



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 22 AUGUST 2016
COMMENCING AT 5.02PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 22 AUGUST, 2016, COMMENCING
AT 5.02PM 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 David Wallace, Shire President, declared the meeting open at 5.02pm.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

Clause 9.1 – Members to Rise

RESOLUTION

010816

Moved: Cr Smythe

Seconded: Cr Saint

"That Council:

Suspend Clause 9.1 – Members to Rise, for today's meeting."

CARRIED: 6/0

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Cr Denese Smythe – Item SY097-08/16 – Application to be Recognised as a Community Group

2. ATTENDANCE

2.1 Members

Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President; Cr Heather Saint; Cr Pam Heaton; Cr Jane Ferro; Cr Tricia Walters

2.2 Staff

Paul Martin, Chief Executive Officer; Allan Rourke, Manager Works & Services; Carly Rundle, Senior Planner; Tabitha Bateman, Financial Controller; Helen D’Arcy-Walker, Executive Support Officer

2.3 Apologies

Cr Trevor Randell

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 6 people in the Gallery at the commencement of the meeting

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

The Presiding Member to read the following statement in full at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

“Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied.

Procedures

- Public Question Time is limited to 15 minutes but may be extended by resolution of the Council
- Questions submitted in writing prior to the meeting about matters on the agenda for the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements or long preambles are not permitted.

- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions containing offensive remarks, reference to the personal affairs or actions of Elected Members or staff, or which relate to confidential matters or legal action will not be accepted. Questions that the Presiding Member considers have been answered by earlier questions at the meeting or earlier meetings may not be accepted.
- The minutes may only record a summary of the question asked and the response given.
- Where possible oral questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.

PRESIDING OFFICER

21 December 2015

4.1 Written Questions – Current Agenda

Public Question Time commenced at: 5.04pm

Mr Pat Hooper

Representing the York Bowling Club (Inc)

Question 1:

Mr President, can you confirm for the many Bowling Club members and the community of York that in 2012, or thereabouts, that the Shire did not secure a loan on behalf of the York Bowling Club?

The reason for this request is that it has come to the Bowling Club's Committee that a Dr James Plumridge has blogged that, to quote:

'I recall that in 2012 or thereabouts, the Shire took out a loan for the Bowls Club that the Club agreed to repay at a rate of around \$30,000 per year. It appears the remaining balance of that debt was also waived.'

This comment presupposes that the Shire took out a significant loan to attract a \$30,000 repayment, perhaps \$500,000 and it therefore also makes an assumption that the Bowling Club was in a position to repay \$30,000.

Could the Shire Minutes also record that the York Bowling Club contributed \$80,000, relinquished their premises, premises that they had paid for and that they also gave back their right to operate a Licensed Bar in the project of creating the YRCC?

Response:

The Shire President replied that over the 2010/11 and 2011/12 financial years the Shire budgeted and secured three (3) loans for staged redevelopment works at Forrest Oval – Loan 62 - \$1,330,500; Loan 63 - \$320,500; Loan 64 - \$499,155. While one of these loans was raised for the installation of synthetic turf on the bowling and tennis greens no loans were raised on behalf of the York Bowling Club to be repaid by the Club. The York Bowling Club did make a contribution to the redevelopment works of \$88,000 (including GST) in 2012.

Question 2:

Mr President, can you confirm on behalf of yourself and fellow Councillors that Council has no intention to close the YRCC?

While realizing it is probably another rumour, there is considerable concern within the community relating to the potential/possible closure of the YRCC. The Bowling Club Committee seek an assurance from Council that there will be open and transparent processes put into place regarding any planned changes to the YRCC and that all users of the YRCC and the Forrest Oval complex are full consulted about planned changes. If the YRCC was closed the Bowling Club would not have a home.

Response:

The Shire President stated that the Strategic Review of the Shire identified how the YRCC was run was something the community would like the Shire to investigate. When the Executive Manager Corporate & Community Services comes on board they will start looking at the structure and different avenues of how the YRCC could be run. It will be a staged process that is transparent and all the clubs at the YRCC and the community will be consulted.

Mr Hooper mentioned the Bowling Club would assist with any fund raising for the St John Ambulance for the replacement of the building and ambulances.

The Shire President stated that there will be information in the next edition of the paper.

4.2 Public Question Time

Questions from the floor will be taken in the order recorded in a register.

Statements or long preambles are not permitted, opinions and attachments will not be recorded in the minutes.

Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe.

Nil

Public Question Time concluded at 5.11pm due to there being no further questions from the Gallery

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Ordinary Council Meeting held July 25, 2016

Confirmation

**RESOLUTION
020816**

Moved: Cr Saint

Seconded: Cr Ferro

“That the minutes of the Ordinary Council Meeting held July 25, 2016 be confirmed as a correct record of proceedings with the following amendments:

Item SY076-07/16 – Shire of York (Council Meetings) Local Law 2016 – the Resolution states – Local Law 2014 and Local Law 2013 – it should read – Local Law 2016 in all instances within the Resolution.

Item SY080-07/16 – Adoption of General Rates and Minimum Payments 2016/17 – A typographical correction to 1(b) has been made – Unimproved Values of property should read 0.8873 cents in the Dollar not 0.08873. This is consistent with how the figure has been reflected in the Budget in the following areas:

***Page 48 of the Budget – Note 12 – Rating Information, and
Page 49 of the Budget – Note 12 – General and Minimum Rates”***

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President stated that St John Ambulance are still operating and have a loan ambulance. If anyone would like to have any further information please contact St John Ambulance direct.

9. OFFICER’S REPORTS

***SY091-08/16 - P1043 – Sea Container with Rear Setback Variation at Lot 3
(Hse 4950) Great Southern Highway, Balladong***

FILE REFERENCE: GR2.1056
APPLICANT OR PROPONENT(S): S. Woodyard
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: It should be noted that the applicant/owner is an employee of the Shire. The application has been considered in accordance with provision 6.13 of the Code of Conduct.
APPENDICES:
A – Location & Site Plan
B – Development Plans
C – Site Photos

Nature of Council’s Role in the Matter:

Quasi-judicial.

Purpose of the Report:

The purpose of the report is to request Council to consider an application for planning consent received for a sea container with rear setback variation at Lot 3 (Hse 4950) Great Southern Highway, Balladong.

Background:

Lot 3 is zoned General Agriculture and is 15.67ha in area. A Location and Site Plan is provided in **Appendix A**.

Lot 3 is accessed from the the Great Southern Highway to the east, and backs onto a Railway Reserve to the west. Adjoining land is similarly zoned General Agriculture and used for agricultural purposes, with the exception of land to the west via the railway, which is owned by the Watercorp and contains the waste water treatment plan for the townsite. The Watercorp lot is heavily vegetated and is likely to have the function of a buffer area for the sewerage ponds. Land to the east via Great Southern Highway is identified as Rural Residential, and is currently undeveloped.

The property is predominantly cleared of vegetation and separated into paddocks. Built structures existing on site currently consists of a transportable dwelling.

The applicant has applied for one sea container with dimensions of 2.3m high, 2.35m wide and 12.19m long (40 foot) and is located 4m behind the dwelling to the west. The applicant has provided that the container will be used for the purposes of storage, including horse tacks and that it will be painted the same colour as the dwelling. A copy of the Development Plans is provided in **Appendix B**.

Planning consent is required for the sea container due to the rear setback variation, which proposes a setback of 9.65m, in lieu of 15m specified by Clause 4.15.3 of the Scheme. The applicant has requested that the setback be amended to 7.65m to comply with bushfire provisions, which is discussed further below.

