



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 10 JUNE, 2013
COMMENCING AT 3.00pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

SHIRE OF YORK
DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of York for any act, omission or statement or intimation occurring during Council meetings.

The Shire of York disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation of approval made by any member or Officer of the Shire of York during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of York.

The Shire of York notifies that anyone who has any application lodged with the Shire of York must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of York in respect of the application.

RAY HOOPER
CHIEF EXECUTIVE OFFICER

Table of Contents

1. OPENING	7
1.1 Declaration of Opening	7
1.2 Chief Executive Officer to read the disclaimer.....	7
1.3 Suspension of Standing Orders (undergoing the repeal process)	7
1.4 Announcement of Visitors	7
1.5 Announcement of any Declared Financial Interests	7
2. ATTENDANCE	7
2.1 Members.....	7
2.2 Staff.....	7
2.3 Apologies.....	7
2.4 Leave of Absence Previously Approved.....	7
2.5 Number of People in Gallery at Commencement of Meeting.....	8
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
3.1 Previous Public Questions Taken on Notice	8
4. PUBLIC QUESTION TIME.....	8
4.1 Written Questions – Current Agenda	8
4.2 Public Question Time.....	12
5. APPLICATIONS FOR LEAVE OF ABSENCE	14
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	14
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	14
7.1 Minutes of the Ordinary Council Meeting held May 20, 2013	14
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	15
9. OFFICER'S REPORTS.....	15
9.1 Development Services.....	17
9.1.1 Retrospective Application For Advertising Signage At Bella Cucina Café, 82 Avon Terrace, York.....	19
9.1.2 SITA Protest Signage	27
Item 9.1.2 – Appendices	35
9.2 Administration Reports	37
9.2.1 Youth Report for June 2013.....	39
9.2.2 Country Local Government Fund – Regional Component – Amendment Shire of Quairading.....	41
9.2.3 Emergency Services Review – Option To Transfer Local Bush Fire Brigades Impact Assessment	43
Item 9.2.3 – Appendices	47
9.2.4 Information Services	49
Item 9.2.4 – Appendices	51
9.2.5 WALGA Constitution – Proposed Amendments	53
Item 9.2.5 – Appendices	55
9.3 Works Reports	57
9.4 Financial Reports.....	59

9.5	<i>Late Reports</i>	61
9.5.1	Amendment To Approved Plans – 5 Chamberlin Street, York.....	63
	Item 9.5.1 - Appendices.....	67
9.6	<i>Confidential Reports</i>	69
10.	NEXT MEETING	71
11.	CLOSURE	71



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 10 JUNE, 2013, COMMENCING AT
3.00PM 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 3.00pm
- 1.2 Chief Executive Officer to read the disclaimer
Ray Hooper, Chief Executive Officer, read the disclaimer
- 1.3 Suspension of Standing Orders (undergoing the repeal process)
Moved: Cr Hooper; Seconded: Cr Scott - Carried: 6/0
- 1.4 Announcement of Visitors
Nil
- 1.5 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 Mark Duperouzel, 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; Gail Maziuk, Finance Officer/Project Co-Ordinator; Helen D’Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Nil

- 2.5 Number of People in Gallery at Commencement of Meeting
There were 16 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Ms J Ferro

Public Question Time - 20th May 2013 Ordinary Council Meeting

Question:

Under what local government regulation is the Shire of York given the authority to deny someone their democratic rights?

Response:

The Shire President's role is provided for in Section 2.8 of the Local Government Act 1995. The Shire President is responsible for the conduct of public question time. The Shire President has taken a stance by refraining from receiving verbal questions from the person concerned, however does permit questions in writing that are taken on notice and responded to in writing.

Ms P Walters

Public Question Time – 20th May 2013 Ordinary Council Meeting

Question:

Why was the monthly financial report a couple of months ago submitted as a late report please?

Response:

The monthly financials for January were late for the agenda distribution (being 13th February 2013), however the documents were available from the 15th February 2013. It should be noted that Councillors thoroughly check through the finances each month and worked extensively on the mid year review with expenditures to date provided prior to the Audit Meeting held on the 11th February 2013.

4. PUBLIC QUESTION TIME

Public Question Time commenced at 3.07pm

Cr Boyle read the Public Question Time Statement

4.1 Written Questions – Current Agenda

Cr Boyle stated that there were a large amount of written questions with regards to signage, agenda item 9.1.2.

Mr D Hill

V. Chair of AVRA

Further to our conversation, it was agreed by AVRA that the best course of action is to take the signs down in the short term. During the break we will refresh them, possibly on metal sign boards and start a new campaign at a later date when the EPA path is clearer.

Council has given us free reign for over six months but we understand a couple of issues unrelated to AVRA have put you in a position of having to be seen to exercise some control over 'advertising'. The future signage will conform to the existing by-laws.

Mrs K Davies

Question 1:

How many people made written complaints against the signs pertaining to SITA?

Response:

Two

Question 2:

Does the Shire of York feel that intimidated by a few informative signs that they feel a need in a democratic society to control the York communities rights to freedom of speech?

Response:

Council has taken no action in relation to freedom of speech.

The matter before Council simply relates to compliance with the laws relating to signage which have been in place for a considerable period and which have resulted in action against others who have displayed unauthorised or unapproved signage.

Mrs J E Christmas

Question 1:

In the light of the Agenda item on signage

- (a) Where does the Shire stand in terms of the public advertising of special events from purpose built structures such as those along Henrietta Street and within the town itself?
- (b) Is the Shire required to get approval from Main Roads for each specific public advertisement?
- (c) How do the rules for the Shire differ from rules for general citizens, businesses and community organisations?

Response:

- (a) Council fully supports the advertising of community and special events on purpose built banner poles as these are deemed to be of community benefit.
- (b) No
- (c) The Local Government is the manager of the road reserves and the banner/sign infrastructure.

Businesses and community organisations can apply to the Shire for approval to display banners/signs on the banner poles or in other locations on or adjacent to road reserves.

Mrs R Paton

Question 1:

When will the costs for Freedom of Information applications be published as stated on more than one occasion by Council?

Response:

Council has not resolved to publish costs for FOI applications.

Question 2:

Can Council confirm how many FOI applications have been received in the last 18 months and how many have gone to the Commissioner for external review?

Response:

- 23 FOI applications
- 9 to external review – 2 withdrawn by the applicant, 1 closed by Commissioner, 6 still under review

Mr S Saint**Question 1:**

Can Council confirm when, where and how discussions, meetings and negotiations on issues of non-compliance with the Shire of York Town Planning Scheme No. 2 as detailed in the report to the April 2013 Council Meeting.

Response:

Extensive consultation has occurred over a prolonged period of time regarding this issue, including on the telephone and in person with Council's Manager of Planning Services, in writing in the form of correspondence initiated by Council and in response to Mr and Mrs Saint's enquiries, in writing in the form of a planning determinations, follow up correspondence, Council resolutions and in Planning Directions. Most recently consultation occurred as part of the recent State Administrative Tribunal appeals process with two mediation sessions being held both attended by Mr and Mrs Saint.

