potential flow on benefits for the local economy, school and membership of sporting groups.

Environmental Implications:

Failure to undertake the required site remediation works may result in negative long term environmental impacts on the ground water and soil on the former power house site.

Planned future residential development requires that the site be remediated to a standard where no environmental or health hazards are present that may compromise the health and safety of any future residents of this site.

Officers Comment:

Due to the urgency surrounding the need to remediate the former power house site to facilitate pending residential development, it was considered necessary by Council and its officers to commission GHD to undertake a full site assessment.

RESOLUTION

020912

Moved: Cr Lawrance

Seconded: Cr Hooper

“That Council:

Endorse the expenditure of \$50,966.30 to engage the Contaminated Site Consultants GHD to undertake Stage 2 of the formal site investigation as part of the remediation process for Lots 2, 3, 4, 5, 6 Avon Terrace and that the 2012/13 budget be amended to meet the additional payment.”

CARRIED: 5/0

9.3 Works Reports

9.4 Financial Reports

9. OFFICER'S REPORTS
9.4 FINANCE REPORTS
9.4.1 Regional Road Group – Additional Funds

FILE NO: FI.FAG.3
COUNCIL DATE: 6 August 2012
REPORT DATE: 5 August 2012
LOCATION/ADDRESS: York-Tammin Road
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: T Cochrane, DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

Summary:

Additional funds for the reconstruction and widening of York-Tammin Road have been allocated to the Shire of York from the Regional Road Group funding for the 2012/13 financial year and these are submitted to Council for endorsement.

Background:

The Regional Road Group identified further work was required on the York-Tammin Road at a meeting held on the 30th July 2012.

Consultation:

Regional Road Group.

A meeting was held on the 30 July 2012 and the following email was sent on that day:

"...York Shire allocated \$167 170 – additional RRG funds requested \$136 696 to York-Tammin reconstruct and widen for total RRG funds of \$303 866. LESS \$20 000 RRG funds to Goomalling Shire, Bejoording Rd project. Total RRG funds \$283 866 and revised total cost estimate of \$425 799..."

Statutory Environment:

Local Government Act 1995

Policy Implications:

N/A

Financial Implications:

Regional Road funding is subject to a one third local government contribution.

Revised total cost estimate of \$425,799 for 2012/13 projects only. This equates to MRWA contribution of \$283,866 and Council's portion of \$141,933.

Council can revise the road programme when the mid year review is undertaken.

Strategic Implications:

N/A

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

High quality transport links are integral to the local and regional economics.

Social Implications:

A safe and efficient transport network is vital for community wellbeing.

Environmental Implications:

Environmental requirements are factored into the road programme e.g. clearing permits.

Comment:

The current works programme adopted by Council may be revised slightly after the mid year review dependant on works completed to date and/or whether the works programme is on schedule.

RESOLUTION

030912

Moved: Cr Scott

Seconded: Cr Hooper

“That Council endorse the 2012/13 revised budget allocation for Regional Road Group projects of \$425,799 for works on York-Tammin Road, York.”

CARRIED: 5/0

9.5 Late Reports

9.6 Confidential Reports

10. CLOSURE

Cr Boyle thanked everyone for their attendance and declared the meeting closed at 5.10pm.