Comments and details:

The application is required to be assessed in accordance with the Shire of York’s Local Planning Scheme and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.

York Town Planning Scheme No. 2 & Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions

The property is zoned 'General Agriculture' by Town Planning Scheme No. 2 (TPS2).

The proposal requires a variation to the rear setback specified by Clause 4.15.3 of the Scheme and is therefore not exempt from planning consent.

The relevant provisions of the Scheme that relate to the application are as follows:

4.15 General Agriculture Zone

4.15.1 Objectives:

- (a) To ensure the continuation of broad-hectare agriculture as the principal land use in the district encouraging where appropriate the retention and expansion of agricultural activities.*
- (b) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- (c) To allow for facilities for tourists and travellers, and for recreation uses.*
- (d) To have regard to residential use of adjoining land at the interface of the General Agriculture zone with other zones to avoid adverse effects on local amenities.*

4.15.2 Development

Having regard to the scenic values of the district and the views from roads the local government may refuse an application for planning consent if, in the opinion of the local government, the development if approved will have a detrimental effect on the rural character and amenities.

4.15.3 Site Requirements:

The following minimum building setbacks shall apply:

Front : 15.0m

Rear : 15.0m

Side : 15.0m

The proposal for a sea container is ancillary to the dwelling and agricultural uses occurring on site and is consistent with the objectives of the zone.

It is located behind the dwelling and in proximity to existing development on site, located over 95m from the Great Southern Highway. The sea container is appropriately located, and will be partly screened by the existing dwelling. It is not considered that the container will be prominent on site as it is located behind the dwelling, however, it will be visible from the Great Southern Highway and would benefit from the implementation of some landscaping on the north and south elevations.

It is considered that the sea container will be consistent with surrounding development in the locality and is consistent with the existing amenity and rural character of the locality.

The sea container would usually be exempt from planning consent and approval is required for the rear setback variation of Clause 4.15.3.

Clause 4.6 provides discretion to vary a standard prescribed by the Scheme provided that it meets the objectives of a) and b) as outlined below.

Clause 4.6 Discretion to Modify Development Standards

“Except for development in respect of which the R Codes apply under this Scheme, if a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. The power conferred by this clause may only be exercised if the local government is satisfied that:

The power conferred by this clause may only be exercised if the local government is satisfied that:

- a) Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- b) The non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”*

A rear setback of 7.65m will allow for the sea container to be located behind the dwelling, which is consistent with policy provisions and will result in an improved visual amenity from Great Southern Highway, as opposed to the sea container being located elsewhere on site.

The reduced setback will not be detrimentally to the character/amenity of the area, is beneficial to allow the sea container to be constructed behind the dwelling and given that the reduced setback will be to a railway reserve and Watercorp reserve which is heavily vegetated and will not be impacted by a reduced setback, it is considered that the proposal is consistent with orderly and proper planning and the non-compliance will not have any adverse effect upon the property or adjoining landowners and is consistent with Scheme provisions.

Clause 67 Matters to be Considered by Local Government

Local government is to give due regard to Clause 67 in the consideration of any planning application. The following are those most relevant to the application.

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

The sea container is consistent with the aims and provisions of the Scheme.

- (b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations or any other planning instrument that the local government is seriously considering adopting or approving.*

There are no new amendments proposed which would affect this proposal.

- (g) any local planning policy for the Scheme area.*

Local Planning Policy 2 – Sea Containers applies to the proposal. The policy was adopted in accordance with Clause 8.8 of the Scheme, which allows Local Government to prepare a local planning policy for any matter related to the planning or development of a scheme area. Clause 9.8.6 of the Scheme relates to how a local planning policy applies in decision making:

“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 of which the policy is designed to achieve before making its decision”.

Local Planning Policy 2’s purpose is to regulate the use of sea containers within the Shire of York to ensure that they do not detract from the amenity of the area.

The following policy provisions apply:

Provision	Requirement	Proposed	Comment
6.1 General Conditions and Requirements			
6.1.1	A planning application will be required to be submitted for assessment and approval is to be obtained prior to locating a sea container on site with the exception of sea containers located on General Agriculture or Industrial zones (refer to Part 4 of the Policy).	Planning application submitted due to the rear setback variation.	Complies.
6.1.2	This policy is based on sea containers up to 6 metres (20 feet) in length for Residential, Rural Residential, Rural Smallholdings and Rural Townsite zones and up to 12m (40ft) in length for General Agriculture and Industrial zones. Container(s) larger than this may need to satisfy additional requirements.	The proposed container is 40ft long.	Complies
6.4 General Agricultural and Industrial Zoned Land and Requirements			
The use of up to two (2) sea containers on land zoned ‘General Agriculture’ or ‘Industrial’ is permitted and does not require Council approval subject to the following conditions:			
6.4.1	Containers are located to the rear of buildings and that they are not prominently visible from the street.	Container is located behind the transportable dwelling on site to the rear of the property and will not be prominently visible from the street.	Complies. Screening will be conditioned for the north and south elevations to improve the appearance from the Great Southern Highway.
6.4.2	Containers shall be located within building setbacks in the York Town Planning Scheme No. 2	A rear setback variation is sought and required to comply with provision 6.4.1 above. The rear setback variation has been assessed in accordance with Clause 4.6 of the Scheme and is consistent with the Scheme objectives. The setback is not anticipated to impact on the character or amenity of the area, and will not detrimentally impact adjoining landowners.	Consistent with Scheme objectives.
6.4.3	Container(s) shall be stacked vertically	Application is for one sea container.	Complies.
6.4.4	Container shall not be located over septic tanks, leach drains or utilities.	Leach drains and septic tanks are located to the west of the building.	Complies.

6.4.5	A planning application may be considered in General Agriculture or Industrial zones for the use of more than two (2) sea containers, or for sea containers that do not comply with the setback requirements or are visible from the street, subject to the requirements of 6.13 and 6.1.6.	Application is for one sea container.	Complies.
8. Application Process			
8.2	All planning applications for sea containers will be advertised for a minimum of 14 days in accordance with the provisions of Clause 7.3 of the York Town Planning Scheme No. 2.	The application was referred to adjoining landowners. No submissions were received.	Complies.
8.4	The application will be assessed in accordance with the York Town Planning Scheme No. 2, the provisions of this policy, and taking into consideration the matters listed in Clause 7.5 of the Scheme.	The sea container has been assessed against the Scheme and policy. Clause 67 of the Regulations applies over Clause 7.5 of the Scheme.	Complies.

The sea container is consistent with policy provisions and the reduced setback is consistent with policy objectives and scheme provisions.

(m) The compatibility of the development with its setting including the relationship of the development 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 development.

The sea container is compatible with existing surrounding uses on the property and the size and number of containers is permitted by the policy. It is located appropriately behind the dwelling and will not appear bulky or out of scale with existing development on site.

(n) The amenity of the locality including the following –

- (i) environmental impacts of the development*
- (ii) the character of the locality*
- (iii) social impacts of the development*

Amenity is defined as in the Regulations as “means all those factors which combine to form the character of an area and include the present and likely future amenity.”

Sea containers are permitted by the policy, and will not be out of character with the surrounding locality or likely future amenity of the area.

(o) 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.

The container is located within a cleared area, which will not require removal of any vegetation. Screening of the sea container on the north and south elevations will be required as a condition of approval. The condition can be satisfied through the provision of landscaping, appropriate fencing, or a mixture of both.

(p) The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk.