Question 2:

Do the elected members understand that if the sale of 87 Avon Terrace is halted due to the Council resolution and actions there after then the elected members will be held accountable?

Response:

No – Councillors do not accept that they can or will be held accountable if the sale of Avon Terrace is halted for whatever reason(s).

Mr K Richardson**Question:**

Does Council understand the definition of retaliate may extrapolate a puerile, self-centered degradation of the accepted ethical standards of, and respect for, public office by a Public Official?

Response:

No

Mrs T Richardson**Question 1:**

- (a) Cr Scott mentioned he had read many documents relating to the YTB. Did he read some or all of the Managers reports for the last 12 months of operations at the YVC?

Response:

Cr Scott responded with ... "My letter to the Court did comment on the financial management of York Tourist Bureau, supported in a report by an Auditor. Audit for 06-07 showed a number of concerns, the suggestion then was to start at zero balances for 08-09.

I read that \$145,000 was paid in wages per year. The Shire contributed \$106,000 per year which YTB needed to find \$39,000 to meet the difference.

I have read where in some instances a report was received from the Manager and dot points recorded in the Minutes. These reports came to my knowledge prior to the Court date."

Response:

Questions (b) to (f) were deemed to be inappropriate under the Guidelines for Managing Public Question Time and were not recorded or responded to.

Question 2:

Does this Council have any sort of cap on the amount of our money they are prepared to spend on prosecutions or to defend Councillors?

Response:

It is in accordance with Budget and Insurance provisions. The question was also published in the March Minutes on page 12.

Question 3:

With reference to Question 2 (a) from the March meeting regarding the CRC Women Health Day event which took place at the Town Hall. Your events policy states that an event whether commercial or private must have TMP, Business Plan, P/L insurance, Risk Management Plan and more. You set this policy and yet when asked why this was not applied to this event the CEO's reply was that this was deemed a community level event?

The CRC paid full fees and charged entry therefore is a commercial event. Regardless I do not understand what a community level event means. This is not in line with your own recently set policy.

Response:

Council agreed to sponsor the day.

Question 4:

Why is this Council setting clear policies and then allowing the administration to ignore those policies?

Response:

Council has the authority to authorise free use for community benefit as they wish.

Question 5:

What was the outcome of the Saints Diner Parking recent State Administrative Tribunal Hearing?

Response:

Withdrawn

- a) What was the total cost of this course of action including administration staff costs, Solicitor costs and all other associated costs involved?

Response:

Unknown – it is not over

Question 6:

- a) Is the donation of \$2000 listed in the budget to Mr Chris Baker for the York Fair? If so why is this donation and not a sponsorship if this is a private business?

Response:

Council allocation - like the Avon Events & Marketing had free use of Peace Park.

- b) Why was there no Business plan, TMP, Risk Management Plan, Health Inspections of food vendors, Event Plan, Budget etc for this event? Again not following your own policy?

Response:

Council did everything they could to get the event back in York.

- c) How much financial support over and above the \$2000 was given to this event and where did the proceeds of the ticket sales and stallholder fees go?

Response:

Proceeds went to the proponent and the additional support is estimated at \$3,000.

- d) Is financial support for this event a direct contradiction of the statement made by Cr Boyle on the front page of the Avon valley Gazette after last year's York Antique Fair saying that "Council would not line the pockets of private enterprise?"

Response:

Cr Boyle can give his own opinion. One voice out of six.

- e) Do you expect professional event organisers to express interest in hosting events in York whilst the goal posts continually move?

Response:

Council is attracting professional event organisers to hold events in York e.g. Motorbike Festival.

4.2 Public Question Time

Mr C Cable**Question:**

Why was the Talbot Land Management included in signage on the Southern Highway when we were not associated with this signage and request an apology from Council for including our Association in the last Agenda Item.

Response:

Taken on Notice

Ms J Ferro**Question 1:**

When will you fulfil your undertaking to provide me with the reasons why Mr Saint has been denied his right to freedom of speech since last October.

Response:

Taken on Notice

Question 2:

In reference to Item 9.2.1 on the Agenda, is Cr Scott prepared to repeat in this Council meeting the name of the person he confidentially told certain AVRA committee members had been taking photos of illegal signs and complained about the signage.

Response:

Cr Scott stated he did not recall providing any confidential information.

Cr Boyle stated that at a previous Council meeting a certain member of the gathering came up with heresay and it was found to be incorrect.

Question 3:

In reference to 'From the Presidents Pen' June 2013 edition Community Information Update, does President Boyle take personal and full responsibility for what was written or did the CEO and/or other Councillors participate in writing it?

Response:

Cr Boyle stated it was a personal contribution.

Ms T Richardson**Question 1:**

Did the Shire of York sponsor the recent CRC event?

Response:

Taken on Notice

Question 2:

Requirements for events such as TMP, Business Plan, Risk Management, etc was not in compliance with Council policy, why not?

Response:

The Environment Health Officer, Gordon Tester stated that there was an anomaly between the two Policies with regards to over 5,000 people and under 5,000 people and what was required. The two policies are to be merged.

Question 3:

The \$2,000 for the Chris Baker event is listed in the Budget as a donation not sponsorship.

Response:

Taken on Notice

Question 4:

Why did Cr Scott mention 2006/07 Audit Report which was before she was the Manager.

Response:

Cr Scott – the 2006/07 Audit Report indicated financial management issues.

Mrs R Paton

Question:

When will residents of York get to vote on whether they want to amalgamate?

Response:

The Local Government Advisory Board will be holding a Public meeting on the 25th July, 2013 to make their case.

When the Inquiry is completed and the Minister considers the recommendations there may be provisions for a poll if the proposal to amalgamate is to proceed.

Mrs R Davies

Question 1:

If the anti-landfill signs are taken down for tidy towns – will the Shire guarantee that the signs are allowed to be put back up after the tidy towns judging?

Response:

With permission and in the appropriate places.

Question 2:

Is the Shire trying to take our rights to Freedom of Speech away?

Response:

No. As a Council we have guidelines and laws to administer. Will do research and answer.

Public Question Time was declared closed by the Shire President at 3.49pm

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Minutes of the Ordinary Council Meeting held May 20, 2013

Corrections

Confirmation

RESOLUTION

010613

Moved: Cr Scott

Seconded: Cr Hooper

“That the minutes of the Ordinary Council Meeting held on May 20, 2013 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Boyle announced he was today introduced to the Head of the Wanderers who said it was great to have a spot to park up in York, use the RV Dump and spend money in the town. There are currently 65,000 members of this organisation. The Wanderers have requested the Shire to place a sign at each entry to the town stating it is a RV friendly town at \$44.00 each.