The subject lot is identified as a transition bushfire prone area, meaning it has recently been identified by the Office of the Bushfire Risk Management as bushfire prone on 21 May 2016. The Regulations provide that bushfire provisions do not apply to a property that has been located in a bushfire prone area for less than 4 months.

When the provisions come into effect on the 21 September 2016, a bush fire attack level assessment would be required for any non-habitable structure located within 6m of the habitable building and applies to both planning applications and building permits.

As a building permit is required which is yet to be applied for, the applicant has requested that the setback be amended to 7.65m to comply with the 6m separation to the dwelling.

(y) Any submissions received on the application.

The application was referred to adjoining landowners for comment. No submissions were received.

Implications to Consider:

Consultative:

See comments in y) above.

Strategic Implications:

The proposal is considered consistent with the Shire of Town Planning Scheme No. 2, and is therefore consistent with the Shire of York's 2016-2026 Strategic Community Plan, and in particular Theme 2, which promotes development carried out in a scale and style which is compatible with the character of York.

Policy Implication:

The recommendation does not result in any policy implications for the Shire.

Financial Implications:

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

Legal and Statutory

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

Risk related

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
030816**

Moved: Cr Smythe

Seconded: Cr Heaton

“That Council:

APPROVE the planning application for a sea container with reduced rear setback at Lot 3 (4950) Great Southern Highway, York, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.**
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.**
- 3. The sea container is not to be used for habitable purposes (Advice Note 4).**
- 4. The container is not to be used for commercial and/or industrial purposes.**
- 5. All stormwater is to be managed on site by the landowner to the satisfaction of the local government.**
- 6. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the Shire’s Planning department and have been approved in writing:**
 - a. Details of suitable screening and/or fencing of the sea container from Carter Road shall be provided to the satisfaction of the Shire (Advice Note 5).**
- 7. The development hereby approved shall not be occupied or used until all plans, details or works required by Condition(s) 2, 5 and 6 have been implemented.**
- 8. The works undertaken to satisfy Condition(s) 2, 5 and 6 shall be subsequently maintained for the life of the development.**

Advice Notes:

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**
- 4. Non-compliance against CONDITION 3 is an offence against the Public Health Act 1911.**
- 5. Screening can be provided through the provision of appropriate landscaping. If landscaping is proposed, a plan shall be provided to the Shire for approval indicating the areas of planting, species, type and numbers of plantings and anticipated height of plants at maturity.**
- 6. In accordance with the provision of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the Shire, prior to the commencement of the development hereby permitted.”**

CARRIED: 6/0

***SY092-08/16 - P1047 – New Signage and Painting of Bricks Below Shop Front Window on Heritage Listed Building:
Lot 341 (Hse106) Avon Terrace, York***

FILE REFERENCE: AV1.4560
APPLICANT OR PROPONENT(S): R. Marwick
AUTHORS NAME & POSITION: Carly Rundle, Senior Planner
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: A – Location Plan
B – Development Plans

Nature of Council’s Role in the Matter:

Quasi-judicial

Purpose of the Report:

The purpose of the report is to request Council to consider an application for planning consent for new signage and painting on a heritage listed building at Lot 341 (Hse 106) Avon Terrace, York.

Background:

Lot 341 is zoned Town Centre by the Shire of York Town Planning Scheme No. 2 and has shop frontage of 9.1m in width. The building contains the York Newsagents and is surrounded by other similar land uses. A Location Plan is provided in **Appendix A**.

The building is listed on the Shires Municipal Heritage Inventory (PN 2809) as ‘Collins Building’ and is also located within the York Central Heritage Precinct.

The applicant has submitted a development application which proposes:

1. The erection of a new awning sign with dimensions of 0.6m in height and 8m in length. The sign is proposed to be a navy background with cream lettering; and
2. The painting of the bricks below the window to a cream colour.

The development plans are provided in **Appendix B**.

Comments and details:

The application is required to be assessed in accordance with the Shire of York’s Local Planning Scheme and Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions.

York Town Planning Scheme No. 2 & Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions

The property is zoned ‘Town Centre’ by Town Planning Scheme No. 2 (TPS2). Development on a Heritage Listed property and within a Heritage Precinct is not exempt from planning consent. The proposal also requests variations to Local Planning Policy No. 4 Advertising Signage.

The relevant provisions of the Scheme that relate to the assessment of the proposal includes:

4.9 – Town Centre Zone:

4.9.1 Objectives

- a) To retain the town centre of York as the principal place for retail, commercial, civic, and tourist orientated uses in the District.*
- b) To preserve the unique qualities of the town centre as a heritage place including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*
- c) To ensure development complies with the Design Guidelines adopted by the local government for the town centre.*
- d) To encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists and travellers.*

The proposal is for the purposes of signage and painting of building to support a commercial business and is consistent with the objectives of the Town Centre and the proposal has been assessed in accordance with the Heritage Precincts and Places policy below.

4.9.3 Development Requirements

- a) In considering an application for planning consent for a proposed development (including additions and alterations to existing development) in the town centre the local government shall have regard to Design Guidelines adopted by the local government, and*
 - (i) the colour and texture of external building materials; (the local government may require the building facade and side walls to a building depth of 3 m to be constructed in masonry);*
 - (ii) building size, height, bulk, roof pitch;*
 - (iii) setback and location of the building on its lot;*
 - (iv) architectural style and design details of the building;*
 - (v) function of the building;*
 - (vi) the relationship to surrounding development having particular regard to any impact upon the heritage significance of the York townscape, its streetscapes, and any Heritage Place or Heritage Precinct; and*
 - (vii) other characteristics considered by the local government to be relevant.*

The proposed signage and painting is consistent with the established character along the streetscape, and has been assessed in accordance with the Heritage Precincts and Places policy. The signage is sympathetic to the heritage values of the property and surrounding properties and appropriately located on the awning front.

Clause 5.1 – Heritage Precincts and Places of Cultural Significance.

5.1.1 Purpose and Intent:

The purpose and intent of the heritage provisions are:

- a) to facilitate the conservation of places of heritage value;*
- b) to ensure as far possible that development occurs with due regard to heritage values.*

The property is listed on the Municipal Heritage Inventory for the individual building (Colin's Building) and is located within the York Central Heritage Precinct. The building has heritage significance due to the larger two storey brick façade with rendered parapet decorated in the Victorian manner and dating from 1907. The original shop fronts have been modernised and the original two storey timber verandah replaced with a cantilevered awning and balconies to the original openings on to the verandah at first floor level.

The building is listed as a Category 1B in the Municipal Heritage Inventory. This recommends that the heritage values are retained and the building conserved,

The signage is appropriately located on the awning front, is consistent with the established character of the street and is sympathetic to the existing building. It is not anticipated to detract from the built heritage values of the building and is located such that it will not damage any of the built features of the building. The signage is consistent with maintaining and conserving heritage values of the Collin's building.

Clause 5.3 Control of Advertisements

Cl 5.3.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

Proposal is consistent with the objectives of the Scheme and is consistent with the established character of the street.

Clause 67 Matters to be Considered by Local Government

Local government is to give due regard to Clause 67 in the consideration of any planning application. The following are those most relevant to the application.

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

The proposal is consistent with the aims and provisions of the Scheme.

- (d) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations or any other planning instrument that the local government is seriously considering adopting or approving.*

There are no new amendments proposed which will affect assessment on this proposal. The proposal is consistent with orderly and proper planning.

- g) Any local planning policy for the Scheme area*

Clause 9.8 of the Scheme provides Local Government with the ability to prepare a local planning policy for any matter related to the planning or development of a scheme area, and Clause 9.8.6 of the Scheme relates to how a local planning policy applies in decision making:

"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 of which the policy is designed to achieve before making its decision".

There are two Local Planning Policies which relate to the proposal.

Local Planning Policy No. 3 Heritage Precincts and Places

The policy was prepared with the purpose of guiding development to respect the primary elements that comprise the character of an area; including scale or size, form, siting, materials and colours and detailing and provides examples of existing harmonious or sympathetic developments that respond to these primary elements in an acceptable manner.

Section 4 of the Policy applies to commercial development and section 5 applies to signage. The relevant provisions of the policy are outlined below.

Provision	Requirement	Proposed	Comment
4.4.4 Materials and Colours			
Colours	a) The colours used in an existing building and in neighbouring properties in the streetscape. Colours should respond to the original colours used or a contemporary interpretation of those colours.	The brick below the shopfront window is proposed to be painted in a cream colour.	Cream is an acceptable colour within the policy and colour palette and is widely used throughout buildings within the town centre.
	b) Colours selected from heritage ranges will be acceptable. Guidance may be taken from the colour palette available for viewing at the Shire of York offices.	See above.	See above.
	f) Feature brickwork should not be painted.	The proposal is to paint the brickwork below the shop front window.	It is not provided within the policy what is considered as a 'feature brickwork'. Features are usually considered as dominant features of the building. In this regard it would deem that the brickwork on the ground floor is not a 'feature', although the brickwork on the upper floor would be. The policy also provides further guidance on this provision stating that materials that were not intended to be painted, such as brick should not be painted, as in older buildings it will cause the brickwork to deteriorate and is a poor maintenance strategy. Advice was sought from the Shires Heritage Advisor who advised, that the bricks are likely 1930's or later and not part of the original building. She provided that the bricks hold no particular heritage significance and from a heritage perspective supports the painting. The painting/rendering of brickwork below the shop windows is a common feature along Avon Terrace, and is consistent with the established character of ground floor shops fronting Avon Terrace and will not be detrimental to the amenity or heritage values of the building or precinct.

	i) The application to new and existing buildings of "Corporate standard colour schemes or materials that are not sympathetic to the character of the Central York Precinct will not be supported.	The brick below the shopfront window is proposed to be painted in a cream colour.	Colour complies with policy provisions.
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Section 5 of the policy applies to Signage.

The objectives of the policy for signage are:

- To permit adequate identification and business advertising.
- To recognise that advertising signs can help to express the character of the heritage precinct, creating an attractive daytime and evening atmosphere.
- To limit the number, scale and positioning of advertising signs.
- To ensure that advertising signs are in keeping with the scale and character of the building upon which they will be attached and do not detract from the architecture of the building.
- To ensure that signage is designed and located in a manner which enhances and conserves the heritage place with which it is associated.

Provision	Requirement	Proposed	Comment
Complying Principles			
a)	Signs shall be discreet and shall complement the building and streetscape in which it is located;	Application proposes an awning sign of 0.6m by 8m, with navy background and cream lettering.	Signage is appropriately located and will be consistent with surrounding buildings along Avon Terrace.
b)	Signs shall be of a size, nature, colour and position so that the architectural characteristics of a building remain the dominant element of the building	See above.	Signage is appropriately located on the awning face and does not cover or detract from architectural characteristics of the building.
c)	Signage must respect and not cover important architectural detail on historic buildings	See above.	Signage complies.
d)	Signage should respect the heritage values of the building and streetscape on which it is located, however should not attempt to recreate a historic character through the use of "olde" lettering or other imitation styles	See Appendix B for development plans.	Complies.
e)	Signs shall be attached to a building in a manner which does not damage or compromise the structural integrity or heritage values of the building	Sign attached to awning face.	Complies – signage will not damage heritage values of building.
f)	Views into and out of shop windows should not be significantly obscured by signage	Awning Sign.	Complies.

g)	All signs should be of a high standard in terms of materials, construction and graphics. All signs shall be designed, constructed, finished, installed and maintained to a standard compatible with its surroundings, including buildings, landscaping and other signs	See Appendix B for development plans.	Sign is of a high standard, and compatible with surrounding signage.
h)	Background colours used in signs shall generally be white or cream or colours from the colour palette available for viewing at the Shire of York offices	Background colour is navy with cream lettering.	Navy is an acceptable colour in the Shire of York colour palette and is consistent with surrounding development who have used darker colours for the background.
Appropriate Location for Signs			
	<p>Generally the following areas on a heritage building are suitable for locating signage, although it is not suggested that all these opportunities should be exploited at the same time:</p> <ul style="list-style-type: none"> • the solid parapet above the cornice (horizontal sign); • the horizontal panel below the cornice (horizontal sign); • on upper storey side walls; • small signs on ground or first floor windows; and • attached to verandahs (verandah fascia and under-awning signs). <p>The aggregate number of signs on a building, including the painting of the building and freestanding signs, shall be minimised. The total aggregate of all signs on the frontage of the building to the street shall not exceed 10% of the total (silhouette) area of a building's principal frontage.</p> <p>Signage shall be placed in locations on a building which would traditionally have been used as advertising area. If the building has no such locations, the signage may be deemed inappropriate. Preferred locations for signage shall include: awnings, fascias, doors, walls and hanging under verandahs, either facing the street or at right angles to the street above the footpath.</p>	<p>The proposal is for an awning sign.</p> <p>The aggregate number of signs of the front elevation of the building is approximately 7.8% of the total building frontage to the street.</p>	<p>The awning face is an area where signage would traditionally be placed, and is appropriate.</p> <p>The aggregate number of signage complies with the policy.</p>

Permitted Signage Content			
i)	<p>The information to be included on a sign shall be limited to:</p> <p>a) The name, address, telephone number, email address or website associated with the premises;</p> <p>b) The name of the business(es) contained within the premises;</p> <p>c) The type of services, activities or products available within the premises.</p> <p>Unrelated or third party advertising is not permitted.</p> <p>Lettering on signs is restricted to 300mm high, except on larger two storey buildings where the lettering on the principal sign may be 380mm high.</p>	<p>Signage is advertising the business name 'The York Newsagents'.</p> <p>Proposed lettering is approximately 380mm high for 'NEWSAGENTS', and 440mm and 300mm for 'The York'.</p>	<p>Complies.</p> <p>The building is two storey and therefore lettering on the principal sign may be 380mm high.</p> <p>The variation occurs on the capitals and is a minor variation which is unlikely to detract from the amenity of the streetscape.</p> <p>The lettering averages at 380mm high.</p>

Local Planning Policy No. 4 Advertising Signs

This policy applies as well as the Local Planning Policy – Heritage Precincts and Places. In the event of an inconsistency, the provisions of the Local Planning Policy – Heritage Precincts and Places prevails in regards to heritage.

The objectives of this policy are to:

- (a) ensure that advertisements are appropriately sized and sited for their location;
- (b) require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance;
- (c) discourage the ineffective, visually intrusive and proliferation of excessive advertisements; and
- (d) provide guidelines for consistent decision making for advertisements on zoned or reserved land within the Shire of York.

Provision	Requirement	Proposed	Comment
6.1 Awning, Banner and Projecting Wall Signs			
An awning, banner or projecting wall sign may be considered based on the following standards			
	One sign type per frontage of the subject building or tenancy. Buildings with multiple tenancies should aim for utilising a consistent design in terms of size, siting, dimensions and materials used;	The proposal is for an awning face sign. There are no additional banner or projecting wall signs on the property.	Complies.
	The sign is placed towards the middle of the building elevation or tenancy frontage	Signage is located in the middle of the awning.	Complies.
	<p>The minimum clearance between the underside of the sign and the footpath below shall be:</p> <ul style="list-style-type: none"> • metres where located within private property; or • 2.4 metres where located over a pedestrian way in a road reserve. 	Signage is located on the awning face.	Clearance on the underside of the awning is not affected by the proposal.