9. OFFICER'S REPORTS

9.1 Development Services

9.1 DEVELOPMENT REPORTS

9.1.1 Retrospective Application For Advertising Signage At Bella Cucina Café, 82 Avon Terrace, York

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:	P849, AV1.12680
COUNCIL DATE:	10 June 2013
REPORT DATE:	28 May 2013
LOCATION/ADDRESS:	Lot 5(pt), 82 Avon Terrace, York
APPLICANT:	V Parisi & M Ameduri
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Photos of Signage B – Council’s Correspondence
DOCUMENTS TABLED:	Nil

Summary:

As a result of compliance action, a planning application has been received for retrospective approval of advertising signage at the Bella Cucina Café located at 82 Avon Terrace, York.

The application was advertised in accordance with the provisions of the York Town Planning Scheme No. 2 and the one submission from the York Society was received objecting to the approval of the signage.

It is recommended that the retrospective application for advertising signage as erected is refused and that a modified proposal be received and approved under delegation by the Chief Executive Officer.

Additionally, it is recommended that the applicant be advised that legal action will be instigated for any further breaches of the *Planning and Development Act 2005* and the *York Town Planning Scheme No. 2*.

Background:

Planning approval was granted under delegation on 1 March 2012, and amended on 12 May 2012, for the change of use of the premises to a café. Nine (9) conditions of approval were imposed, with condition 5 specifically relating to advertising as follows:

“The advertising signage shall only be displayed in accordance with the stamped approved plans dated 19 April 2012. Signage may not be illuminated or contain flashing lights. Any changes or additional signage will require separate planning approval.”

Following receipt of a complaint regarding illuminated neon flashing signs, the operators of the café were advised in writing on 7 February 2013 that they were in breach of their planning approval and were requested to remove the illuminated signage.

An inspection was carried out at the expiration of the 28 days and it was found that the operators had not complied with Council’s request. Therefore, a Planning Direction was issued pursuant to Section 214(3) of the *Planning and Development Act 2005* giving the statutory period of 60 days to remove the offending signage. This action has been suspended while the planning application is being considered.

In accordance with Clause 7.14, the applicant has applied for retrospective approval of the advertising signage, which consists of two (2) illuminated and flashing timber framed advertising signs containing the words “Bella Cucina York Open” and “Dine In Takeaway”, together with an illuminated and flashing rope line attached to the perimeter of the verandah of the building (all four (4) shops).

Consultation:

1. Applicant

Prior to the submission of the initial planning application for the change of use, many discussions occurred with the applicants regarding advertising signage. It was explained that the premises are located in the Central York Heritage Precinct and therefore any advertising signage must comply with the provisions of the Local Planning Policy – Heritage Precincts and Places. The advertising signage submitted as part of the planning application complied with the provisions of the Policy and was approved.

There were no discussions with Council’s Planning Section prior to the erection and display of the illuminated and flashing advertising signage the subject of this retrospective application, which is disappointing considering the amount of time spent with the applicants on the original application.

Following receipt of Council’s Planning Direction, the application met with Councillors and Council staff, where it was advised that the signage did not comply with Council Policies. It was recommended during these discussions that the signage be modified to comply and many suggestions were made, such as roof top illumination.

As part of the assessment of this application, correspondence was forwarded to the applicant advising that the advertising signage as proposed did not meet the provisions of the relevant Council policies and that, as proposed, could not be recommended for approval. The applicant was provided with examples of appropriate signage and requested to modify his application. However, no response was received. A copy of this correspondence is attached to this report at Appendix B.

2. Community and Agency Consultation

The application was advertised in accordance with the *York Town Planning Scheme No. 2*. Nearby landowners were advised in writing, an advertisement was placed in the newspaper and on Council’s website, and details were available at the Council Office. In addition, Main Roads and the York Society were invited to comment.

Main Roads advised:

“MRWA have determined that the sign will not impact the MRWA road network. Therefore MRWA has no objection to the illuminated and flashing advertising device.”

The York Society objected to the approval of the application as follows:

“The application for the above does not satisfy any of the requirements of the York Local Planning Policy for Heritage Places & Precincts. In view of this position the York Society cannot support the application.”

Statutory Environment:

York Town Planning Scheme No. 2

The property is zoned Town Centre under the provisions of the Scheme. The objectives for the zone are:

- a) “to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented 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 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.
- e) to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and car parks where appropriate.
- f) to encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.”

There is no contention that the use of the premises as a café meets the objectives of the town centre, however it is considered that the flashing and illuminated advertising signage the subject of this application is not of a high standard and does detract from the heritage qualities of the town centre.

Clause 5.3.1 of the Scheme provides Council the power to control advertisements and requires planning approval to be obtained prior to the erection, placement and display of advertisements. The applicant did not obtain approval prior to erecting, placing and displaying the advertising the subject of this application.

Clause 5.3.3 states “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.” The advertising signage as displayed does not meet the objectives of the Scheme, as indicated earlier in this report, and could be detrimental to the historic character and amenity of the Avon Terrace precinct.

Clause 7.14 sets out the provisions for unauthorised existing developments as follows:

- The local government may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
- Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning consent, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning consent.
- NOTE: The approval by the local government of an existing development does not affect the power of the local govt to take appropriate action for a breach of the Scheme or the Act in respect to the commencement or carrying out of development without planning consent.

This assessment demonstrates that the development does not conform to the provisions of the Scheme and therefore should not be approved as displayed.

Clause 8.8 enables Council to adopt local planning policies. There are two (2) adopted local planning policies applicable to this proposal as follows:

1. Local Planning Policy – Heritage Places & Precincts

- Signage
 - New signage must be approved by the Shire of York.
 - Objective: 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.
 - Objective: To ensure that signage is designed and located in a manner which enhances and conserves the heritage place with which it is associated.

- Complying Principles
 - Signs shall be discreet and shall complement the building and streetscape in which it is located.
 - Signage should respect the heritage values of the building and streetscape on which it is located, however should not attempt to recreate original signage styles.
 - 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.
- Prohibited Signs
 - Rotating, flashing and internally lit signs. Small neon signs hanging inside the window of shops may be appropriate, provided they are of a size and dimension to not become a dominant townscape element.
- Required Overhead Clearance
 - Minimum clearance of 2.75m from the natural ground level
- Illumination of Signs
 - May be appropriate in some circumstances.
 - May only occur from external lighting sources or spot lighting of architectural elements or the sign itself.
 - All lighting shall be discreet and all transformers and cabling shall be concealed.

The displayed signage does not meet the requirements of this Policy as it does detract from the heritage streetscape; it contains flashing components; and does not provide a minimum clearance of 2.75m from the ground level.

2. *Local Planning Policy – Advertising Signage*

- Policy Objectives
 - Require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance.
 - Discourage the ineffective, visually intrusive and proliferation of excessive advertisements.
- Awning, Banner and Projecting Signs
 - One sign type per frontage of the subject building or tenancy.
 - Minimum clearance between the underside of the sign and the footpath below shall be 2.75 metres where located over a pedestrian way.
- Assessment Criteria
 - Illumination
 - Would illumination result in unacceptable glare?
 - Would illumination affect safety for pedestrians, vehicles or aircraft?
 - Would illumination detract from the amenity of any residence or other form of accommodation?
 - Can the intensity of the illumination be adjusted, if necessary?
 - Is the illumination subject to a curfew?