	An awning sign shall be in keeping with the architectural style of the building and not detract from the amenity of the streetscape	See Appendix B for Development Plans.	The awning sign is consistent with other signage erected along Avon Terrace, and is consistent with the established character and amenity of the streetscape.
	The awning sign shall be no longer than half of the width of the awning or eave, and a maximum height of 600 mm;	The building frontage is 9.1m and the signage is 8000mm long and 600mm high. The policy permits signage of 4.55m. A variation of 3.45m is sought.	The proposal requires a variation to the policy. The principles of assessment, assessment criteria and objectives of the policy place an emphasis on signage being consistent with the character, maintaining and enhancing the amenity of the area and being sympathetic to heritage values of the building and precinct. The streetscape is characterised by a number of awning signs that have extended the full width of the awning face and the signage as proposed is consistent with this established character. The aggregate number of signage on the property is also within the 10% permitted by Local Planning Policy No. 3. In this regard the proposal is consistent with policy provisions and is not anticipated to detrimentally impact on the character of the streetscape and is therefore recommended that the variation be supported. However, it is noted that the signage could be reduced in size and have the same effect.
	The awning sign must not extend past the awning	The proposal suggests that the sign does not extend past the awning.	This will be re-iterated as a condition of approval to ensure that the sign will not overhang the awning face.

Implications to Consider:

Consultative:

Referrals to adjoining landowners was deemed not necessary in this instance, as the proposed signage is of similar scale and proportion to that existing on adjoining businesses which would have been consulted.

Strategic Implications:

The proposal is considered consistent with the Shire of Town Planning Scheme No. 2, and is therefore consistent with the Shire of York's 2016-2026 Strategic Community Plan, and in particular Theme 2, which promotes development carried out in a scale and style which is compatible with the character of York.

Policy Implication:

The recommendation does not result in any policy implications for the Shire.

Financial Implications:

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

Legal and Statutory

The proposal has been assessed in accordance with the statutory framework set by the Scheme and Regulations.

Risk related

A risk assessment of the proposal has been undertaken, and there were no medium to high risks identified with the proposal that warrant further discussion.

Voting Requirements:
Absolute Majority Required: No

**RESOLUTION
040816**

Moved: Cr Saint

Seconded: Cr Smythe

“That Council:

APPROVE the planning application for New Signage and Painting on Heritage Listed Building at Lot 341 (Hse 106) Avon Terrace, York, subject to the following conditions:

- 1. The development hereby approved shall be substantially commenced within two years of the date of this decision notice.***
- 2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plan(s) (enclosed), including any notes placed thereon in red by the Shire and except as may be modified by the following conditions.***
- 3. No flashing or illuminated signage is permitted without the prior approval of the Shire.***
- 4. The awning sign shall not overhang the awning.***

Advice Note:

- 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.***
- 2. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained. Should the approval period lapse, a new planning application with relevant retrospective fees may be required by the Shire of York.***
- 3. If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.”***

CARRIED: 6/0

SY093-08/16 – Review of Financial Management, Risk Management, Internal Control and Legislative Compliance

FILE REFERENCE: FI.FRP.6
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Mark Dacombe, Acting Executive Manager
Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: Previous Financial Management Review reported to the Audit Committee on 24 February 2014
Previous Risk Management, Internal Control and Legislative Compliance Review to the Audit Committee on 18 March 2015
DISCLOSURE OF INTEREST: Nil
APPENDICES: Draft Consultant Brief to Conduct the Review

Nature of Council's Role in the Matter:

Executive
Review

Purpose of the Report:

To advise of the CEO's intention to undertake a review of the Shire Financial Management, Risk Management, Internal Control and Legislative Compliance.

Background:

Over the recent months a significant amount of review has occurred within the organisation. This has included policies, organisation structure and road construction methods. The final element of the review process is now presented to Council for consideration. In addition to this the CEO is in the process of establishing his management team and shaping the organisation for delivery of the recently adopted Strategic Community Plan and Corporate Business Plan.

A critical foundation for the success of the CEO and his management team will be the integrity of the Shire's financial management, risk management, internal controls and legislative compliance regimes. The CEO is therefore seeking assurance as to the appropriateness and effectiveness of the Shire's systems and procedures to establish a baseline and prioritised improvement plan if required to set a best practice benchmark for the future.

Comments and details:

Legal Environment

The Local Government (Financial Management) Regulations 1996 under Regulation 5 requires the CEO to ensure efficient systems and procedures are established for the local authority. The Local Government Act and the Regulations place a significant responsibility on the CEO to ensure that financial matters are handled effectively and efficiently. Regulation 5(2)(c) requires the CEO to "undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (not less than every 4 years) and to report to the Council the results of those reviews."

The last review was carried out in December 2013 and was reported to the Audit Committee in February 2014. Although the review was carried out only two and a half years ago the intervening period has seen significant staff and Councillor turn-over. The CEO considers that a comprehensive review under Regulation 5 of the Local Government (Financial Management) Regulations 1996 is the appropriate mechanism to establish a clear understanding, shared by current Councillors and current and incoming staff.

In addition, the Local Government (Audit) Regulations 1996 under Regulation 17 require the CEO to review the appropriateness and effectiveness of the local government's systems in relation to risk management, internal control and legislative compliance. Each of these areas is to be the subject of a review every 2 calendar years.

The last review under Regulation 17 was conducted in-house and reported to the Audit Committee was reported to the Audit Committee (the Commissioner) on 18 March 2015. It is proposed to undertake this review alongside the Financial Management Review to enable a complete snapshot of the organisation and the steps that may be needed to ensure the optimum level of performance and compliance.

Statutory Provisions

Regulation 5 of the Local Government (Financial Management) Regulations 1996 states with respect to the CEO's duties as to financial management:

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(a) for the proper collection of all money owing to the local government; and

(b) for the safe custody and security of all money collected or held by the local government; and

(c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and

(d) to ensure proper accounting for municipal or trust —

(i) revenue received or receivable; and

(ii) expenses paid or payable; and

(iii) assets and liabilities;

and

(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

(f) for the maintenance of payroll, stock control and costing records; and

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(a) ensure that the resources of the local government are effectively and efficiently managed; and

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Regulation 17 of the Local Government (Audit) Regulations 1996 states:

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

(3) The CEO is to report to the audit committee the results of that review.

Consultation

CEO, Financial Controller and Acting Executive Manager Corporate and Community Services.

The main issue identified is timing. An external review of this nature will place significant demands on "Finance" staff in particular to provide information to support the review process. This has been addressed by scheduling the review so that it reports in December 2016 following the completion and audit of the annual financial accounts.

Financial Implications

\$20,000 is provided in the 2016/17 budget for these reviews.

Transparency

The CEO proposes that the review is undertaken by an external party in order to engage a higher level of expertise in the relevant areas and ensure independence. The brief for the review is attached to this report and the assignment will be offered by way of a "Request of Quotations".