The displayed signage does not enhance the area; is considered visually intrusive, particularly as it is visible from the northern end of the town centre; exceeds the maximum signage permitted; and is not a minimum of 2.75 metres above the footpath.

Policy Implications:

The advertising signage as erected and displayed does not meet the provisions of the adopted local planning policies. If approved, the approval will create an undesirable precedent and may result in the historic streetscape of the York town centre being dominated by garish and distasteful flashing signage, typical to places such as Las Vegas.

Policies must be applied consistently not only to provide the community with the same standards and expectations, but to ensure that the policies are taken seriously and given appropriate weight of consideration in a court of law.

Financial Implications:

There are no financial implications for Council. However, it should be noted that all applicants have a right of appeal to the State Administrative Tribunal if they are dissatisfied with a determination, including any conditions under the provisions of the *Planning and Development Act 2005*. Similarly, there is an avenue of appeal for Planning Directions. In some cases, it is necessary to employ legal representation when mediation is not successful between the parties, which may have financial implications for the Council.

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 application is not consistent with the Economic objective of the Plan to "value, protect and preserve our heritage and past" for reasons indicated in this Report. It is however acknowledged that the business contributes to the economic base and prosperity of York and should be supported. It is for this reason this application should not be refused in its entirety. Refer to Comments Section of this Report for further discussion.

Voting Requirements:

Absolute Majority Required: **No**

Site Inspection:

Site Inspection Undertaken: **Yes**

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

The applicant has advised that the flashing advertising signage is required to communicate to potential customers that the café is open for business. If no illuminated signage was permitted, this decision could impact this success of this business, which would be inconsistent with the objectives of the York Community Strategic Plan. The proposed alternative (refer to Comments Section) will achieve the original purpose of installing flashing and illuminated advertising signage in a more appropriate manner.

Social Implications:

The Central York Heritage Precinct is an area of cultural importance and reflects broad social and economic changes from the mid-nineteenth century and has the potential to contribute significantly to an understanding of the development of York. It is important to ensure any development in this precinct contributes positively and does not impact on the distinctive streetscape. If the application was approved as proposed, unacceptable social implications may result as discussed in this Report.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

In conclusion, the erected and displayed advertising signage does not meet the objectives of the Scheme or provisions of the adopted local planning policies, and therefore cannot be approved under the provisions of Clause 7.14 of the Scheme.

However, it is acknowledged that the applicant's purpose of erecting and displaying the advertising is justified and that the economic prosperity of local businesses should be supported. Therefore, it is suggested that a lesser extent of illuminated advertising signage and lighting could be consistent with the objectives and approved.

It is recommended that Council approve the installation of one (1) small neon illuminated, non-flashing 'Open' sign in the front window of the café and that the existing rope lighting installed around the perimeter of the building remain, if the flashing is stopped. This compromise will achieve the applicant's purpose and meet the objectives of the Scheme and local planning policies.

OFFICER RECOMMENDATION

“That Council:

APPROVE the retrospective planning application for the erection and display of advertising signage at the Bella Cucina Café located at Lot 5(pt), 82 Avon Terrace, York, subject to the following conditions:

Conditions

- 1. Development must substantially commence within two (2) years from the date of this decision.*
- 2. Development must take place in accordance with the stamped approved plans.*
- 3. One small neon ‘Open’ sign may be displayed in the front window of the café and one rope-style, non-flashing, white or cream light attached to the perimeter of the building.*
- 4. Details are to be submitted to the local government for approval for two (2) spotlights to illuminate the existing approved parapet sign.*
- 5. All unapproved signage must be removed within twenty-eight (28) days from the date of this determination.*
- 6. Illuminated lighting is only permitted during opening hours.*
- 7. Any changes to the approved signage or any additional signage requires prior approval from the local government.*

Advice Notes:

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.

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.

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.

Note 4: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit 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.”

RESOLUTION 020613

Moved: Cr Lawrance

Seconded: Cr Duperouzel

“That Council:

Defer this item until the next Ordinary Council Meeting.”

CARRIED: 6/0

The Officer Recommendation was deferred to allow further research to be undertaken.

9. OFFICER'S REPORTS
9.1 DEVELOPMENT REPORTS
9.1.2 SITA Protest Signage

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

FILE NO:	PS.SGN
COUNCIL DATE:	10 June 2013
REPORT DATE:	31 May 2013
LOCATION/ADDRESS:	Shire-wide
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	A – Main Roads Advertising Guide (excerpt) B – Photographs of Typical Signage C – Broome Newspaper Article
DOCUMENTS TABLED:	Nil

Summary:

There have been concerns raised by the community and visitors about the SITA protest signage displayed throughout the Shire.

Signage is considered 'development' under the provisions of the York Town Planning Scheme No. 2 and may require approval from Council.

It is recommended that a balanced approach be adopted by Council to meet the needs of the community as a whole by permitting signage that is appropriately designed and located.

Background:

The content, amount and location of protest signage in relation to SITA's proposal to establish a landfill at Allawuna Farm has been increasing since the public meeting held late last year and it is now considered appropriate to develop a Council position on the regulation of the signage to ensure that the signage is appropriately designed and located.

This report outlines the powers of Council, and to a lesser extent Main Roads WA, to control the signage.

Consultation:

Main Roads have been consulted with regards to signage visible from a controlled road, e.g. Great Southern Highway (York-Chidlow Road). Refer below for their response.

Statutory Environment:

York Town Planning Scheme No. 2

The York Town Planning Scheme No. 2 defines an advertisement as:

"advertisement means any word, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements."

Under this definition, the protest signage is defined as an advertisement.

Clause 4.1 of the Scheme requires that all development, including the erection, placement and display of any advertisements, requires the prior approval of the local government. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the local government under Part 7.

Clause 4.2 of the Scheme permits, without planning consent, any works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees.

Clause 5.3 of the Scheme provides Council the control of advertisements within the York townsite (as indicated on the Scheme Map) and states:

"Power to Control Advertisements:

- (a) For the purpose of the Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the local government.*
- (b) Applications for the local government's consent pursuant to this clause shall be submitted in accordance with the provisions of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 10 giving details of the advertisement(s) to be erected, placed or displayed on the land."*

Therefore, Council has the power to control the protest signage erected, placed or displayed on land within the York townsite.

As the vast majority of the signage is located within the road reserve or on properties with frontage to the Great Southern Highway (York-Chidlow Road), the requirements of Main Roads WA must also be considered.

Main Roads Act 1930

The Main Roads Act 1930 gives the Commissioner of Main Roads the statutory authority and responsibility for the care, control and management of the State's highways and main roads. The Act also includes provision for the Control of Advertisements.