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 050816

Moved: Cr Walters

Seconded: Cr Saint

"That Council:

- 1. NOTES the intention of the CEO to undertake a review of Financial Management, Risk Management, Internal Controls and Legislative Compliance for the purpose of providing assurance as to the appropriateness and effectiveness of the Shire's arrangements;***
- 2. NOTES that the CEO will report the findings of the review, including a prioritised improvement plan, to the Council following its completion in December 2016 or when completed.***
- 3. NOTES that the reviews will meet the requirements of Regulation 5 of the Local Government (Financial Management) Regulations 1996 and Regulation 17 of the Local Government (Audit) Regulations 1996."***

CARRIED: 6/0

SY094-08/16 – Proposed Memorandum of Understanding between Shire of York and UWA

FILE REFERENCE:

APPLICANT OR PROPONENT(S):

AUTHORS NAME & POSITION: Carol Littlefair, Curator, Cultural Heritage

PREVIOUSLY BEFORE COUNCIL: N/a

DISCLOSURE OF INTEREST: None

APPENDICES:
1. Shire of York/UWA MOU
2. Master of Heritage Studies Course Outline

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report requests the support of Council for a Memorandum of Understanding between the Shire of York and University of Western Australia to host student placements as part of UWA's Master of Heritage Studies Course.

Background:

The Curator, Cultural Heritage has been in discussion with the Associate Dean of the Faculty of Arts to set up student placements for Masters students on the Heritage Studies course to undertake professional heritage work placements within the Shire of York. These are generally six week full time placements and should align with the course units and have real, practical or research outcomes. The Shire of York has numerous heritage issues, projects and needs that could benefit from input, analysis and original research by these students, who have already completed their first degree.

It is an example of facilitation of service provision by others and a strategic partnership that has the potential to expand and be a useful model for York.

Comments and details:

It is anticipated that the Shire will work collaboratively with UWA to develop suitable projects that will be mutually beneficial to both parties. These will be offered to individual students, or a maximum of two students for placements at any one time.

If suitable projects are identified, there is also further opportunity for students to undertake case studies as a group.

All course units with the exception of no's. 1 and 8 are eminently suitable for York and UWA are keen to establish this link which could provide numerous 'real-life' heritage projects at a high level, suitable for Masters Students. It is also an unparalleled opportunity for the Shire of York to benefit from fresh thinking by dedicated heritage specialists who will be striving to achieve excellent results for the projects they undertake.

The availability of an appropriate level of expertise in project development and student liaison is a critical factor that UWA are satisfied that can be met with the input of the Curator, Cultural Heritage and Regional Heritage Advisor.

Implications to consider:

- Consultative

Consultation has taken place with the Associate Dean, Benjamin Smith, Faculty of Arts UWA. Regional Heritage Advisor, Laura Gray has also been consulted and has expressed willingness to work collaboratively with student placement projects.

- Strategic

This project will relate to the new Strategic Community Plan:

Theme: To be a Leader in Cultural Heritage and the Environment, in the context of being 'development ready', and

Revitalisation: Driving the York Economy Forward, in the context of:

- A programme to use the town's strengths, including heritage

And

- contributing to economic development projects, including the facilitation of clusters

- Financial

There is a small component of in kind financial contribution for the time spent by the Curator, Cultural Heritage in liaising with UWA in regard to projects.

Accommodation for students is also a critical factor as students will need to visit York during their placements to work on identified projects. It is proposed that cheap accommodation can be provided by the Shire for students to be considered on a case by case basis for projects which Council has endorsed and provided funding towards. Any costs of accommodation only will be at the discretion of the Chief Executive Officer and charged to those particular projects where the budget allows.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

060816

Moved: Cr Ferro

Seconded: Cr Smythe

"That Council:

- 1. Agree to enter into the Memorandum of Understanding with the University of Western Australia as attached at Appendix 1.***
- 2. Authorises the Shire President and Chief Executive Officer to sign the Memorandum of Understanding."***

CARRIED: 6/0

SY095-08/16 – Application to Keep Three Dogs

FILE REFERENCE:	RS ANC.2
APPLICANT:	Mr. Hans Manders (10 Seabrook Street, York)
AUTHORS NAME & POSITION:	John Goward, Shire Ranger
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	Appendix 1 – Photographs of Yard Appendix 2 – Photographs of dogs

Nature of Council’s Role in the Matter:

- Legislative

Purpose of the Report:

To consider an application made by Mr Hans Manders of 10 Seabrook Street, York in accordance with the provisions of section 26(3) of the Dog Act 1976 to keep more than the prescribed number of dogs.

Background:

It is a requirement of the Shire of York Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premises within a town site is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976.

Council has approved similar applications in the past where none of the adjoining neighbours have any objections to the request and the Shire Ranger or other authorised officer has considered that there are no valid reasons for withholding such approval.

Comments and details:

Mr Manders has been keeping three dogs at the above address for approximately 2 months and through contact with the Shire Ranger has just realised that he needs to apply for an exemption to keep a third dog.

His original two dogs are a male desexed Australian Cattle Dog named ‘Barney’ registration G170107, microchip 953010000192683 and a female desexed Border Collie/ Kelpie crossbreed named ‘Josephine’ registration B160255, microchip 900088000416786.

The proposed third dog is a male desexed Staffordshire Bull Terrier/ Red Heeler crossbreed named ‘Charlie’ that is owned by his daughter Miss Romy Manders who resides at a rental property at 7 Grebe Court, Lara, Victoria. In his application Mr Manders states that this rental property is small and both Miss Manders and her partner work fulltime causing the dog ‘Charlie’ to suffer from separation anxiety and boredom. He wants to keep this dog on his property and take care of it for an extended period of time until his daughter and her partner build or purchase a new home.

On Friday 24 June 2016 at approximately 2.15 pm the Shire Ranger attended at 10 Seabrook Street, York and spoke to Mrs Julie Manders. Mrs Manders showed the Ranger the perimeter fencing at the property which in his opinion would adequately confine the three dogs in question. The Ranger met the three dogs which seemed well adjusted of which Mrs Manders also provided photographs.

Implications to consider:

Consultative:

On 30th June 2016 letters were posted to adjoining neighbors which outlined Mr. Manders' application and stating that if the neighbors had any objections they could notify the Shire within 10 days. No objections have been received.

Legal and Statutory

DOG ACT 1976 - Part V — The keeping of dogs

26. Limitation as to numbers

- (1) *A local government may, by a local law under this Act —*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
 - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
 - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*
 - (d) *cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).*
- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
 - (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
 - (b) *cannot authorise the keeping in or at those premises of —*
 - (i) *more than 6 dogs that have reached 3 months of age; or*
 - (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;*

and
 - (c) *may be revoked or varied at any time.*
- (4) *A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —*
 - (a) *in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —*
 - (i) *a local law mentioned in subsection (1); or*
 - (ii) *an exemption granted under subsection (3);*

or

- (b) *more than —*
 - (i) *2 dangerous dogs (declared); or*
 - (ii) *2 dangerous dogs (restricted breed); or*
 - (iii) *one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
- (c) *any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*

Penalty:

- (a) *for an offence relating to a dangerous dog —*
 - (i) *a fine of \$10 000, but the minimum penalty is a fine of \$500;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
 - (b) *for an offence relating to a dog other than a dangerous dog —*
 - (i) *a fine of \$5 000;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) *Any person who is aggrieved —*
- (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
 - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*
- may apply to the State Administrative Tribunal for a review of the decision.*
- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268; No. 18 of 2013 s. 22.]

SHIRE OF YORK DOGS LOCAL LAW

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

- (1) *This clause does not apply to premises which have been —*
- (a) *licensed under Part 4 as an approved kennel establishment; or*
 - (b) *granted an exemption under section 26(3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act —*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
 - (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

Risk Related:

Keeping of three dogs in a town site may impact on the social cohesion of a community if the dogs create a nuisance.

Voting Requirement
Absolute Majority Required: No

**RESOLUTION
070816**

Moved: Cr Saint

Seconded: Cr Ferro

“That Council:

Approve an exemption for the keeping of three dogs at 10 Seabrook Street, York subject to the following conditions:

- That the exemption be reviewed in twelve months’ time to ensure that no adverse problems have been experienced as a result of the exemption; and***
- That Council reserve the right to withdraw the exemption if prior to the review period any of the three dogs are in contravention of the Dog Act 1976; and***
- The exemption applies only to the dogs nominated by the applicant; and***
- Each dog is microchipped; and***
- Each dog must be registered with the Shire of York; and***
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.”***

CARRIED: 6/0

SY096-08/16 – Application to Keep Three Dogs

FILE REFERENCE:	RS ANC.2
APPLICANT:	Ms Jacqueline Irving (5 Scott Street, York)
AUTHORS NAME & POSITION:	John Goward, Shire Ranger
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	Appendix 1 – Photographs of Yard Appendix 2 – Photographs of Dogs

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

To consider an application made by Ms Jaqueline Irving of 5 Scott Street, York in accordance with the provisions of section 26(3) of the Dog Act 1976 to keep more than the prescribed number of dogs.

Background:

It is a requirement of the Shire of York Dogs Local Law (2000) that the maximum number of dogs that can be kept on a premises within a town site is two unless an exemption is granted by council under the provisions of section 26(3) of the Dog Act 1976.

Council has approved similar applications in the past where none of the adjoining neighbours have any objections to the request and the Shire Ranger or other authorized officer has considered that there are no valid reasons for withholding such approval.

Comments and details:

Ms Irving has lived in York since October 2015 has been keeping three dogs at the above address for approximately 2 months at the time of application and through contact with the Shire Ranger has realised that she needs to apply for an exemption to keep a third dog.

Her original two dogs are a male sterilized Chihuahua / Jack Russel crossbreed dog named 'Moses' Armadale Registration 006203 expiry date October 2017, microchip 941000018240689 and a female sterilized Chihuahua / Maltese crossbreed named 'Hanna' Armadale Registration 05382, microchip 941000016205603.

The proposed third dog is a male unsterilized Rottweiler dog named 'Titus', microchip 9410000184933945 who at the time of this application was 6 months old. Titus was purchased by the applicant as a 7 week old pup who was unaware that she had to make an application to the Shire of York to keep a third dog. The applicant immediately applied to keep a third dog when advised by the Ranger that this was a requirement. Titus is currently unregistered but will be registered by the Shire of York along with the two original dogs, subject to the granting of this application.

On Friday 24 June 2016 at approximately 3.30pm the Shire Ranger attended at 5 Scott Street, York and spoke to Ms Jacqueline Irving. Ms Irving showed the Ranger the perimeter fencing at the property which in his opinion would adequately confine the three dogs in question. The Ranger met the three dogs which seemed well adjusted of which he also took a series of photographs.

Implications to consider:

Consultative:

On 25th July 2016 letters were posted to adjoining neighbors which outlined Ms. Irving's application and stating that if the neighbors had any objections they could notify the Shire within 10 days. No objections have been received.

Legal and Statutory

DOG ACT 1976 - Part V — The keeping of dogs

26. Limitation as to numbers

- (1) *A local government may, by a local law under this Act —*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
 - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
 - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*
 - (d) *cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).*
- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
 - (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
 - (b) *cannot authorise the keeping in or at those premises of —*
 - (i) *more than 6 dogs that have reached 3 months of age; or*
 - (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;*

and
 - (c) *may be revoked or varied at any time.*
- (4) *A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —*
 - (a) *in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —*
 - (i) *a local law mentioned in subsection (1); or*
 - (ii) *an exemption granted under subsection (3);*

or

- (b) *more than —*
 - (i) *2 dangerous dogs (declared); or*
 - (ii) *2 dangerous dogs (restricted breed); or*
 - (iii) *one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
- (c) *any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*

Penalty:

- (a) *for an offence relating to a dangerous dog —*
 - (i) *a fine of \$10 000, but the minimum penalty is a fine of \$500;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
 - (b) *for an offence relating to a dog other than a dangerous dog —*
 - (i) *a fine of \$5 000;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) *Any person who is aggrieved —*
- (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
 - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,*
- may apply to the State Administrative Tribunal for a review of the decision.*
- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

[Section 26 amended by No. 23 of 1987 s. 22; No. 14 of 1996 s. 4; No. 24 of 1996 s. 16; No. 55 of 2004 s. 256 and 268; No. 18 of 2013 s. 22.]

SHIRE OF YORK DOGS LOCAL LAW

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

- (1) *This clause does not apply to premises which have been —*
- (a) *licensed under Part 4 as an approved kennel establishment; or*
 - (b) *granted an exemption under section 26(3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act —*
- (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
 - (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.*

Risk Related:

Keeping of three dogs in a town site may impact on the social cohesion of a community if the dogs create a nuisance.

Voting Requirement
Absolute Majority Required: No

**RESOLUTION
080816**

Moved: Cr Walters

Seconded: Cr Ferro

“That Council:

Approve an exemption for the keeping of three dogs at 5 Scott Street, York subject to the following conditions:

- That the exemption be reviewed in twelve months’ time to ensure that no adverse problems have been experienced as a result of the exemption; and***
- That Council reserve the right to withdraw the exemption if prior to the review period any of the three dogs are in contravention of the Dog Act 1976; and***
- The exemption applies only to the dogs nominated by the applicant; and***
- Each dog is microchipped; and***
- Each dog must be registered with the Shire of York; and***
- Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.”***

CARRIED: 6/0

Declaration of Interest –

Cr Denese Smythe – Impartial Interest – Member of The York Society

Cr Smythe read the Impartiality Declaration- ...'As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly'.

SY097-08/16 – Application to be Recognised as a Community Group – The York Society Inc

FILE REFERENCE:	FI.DON
APPLICANT OR PROPONENT(S):	The York Society Inc
AUTHORS NAME & POSITION:	George Johnson, EHO
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Cr Smythe – Impartial Interest
APPENDICES:	Letter from The York Society Inc

Nature of Council's Role in the Matter:

- Quasi-judicial

Purpose of the Report:

It is a requirement that The York Society Inc makes application to Council to be a recognised Community Group for the purpose of reduced fees and charges related to the use of Shire facilities for activities that will benefit the community and for the waiving of stallholder application fees for fundraising purposes

Background:

The York Society Inc represents the key issues of Heritage and History of York. It manages the York Research and Archival Centre containing a large collection of published and documented material.

The York Society Inc is made up of dedicated volunteers and is a not for profit organisation promoting heritage in the Shire of York.

Comments and details:

The York Society Inc is seen to be a benefit to the community and offers an insight into the history of the early settlers of the York District.

It is recommended that The York Society Inc be approved as a Recognised Community Group for the purpose of reduced hire rates and waived stall holder fees.

Certificate of Incorporation and Public Liability Insurance of \$10,000,000 is still required for Community groups to qualify as being recognised as a York Community Group.

Implications to consider:

- Financial
 - Loss of stallholder application fees. Currently \$21.00 per day plus \$21.00 application fee.
 - Loss of part hire fees for Shire buildings.
- Legal and Statutory
 - Public Liability Insurance of \$10,000,000 to be provided.
- Risk related
 - Low risk

Voting Requirements:
Absolute Majority Required: No

RESOLUTION
090816

Moved: Cr Heaton

Seconded: Cr Ferro

“That Council:

Recognise The York Society Inc as a Community Group for the purpose of reducing fees and charges related to the use of Council facilities and waiving stallholder application fees.”