Specifically, Section 33B of the Act allows the Governor, on the recommendation of the Commissioner, to make regulations to control advertisements on or in the vicinity of highways and main roads where hoardings or other advertising structures are considered to be:

- a. hazardous to traffic safety; and/or
- b. aesthetically objectionable.

The Main Roads Roadside Advertising Policy must also be considered in conjunction with the requirements of the Act. The Policy defines an Advertising Device as:

"Advertising Device means any poster, hand bill, placard, notice or sign affixed to or painted or supported by a Hoarding and other Advertising Structures (see definitions) including a tri-vision illuminated and pylon mounted sign."

The Main Roads Policy states: *"The Commissioner of Main Roads approval is required for all advertising devices on or in the vicinity of highways and main roads."* The Policy provides both the general and specific permission criteria upon which applications for approval are to be assessed to ensure that the proposed advertising device conforms with the intent of the Main Roads Act and these Regulations.

This Policy is applicable to the protest signs within the road reserve of the highway, such as the one attached to a tree, and to signage located on properties with frontage to the highway and prior to the erection and display of such signs approval from Main Roads is (was) required.

Main Roads have advised the following:

“The definition for ‘Advertising Device’ in the MRWA Guide to the Management of Roadside Advertising (the Guide) is:

Means any poster, hand bill, placard, notice or sign affixed to or painted or supported by a Hoarding and other Advertising Structures (see definitions) including a trivision illuminated and pylon mounted sign.

Therefore the protest signs are considered advertising signs.

Attached at Appendix A is an extract from the Guide that outlines that all signs directed primarily at persons travelling in or on vehicles on main roads (other than those indicating the premises are for sale or letting and/or the name or name and business of the occupier) require the approval of MRWA. However MRWA cannot grant approval unless the Local Government has first approved the sign.

MRWA approval will be based on an assessment against the Guide. Basically the Guide assesses the impact of the sign on vehicle safety i.e. vehicle sight lines, driver distraction potential etc.

Notwithstanding this any signs within the road reserve and or fixed to a traffic sign would be required to be removed.”

Policy Implications:

To permit protest signage unregulated would be inconsistent with the objectives of the York Town Planning Scheme No. 2 and the Local Planning Policy – Advertising Signage, which was adopted by Council in 2011 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 York.”*

The approach recommended in this Report will provide a consistent approach to ensure that the protest signage are appropriate, not excessive and does not impact on road safety or tourism.

Financial Implications:

There may be financial implications associated with any required compliance action.

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.

The protest signage is not inconsistent with the strategic goals of the Community Plan. The approach recommended in this report is considered consistent with the goals.

Voting Requirements:

Absolute Majority Required: **No**

Site Inspection:

Site Inspection Undertaken: **Yes**

Triple bottom Line Assessment:

Economic Implications:

There are no economic implications associated with the display of signage.

Social Implications:

Freedom of speech is an important democratic right, however there has been complaints and concerns voiced about the protest signage by residents and visitors. However, it must be ensured that the signage is appropriately designed and located, and is not excessive as it has potential to affect tourism and the highly valued visual amenity of York.

Environmental Implications:

There are no environmental implications associated with the display of signage.

Comment:

In 2011, the Shire of Broome was heavily criticised in the media for being 'heavy handed' when they issued notices to residents requiring removal of protest signage from their residential properties. (Refer to the newspaper article attached at Appendix C.) Residents were protesting the proposed 25 square kilometre LNG precinct just north of the town. Signs were hung and/or painted from roofs, porches, wheelie bins and boab trees. The Shire was regulating the signage under their local laws and claimed they were not treating this signage any different to any other illegal signage. Following the criticism apparently the approach was toned down advising residents that they required approval before erecting any signage.

The community's freedom of speech must also be considered.

The Australian Government's Attorney General Department's website has a section providing information on Freedom of Opinion and Expression, which I feel is relevant to this discussion. The information on the website is partly reproduced below:

"What is the right to freedom of opinion and expression?

The right to freedom of opinion is the right to hold opinions without interference, and cannot be subject to any exception or restriction.

The right to freedom of expression extends to any medium, including written and oral communications, the media, public protest, broadcasting, artistic works and commercial advertising. The right is not absolute. It carries with it special responsibilities, and may be restricted on several grounds. For example, restrictions could relate to filtering access to certain internet sites, the urging of violence or the classification of artistic material."

In conclusion, the protest signs could be considered as advertising signs under the definitions of the York Town Planning Scheme and Main Roads Advertising Policy.

To achieve a balanced and fair approach, a Council position must be adopted, which is outlined in the following Officer Recommendation.

OFFICER RECOMMENDATION

"That Council:

- 1. Adopt the following in relation to the proposed SITA landfill protest signage:*
 - (a) Signs must be located a minimum distance of 15 metres from the centreline of a road.*
 - (b) Signs must contain factual information and must not contain messages that could be considered derogatory to a person or group of persons, including tourists.*
 - (c) Signs must not contain content that could potentially mislead road users, clash in colour or nature to other regulatory signs, are not reflective and must not be illuminated.*
 - (d) Property owners are permitted to display one (1) sign on their own property that meets the requirements of (a),(b) and (c) above without Council approval for the duration of the application process unless the property is heritage listed or is located in a heritage precinct.*
 - (e) No signage shall be permitted in the Central York or Blandstown Heritage Precincts or on a heritage place. Any existing signage to be removed.*
 - (f) Signage displayed by a person(s) not the landowner must obtain Council and landowner(s) approval.*
 - (g) Signs located on a road reserve are to be removed.*
 - (h) Signs located on public land (including Council land) are to be removed, unless landowner(s) and Council approval has been obtained.*
 - (i) A landowner who is permitted to display a sign on a property with frontage to a Main Roads controlled road must also obtain Main Roads approval. If Main Roads approval cannot or is not obtained, then the sign must be removed.*
- 2. Write to all landowners that are identified as displaying protest signage, the Avon Valley Residents Association and the Talbot Brook Land Management Association advising of Council's resolution with regards to signage approval requirements.*
- 3. Write to Main Roads WA advising of Council's resolution with regards to the signage approval requirements.*
- 4. Delegate authority to the Chief Executive Officer to instigate legal proceedings, if required, for non-compliance with Council's resolution and offence(s) under the provisions of the York Town Planning Scheme No. 2."*

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Scott

“That Council Amend the Officer Recommendation to read:

1. Adopt the following in relation to protest signage:

- (a) Signs must be located a minimum distance of 15 metres from the centreline of a road.***
 - (b) Signs must contain factual information and must not contain messages that could be considered derogatory to a person or group of persons, including tourists.***
 - (c) Signs must not contain content that could potentially mislead road users, clash in colour or nature to other regulatory signs, are not reflective and must not be illuminated.***
 - (d) Property owners are permitted to display one (1) sign on their own property that meets the requirements of (a),(b) and (c) above without Council approval for the duration of the application process unless the property is heritage listed or is located in a heritage precinct.***
 - (e) No signage shall be permitted in the Central York or Blandstown Heritage Precincts or on a heritage place. Any existing signage to be removed.***
 - (f) Signage displayed by a person(s) not the landowner must obtain Council and landowner(s) approval.***
 - (g) Signs located on a road reserve are to be removed.***
 - (h) Signs located on public land (including Council land) are to be removed, unless landowner(s) and Council approval has been obtained.***
 - (i) A landowner who is permitted to display a sign on a property with frontage to a Main Roads controlled road must also obtain Main Roads approval. If Main Roads approval cannot or is not obtained, then the sign must be removed.***
- 2. Write to all landowners that are identified as displaying protest signage, the Avon Valley Residents Association and the Talbot Brook Land Management Association advising of Council’s resolution with regards to signage approval requirements.***
- 3. Write to Main Roads WA advising of Council’s resolution with regards to the signage approval requirements.***
- 4. Delegate authority to the Chief Executive Officer to instigate legal proceedings, if required, for non-compliance with Council’s resolution and offence(s) under the provisions of the York Town Planning Scheme No. 2.”***

CARRIED: 5/1

RESOLUTION

030613

Moved: Cr Duperouzel

Seconded: Cr Boyle

The amendment became the motion.

CARRIED: 4/2

The Officer Recommendation was changed to include all protest signage.

**RESOLUTION
040613**

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Review the current signage policy to ensure it covers the breadth of town and rural signage issues.”

CARRIED: 6/0

Item 9.1.2 – Appendices

9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Youth Report for June 2013

FILE NO:	CS.LCS.6
COUNCIL DATE:	10th June, 2013
REPORT DATE:	29th May, 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	Shire of York
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	Anneke Birleson
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

- **York Youth Centre** – The youth centre is running every Tuesday, Wednesday and Friday after school. Attendance is variable, but generally low.

Youth Activities Coordinator is in the process of sourcing grant funding and community input into development of a native sensory garden at the Youth Centre, with a focus on wellbeing and youth capacity building.

- **October School Holiday** – The Youth Activities Coordinator has sourced three opportunities: Soccer workshop – Football West, Ultimate Frisbee workshop – WA Ultimate and Skateboarding Workshop – Drawing Boards. York DHS Youth Parliament has been consulted and awaiting class survey of interest. Expression of Interest posted in school newsletter and community update. One response has been received to date. Youth Activities Coordinator is sourcing grant funding, but is awaiting expected interest before proceeding.
- **July School Holiday** - Youth Activities Coordinator is planning activities for the upcoming July school holidays. Activities are to be primarily based at Youth Centre.

Background:

The Youth Activities Coordinator is building relationships with community members and service providers, in relation to activities and opportunities for youth. The Youth Centre provides youth with a safe and positive environment, with a range of activities that they can participate in and develop valuable interpersonal skills.

Consultation:

Youth
School
Council Staff
Community Members

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Activities and initiatives are to be funded via the Shire of York budget, through grants, and 'user pays' arrangements.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan -

Social: *Building a Sense of Community -*

- *Develop a Youth Plan to capture specific youth activities and opportunities.*

Environment: *Enhanced Lifestyle Choices -*

- *Provide and maintain facilities for youth and aged services.*
- *Provide and maintain local area spaces and parks.*
- *Implement asset plans for youth facility, skate park, park improvements, pool upgrades, archives centre, town hall upgrades.*

Economic Development: *Maximise Development -*

- *York will diversify economically through commercial growth, providing jobs and services to support our growing population.*
- *There will be employment and investment choices, providing a place for business access to rural and metropolitan opportunities.*

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications: Nil

Social Implications:

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

Environmental Implications:

Not applicable

Comment:

This report serves to keep the community informed of the activities in place.

RESOLUTION

050613

Moved: Cr Smythe

Seconded: Cr Dueprouzel

"That Council:

Receives this report from the Youth Activities Coordinator."

CARRIED: 6/0

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.2 Country Local Government Fund – Regional Component – Amendment Shire of Quairading

FILE NO:	FI.FAG.8
COUNCIL DATE:	4 June 2014
REPORT DATE:	10 June 2014
LOCATION/ADDRESS:	South East Avon Region
APPLICANT:	N/A
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	T Cochrane, DCEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Nil
DOCUMENTS TABLED:	Nil

Summary:

The Shire of Quairading recommended to the Regional Transition Group that consideration be given to amending the planned projects for 2012/13 due to the timing of the project in relation to power supply. Council is required to endorse the funding allocation of the Regional Country Local Government Fund for projects across the five member Local Governments.

Background:

Council considered the Country Local Government Fund Regional Component Projects at its Ordinary Council meeting held on the 17th December 2012.

Consultation:

Shires of Quairading.
RTG members.
Councillors.

Statutory Environment:

Nil at present.

Policy Implications:

Nil.

Financial Implications:

There will be no financial implications to the Shire of York.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan:

Economic Development: Maximise Development

Our Vision - Visitors will be welcomed, with activities and places of significance to visit, providing a base to visit other regional and rural areas.

Our objectives and priorities are built from our shared outcomes.

Outcome – York – A Regional Centre

Objectives – Improve, Enhance and Grow the Town Centre, Creating a Regional Service Centre

Priorities - Develop the Town Centre Plan, building on the historical significance to celebrate the culture, history and arts

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: **Not Applicable**

Triple bottom Line Assessment:

Economic Implications:

The regional funds will have high value regional and local economic impacts through employment, visitor attraction, business investment and other factors.

Social Implications:

The project will be of significance to the Shire of Quairading.

Environmental Implications:

The environmental aspects of the built form will be considered through the development stages.

Comment:

Retention of the ability and right to allocate regional funds through designated Local Government groupings gives a higher degree of certainty to project planning and forward financial planning.

RESOLUTION

060613

Moved: Cr Lawrance

Seconded: Cr Hooper

“That Council:

Endorse the amended project for the Shire of Quairading from whole town power supply upgrade to Caravan Park Redevelopment from the CLGF – Regional Component allocations for the 2012/13 funding round.”

CARRIED: 6/0

9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.3 Emergency Services Review – Option To Transfer Local Bush Fire Brigades Impact Assessment

FILE NO: RS.FES.5
COUNCIL DATE: 10th June 2013
REPORT DATE: 30th May 2013
LOCATION/ADDRESS: N/A
APPLICANT: DFES
SENIOR OFFICER: Mr Ray Hooper, CEO
REPORTING OFFICER: Justin Corrigan CESM
DISCLOSURE OF INTEREST: Nil
APPENDICES: Emergency Services Review –
Option to Transfer Local Bush Fire Brigades Impact
Assessment –
DFES correspondence dated 23 May 2013
DOCUMENTS TABLED: Nil

Summary:

The Department of Fire and Emergency Services is reviewing the Emergency Services Legislation in particular the option to transfer local Bush Fire Brigades and the impact on Councils.