CARRIED: 6/0

SY098-08/16 – Financial Report for July 2016

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Monthly Statements
	List of Creditors Payments
	Corporate Credit Card Transaction Listing

Purpose of the Report:

The purpose of financial reporting and the preparation of monthly financial statements, is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitors the local government's performance against budgets.

Background:

Local governments are required to prepare general purpose financial reports in accordance with the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and the Australian Accounting Standards.

Comments and details:

The Financial Report for the period ending 31 July 2016 is presented for consideration and includes the following;

- Monthly Statements for the period ended 31 July 2016
- List of Creditors Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 July 2016;

Outstanding Rates and Services

Total outstanding rates as at 31 July 2016 are \$706,356 compared to \$733,889 as at 30 June 2016.

3 years and over	\$191,719.39	27.14%	of rates outstanding
2 years and over	\$140,576.42	19.90%	of rates outstanding
1 year and over	\$403,922.35	57.18%	of rates outstanding
Total Prior Years outstanding	\$736,218.16	104.23%	of rates outstanding
Current Rates	<u>-\$29,861.83</u>	-4.23%	of rates outstanding
Total Rates Outstanding	<u>\$706,356.33</u>		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 July 2016 are \$657,640 compared to \$363,183 as at 30 June 2016.

90 days and over	\$317,453.88	48.27%	of sundry debtors outstanding
60 days and over	\$4,832.09	0.73%	of sundry debtors outstanding
30 days and over	\$18,564.25	2.82%	of sundry debtors outstanding
Current	<u>\$316,789.90</u>	48.17%	of sundry debtors outstanding
Total Debtors Outstanding	<u>\$657,640.12</u>		

Voting Requirements:
 Absolute Majority Required: No

**RESOLUTION
 100816**

Moved: Cr Saint

Seconded: Cr Heaton

“That Council:

Receive the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 July 2016 as summarised below:

Jul-16	
MUNICIPAL FUND	AMOUNT
Cheque Payments	35,167.44
Electronic Funds Payments	740,816.54
Payroll Debits	440,963.19
Payroll Debits - Superannuation	40,819.06
Bank Fees	500.58
Corporate Cards	2,983.59
Viva Energy - Fuel Cards	12.50
Fire Messaging Service	82.50
TOTAL	1,261,345.40
TRUST FUND	
Electronic Funds Payments	7,427.69
Cheque Payments	132.00
Direct Debits Licensing	114,300.50
TOTAL	121,860.19
TOTAL DISBURSEMENTS	1,383,205.59 ”

CARRIED: 6/0

SY099-08/16 – Investments – June 2016

FILE REFERENCE: FI.FRP
APPLICANT OR PROPONENT(S): Not Applicable
AUTHORS NAME & POSITION: Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Investment Portfolio

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 30 June 2016.

Background:

The investment policy requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

Comments and details:

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 30 June 2016
- b) Application of Investment Funds
- c) Investment Performance

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

110816

Moved: Cr Saint

Seconded: Cr Ferro

“That Council:

Receive the Shire of York Investment Portfolio attached to this report.”

CARRIED: 6/0

SY100-08/16 – Investments – July 2016

FILE REFERENCE: FI.FRP
APPLICANT OR PROPONENT(S): Not Applicable
AUTHORS NAME & POSITION: Tabitha Bateman, Financial Controller
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil
APPENDICES: Investment Portfolio

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 July 2016.

Background:

The investment policy requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

Comments and details:

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 31 July 2016
- b) Application of Investment Funds
- c) Investment Performance

Voting Requirements:

Absolute Majority Required: No

RESOLUTION 120816

Moved: Cr Saint

Seconded: Cr Ferro

“That Council:

Receive the Shire of York Investment Portfolio attached to this report.”

CARRIED: 6/0

SY101-08/16 – Closing the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Paul Martin, CEO
AUTHORS NAME & POSITION: Paul Martin, CEO
PREVIOUSLY BEFORE COUNCIL: No
DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person;*

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
130816**

Moved: Cr Smythe

Seconded: Cr Walters

“That Council:

Close the meeting to members of the public and the press to deal with matters affecting an employee or employees, and the personal affairs of any person.”

CARRIED: 6/0

Note to this Item:

The Gallery and Staff left the room. The Chief Executive Officer, Paul Martin and the Executive Support Officer, Helen D’Arcy-Walker remained in the room.

The doors were Closed at 5.28pm

SY102-08/16 – Appointment of Executive Managers

FILE REFERENCE:

APPLICANT OR PROPONENT(S):

AUTHORS NAME & POSITION: Paul Martin, CEO

PREVIOUSLY BEFORE COUNCIL: No

DISCLOSURE OF INTEREST: Nil

APPENDICES: Nil

RESOLUTION

140816

Moved: Cr Walters

Seconded: Cr Saint

“That Council:

In accordance with Section 5.37(2) of the Local Government Act, receive the Chief Executive Officer’s report pertaining to the employment of The Executive Manager Infrastructure and Development Services and the Executive Manager Corporate and Community Services as designated senior employees.”

CARRIED: 6/0

SY103-08/16 – Appointment of Members to the Christmas Decorations Working Group

FILE REFERENCE:

APPLICANT OR PROPONENT(S):

AUTHORS NAME & POSITION: Paul Martin, CEO

PREVIOUSLY BEFORE COUNCIL: No

DISCLOSURE OF INTEREST: Nil

APPENDICES: Nil

RESOLUTION

150816

Moved: Cr Smythe

Seconded: Cr Ferro

“That Council

1. Appoints the following people to the Christmas Decorations Working Group:

- Bernie Finestone – Children’s Christmas Party***
- Sandra Paskett – Avon Valley Tourism Association***
- Roma Paton – Community Representative***
- Alison Matheson – Community Representative***
- Leigh Thompson – York Volunteer Workers Association***
- Duncan Steed – York Society***
- Ken Emberson – Artist***

2. Notes that given no nominations were received from Business Owners/Operators the Working Group will need to engage with this section of the community separately.”

CARRIED: 6/0

SY104-08/16 – Opening the Meeting to the Public & Press

FILE REFERENCE:

APPLICANT OR PROPOENT(S): Paul Martin, CEO

AUTHORS NAME & POSITION: Paul Martin, CEO

PREVIOUSLY BEFORE COUNCIL: No

DISCLOSURE OF INTEREST: Nil

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

(a) *a matter affecting an employee or employees;*

(b) *the personal affairs of any person;*

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

160816

Moved: Cr Walters

Seconded: Cr Saint

“That Council:

Open the meeting to members of the public and the press.”

CARRIED: 6/0

Note to this Item:

The doors were Opened at 5.47pm

The Gallery returned to the room.

The Shire President read the Officer Recommendation – Item SY102-08/16 - Appointment of Executive Managers to the Gallery.

The Chief Executive Officer stated that a media release would be released once both contracts have been signed.

The Shire President read the Officer Recommendation – Item SY103-08/16 - Appointment of Members to the Christmas Decorations Working Group to the Gallery.

10.NEXT MEETING

RESOLUTION

170816

Moved: Cr Smythe

Seconded: Cr Walters

“That Council:

holds the next Ordinary Meeting of the Council on Monday, 19th September, 2016 at 5.00pm in Council Chambers, York Town Hall, York.”

CARRIED: 6/0

11.CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.50pm.