Background:

On 28th May 2013 the Shire of York received correspondence from the Department of Fire and Emergency Services (DFES) titled Emergency Services Review – Option to Transfer Local Bush Fire Brigades Impact Assessment.

The Department of Fire and Emergency Services is currently conducting a review of the Emergency Services Legislation in which the focus is on the administration and operation of bush fire brigades under local government, a legislation project team has identified some key issues with the administration and operation of bush fire brigade with a number of submissions and discussions making reference to recommendation 55, 56 and 58 of the 2006 Community Development and Justice Standing Committee – *Inquiry into Fire and Emergency Services Legislation*.

Recommendation 55

- The emergency services legislation is to provide for FESA (now DFES) and local government to enter into an agreement for the purpose of local government transferring the following responsibilities to FESA on a permanent basis:
 - Emergency incident control;
 - Bushfire Brigade operations and administration;
 - The determination and administration of ESL (Emergency Services Levy), in relation to capital and recurring cost associated with Bushfire Brigades.

Recommendation 56

- Such an agreement is only to be entered into if both FESA and local government agree to terms and conditions

Recommendation 58

- Any additional costs of transfer of Bushfire Brigades from local government to FESA, apart from those normally funded under the Emergency Services Levy, are to be borne by the State.

The project team has asked each local government to provide a response indicating whether they would be likely to retain or transfer the operations and administration of their bush fire brigades.

Consultation:

As this is only a review of the Emergency Services Legislation consultation has taken place between the Department of Fire and Emergency Services and local government.

Statutory Environment:

Emergency Services Legislation

Policy Implications:

Nil

Financial Implications:

There are no financial implications in considering this item at this time.

Operational and administration expenditures are funded under the Emergency Services Levy

Strategic Implications:

Not applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Not applicable

Social Implications:

Not applicable

Environmental Implications:

Not applicable

Comment:

The Community Emergency Services Manager is of the view that the Shire of York would benefit from transferring the operations and administration control of the bush fire brigades back to the Department of Fire and Emergency Services.

DFES would take back the responsibilities for the day to day running of each brigade, they will take on administering the Emergency Services Levy funding for the operational requirements of the brigades, and they will also be responsible for the ongoing training of brigades for emergency operations.

The responsibility for the incident management at all fires in the Shire would transfer to DFES greatly reducing pressures on Shire staff and resources.

OFFICER RECOMMENDATION

"That Council:

Advise the Department of Fire and Emergency Services that it endorses the option for the transfer of bush fire brigades operation and administration back to the Department of Fire and Emergency Services."

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Lawrance

"That Council Amend the Officer Recommendation to read:

Advise the Department of Fire and Emergency Services that it endorses the option for the transfer of bush fire brigades operation and administration back to the Department of Fire and Emergency Services.

Advice Note:

- *Council to arrange a meeting with Brigade Captains and CESM when details are provided."*

CARRIED: 6/0

RESOLUTION

070613

Moved: Cr Hooper

Seconded: Cr Scott

The amendment became the motion.

CARRIED: 6/0

The Officer Recommendation was altered to include the Advice Note.

Item 9.2.3 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.4 Information Services

FILE NO: CS.LCS.8.1
COUNCIL DATE: 10 June 2013
REPORT DATE: 31 May 2013
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: R Hooper, CEO
REPORTING OFFICER: Information Services Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A and B
DOCUMENTS TABLED: Nil

Summary:

The following is a summary of items for York Information Services for the month of **May 2013**.

- **Visitor Numbers-** (Appendix A) These numbers are counted manually and only include adults and older children actually walking through the doors of the Information Services office. They do not include people walking into the Town Hall to use toilets, view exhibits etc.

The Information Services are recording additional information on the visitor numbers visiting the Town Hall for such things as shopping, information only, events, family history, sightseeing, and walks. This count will assist any grant applications in the future and are available on request.

The number of visitors coming through the doors in May 2013 was **1019** as compared to **1047** in 2012.

- **Product Sales-** (Appendix B) Net sales for the month of May 2013 were **\$748.90** compared to **\$629.80** for the same period 2012.
- **Request for Services** - There are certain services that visitors ask for (verbally) on a regular basis, however for this month there were none.
- **Display in Town Hall** - The display in the Town Hall has been a huge success as a large amount of visitors and locals alike are still coming in and spending around 30mins looking at the displays and reading the banners, a lot of them have commented to us in the Information Services how wonderful it is to have this display in the Town Hall, it is a real bonus for tourism in York.
- **Feedback**
 - Visitors coming into the Info Services saying they are very impressed to see the 24 hour Free RV Parking site. Visitors have been asking to have more signage around to let them know that there is the Free RV Parking.
 - Visitors saying that York is a wonderful historic place and it's very clean & tidy.

Background:

We have the calendar of Event for the year of 2013. All known details are listed on the Calendar of Events, which is distributed through York Information Services and available on the Shire of York website.

Consultation:

Shire of York and local business proprietors

Statutory Environment:

Nil

Policy Implications:

Not Applicable

Financial Implications:

Nil

Strategic Implications:

Not Applicable

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

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

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

This report serves to keep the community informed of the activities in place.

RESOLUTION

080613

Moved: Cr Scott

Seconded: Cr Boyle

“That Council:

Receive the May 2013 report prepared by York Information Services.”

CARRIED: 6/0

Item 9.2.4 – Appendices

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.5 WALGA Constitution – Proposed Amendments

FILE NO:	OR.IGR.7
COUNCIL DATE:	10 June, 2013
REPORT DATE:	4 June, 2013
LOCATION/ADDRESS:	N/A
APPLICANT:	WALGA
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	R Hooper, CEO
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Notice of Proposed Amendments
DOCUMENTS TABLED:	WALGA Constitution

Summary:

As a follow up to a request by the Great Eastern Zone Ward for amendments to the Constitution in relation to the structural reform process and the appointment of Commissioners and the membership rights of any new Local Government.

There is also an amendment to change the commencement date of the WALGA State Council from March the year after elections to December following the Local Government election.

Background:

The current WALGA Constitution does not cover the issue of amalgamations and the appointment of Commissioners and this could leave some Local Government areas unrepresented through WALGA for a period.

The existing 5 month delay between elections and the appointment of State Councillors is considered to be too long and it may be better to bring this closer to the election date.

Consultation:

WALGA

Statutory Environment:

Not Applicable

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Voting Requirements:

Absolute Majority Required:	No
------------------------------------	-----------

Site Inspection:

Site Inspection Undertaken:	Not applicable
------------------------------------	-----------------------

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Communities expect their elected members to participate in the State Local Government Industry peak body and to have the right of membership to representation on the WALGA State Council.

Environmental Implications:

Nil

Comment:

The proposed amendments are a practical and common sense approach to the potential outcomes of structural reform in metropolitan and rural areas.

RESOLUTION**090613****Moved: Cr Hooper****Seconded: Cr Lawrance*****“That Council:******Endorse the proposed amendments to the WA Local Government Constitution as detailed in the Appendix.”******CARRIED: 6/0***

Item 9.2.5 – Appendices

9.3 Works Reports

9.4 Financial Reports

The May Financial Report was not presented at this meeting as the meeting was brought forward one week.

A Special Meeting will be held on Monday 24th June, 2013 at 5.00pm to adopt the May Financials.

9.5 Late Reports

9. OFFICER'S REPORTS

9.5 LATE REPORTS

9.5.1 Amendment To Approved Plans – 5 Chamberlin Street, York

FILE NO:	P857, CH3.60463
COUNCIL DATE:	10 June 2013
REPORT DATE:	6 June 2013
LOCATION/ADDRESS:	Lot 12 (5) Chamberlin Street, York
APPLICANT:	P Bailey
SENIOR OFFICER:	R Hooper, CEO
REPORTING OFFICER:	J Jurmann, MPS
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1 – Amended Plans
DOCUMENTS TABLED:	Nil

Summary:

A planning application has been submitted to the Shire for approval to amend the approved plans relating to a dwelling under construction at Lot 12 (5) Chamberlin Street, York.

The dwelling is partially completed and it is proposed to change the external cladding material from rendered 'blue board' to weatherboard. The property is subject to the provisions of the Restricted Building Materials Policy and therefore variation of the material requires Council approval.

In addition, the application requests approval for required retaining walls not identified on the current approved plans and the construction of a staircase to be constructed on the front boundary.

No objections were received regarding the proposal and it is therefore recommended that Council grant conditional approval.

Background:

The construction of a dwelling was approved by Council at its Ordinary Meeting held on 16 July 2007 as follows:

- "A. *advise the applicants that the exemption from the Restriction on Building Materials Policy is granted for Lots 11 and 12 Chamberlain Street, York for hardiboard with a high profile textured finish/coating to be used subject to the following:*
- 1. an amendment to the building licence being approved and relevant fees being paid;*
 - 2. the textured exterior finish is to be completed prior to occupancy and is to be of the cream or earth coloured range;*
 - 3. a landscaping plan being provided to the satisfaction of the Chief Executive Officer and to include details of screening; and*
 - 4. all stormwater to be retained on the individual properties."*

The dwelling on Lot 11 has been completed and is occupied, with the dwelling on Lot 12 remaining partially completed for many years. The dwelling has recently been sold and the Applicant is completing the construction of the dwelling for the new owners.

It is proposed to change the external cladding material from the approved 'blue board' with a textured coating to weatherboard painted in a light colour known as 'Surf Mist'. The application also proposes to obtain approval for required retaining walls and a staircase located on the front boundary.

Consultation:

The application was advertised in accordance with the York Town Planning Scheme No. 2 to adjoining landowners, in the local newspaper and on Council's website.

One submission was received from an adjoining landowner at the rear advising that no objections were raised to the approval of the application, subject to the original condition regarding screening being imposed. It is not recommended that any of the original conditions of approval are altered or deleted and it will be ensured that these conditions are met by the application through Council's Compliance Program.

No other submissions were received.

Statutory Environment:York Town Planning Scheme No. 2

The site is zoned Residential and the construction of a dwelling has been previously approved by Council. The retaining walls and staircase form part of the landscaping and are required to complete the development. It is not considered necessary to reassess the provisions of the Scheme in relation to these amendments.

Local Planning Policy – Restricted Building Materials

The LPP was adopted by Council on 21 August 2006 to provide guidelines addressing special conditions of planning, design, and development in certain areas of the York townsite. The Policy identifies 2 areas, of which the subject property is located in the area bounded by Henry St, Grey St, Macartney St and Ulster Road.

The Policy requires that all classes of buildings, except Class 10 (outbuildings) be constructed of brick, stone or other like substance, whether finished in facework or render and to be a minimum of 110m² in floor area.

The proposed dwelling is proposed to be clad in weatherboard, which does not comply with the requirements of the Policy. The cladding on the adjoining dwelling, which was approved at the same time, is now cracking and fading, and it is the applicant's intention to improve the aesthetic outcome and reduce the maintenance liability for the new owner. For these reasons, it is considered appropriate to approve variation to the cladding material.

Policy Implications:Local Planning Policy – Restricted Building Materials

This LPP is currently under review and it has been acknowledged by Council previously that the Policy does not meet the current needs of new home builders. Therefore, it is contended that there are no policy implications associated with this proposal.

Financial Implications:

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

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.

The approval of this application is consistent with the goals, particularly in that the variation will not impact on any heritage place or precinct.

Voting Requirements:

Absolute Majority Required: **No**

Site Inspection:

Site Inspection Undertaken: **Yes**

Triple bottom Line Assessment:

Economic Implications:

As mentioned earlier in this report, the dwelling has been sold to new owners who have employed the Applicant (who was the original applicant and builder) to complete the dwelling as their new residence. The approval of this application will facilitate the completion of the dwelling and occupation by the new owners.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

The stormwater needs to be managed from the retaining works to ensure that there is no adverse impact on neighbouring properties.

Comment:

The completion of this dwelling will not only benefit the new owners but the neighbourhood who have been looking at an incomplete dwelling that could be considered unsightly.

**RESOLUTION
100613**

Moved: Cr Hooper

Seconded: Cr Scott

“That Council:

APPROVE the planning application for a variation of external building materials, construction of retaining walls and construction of a staircase on the front boundary at Lot 12 (5) Chamberlin Street, York, subject to the following conditions:

- 1. Development must substantially commence within two (2) years from the date of this decision.***
- 2. Development must take place in accordance with the stamped amended approved plans.***
- 3. The conditions of the original Council approval dated 15 August 2007 are hereby re-imposed as follows:***
 - a. an amendment to the building licence being approved and relevant fees being paid (Note: a new Building Permit may be required if the previous Permit has lapsed);***
 - b. the textured exterior finish is to be completed prior to occupancy and is to be of the cream or earth coloured range;***
 - c. a landscaping plan being provided to the satisfaction of the Chief Executive Officer and to include details of screening; and***
 - d. all stormwater to be retained on the individual properties.***

ADVICE NOTES:

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.

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.

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.

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.”

CARRIED: 6/0

Item 9.5.1 - Appendices

9.6 Confidential Reports

10. NEXT MEETING

RESOLUTION 110613

Moved: Cr Hooper

Seconded: Cr Lawrance

“That Council:

hold a Special Meeting of the Council on June 24, 2013 at 5.00pm in the Council Chambers, York Town Hall, York to adopt the May Financial Report and to deal with any end of financial year or other financial matters.”

CARRIED: 6/0

RESOLUTION 120613

Moved: Cr Boyle

Seconded: Cr Scott

“That Council:

hold the next Ordinary Meeting of the Council on July 15, 2013 at 3.00pm in the Council Chambers, York Town Hall, York.”

CARRIED: 6/0

11. CLOSURE

Cr Boyle thanked everyone for their attendance and declared the meeting closed at 4.15pm.