



SHIRE OF YORK

NOTICE OF MEETING

Dear Committee Members

I respectfully advise that the WORKS COMMITTEE MEETING will be held in Council Chambers, York Town Hall, York on THURSDAY, 4th NOVEMBER, 2014, commencing at 5.00pm.

MEETING AGENDA ATTACHED

Graeme Simpson

G SIMPSON
CHIEF EXECUTIVE OFFICER
Date: 4 December 2014

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MISSION STATEMENT

"To build on our history to create our future"

Local Government Act 1995 (as amended)

Part 1 Introductory Matters

1.3. Content and intent

- (1) This Act provides for a system of local government by —
 - (a) providing for the constitution of elected local governments in the State;
 - (b) describing the functions of local governments;
 - (c) providing for the conduct of elections and other polls; and
 - (d) providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs.
- (2) This Act is intended to result in —
 - (a) better decision-making by local governments;
 - (b) greater community participation in the decisions and affairs of local governments;
 - (c) greater accountability of local governments to their communities; and
 - (d) more efficient and effective local government.
- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of the current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Part 2 Constitution of Local Government

Division 2 Local Governments and Councils of Local Governments

2.7 The Role of Council

- (1) The Council —
 - (a) directs and controls the Local Government's affairs; and
 - (b) is responsible for the performance of the Local Government's functions.
- (2) Without limiting subsection (1), the Council is to —
 - (a) oversee the allocation of the Local Government's finances and resources;and
 - (b) determine the Local Government's policies.

Meetings generally open to the public

- 5.1.** (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (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;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23 (1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



Shire of York

PUBLIC QUESTION TIME AT COUNCIL MEETINGS

Please be informed that effective from the Council meeting to be held on 21st October, 2013 the following protocol will apply to Public Question Time at formal meetings of Council.

The duration for Public Question Time will be a minimum of 15 minutes.

Questions will be given priority if they relate to items on the meeting Agenda paper and are either:

1. In written form addressed to the CEO, or
2. Registered in a prescribed form

Prior to 10.00am on the day of the meeting.

The prescribed form is available on line at www.york.wa.gov.au or at the Customer Service desk at the Shire of York office.

Person's wanting to ask questions are to register with the Meeting Minute Secretary prior to the commencement of the meeting and questions will be taken in order from the register.

QUESTIONS RECEIVED RELATIVE TO ISSUES EITHER:

- Not on the Agenda Paper for the meeting, or
- Received after 10.00am on the day of the meeting

and not responded to during Public Question Time may be registered as a Customer Request and responded to by an officer of Council, if accepted by the Presiding Member.

The Presiding Member will not accept questions containing offensive remarks, that relate to the personal affairs or action of elected members or employees or that relate to confidential matters or legal action. Questions that the Presiding Member believes have been answered by earlier questions at the meeting or earlier meetings may not be accepted.

PROCESS

- Questions submitted should relate to the governance function of Council, being policy, direction setting and decision making for the good of the Community as a whole.
- Questions on operational and administration matters should be forwarded directly to the Chief Executive Officer as these do not need to wait for a Council Meeting for a response.

ROLE OF COUNCIL

Public Question Time is provided to compliment the role of Council which is to:

- Direct or control the Local Government's affairs
- Be responsible for the performance of the Local Governments function
- Oversee the allocations of the Local Governments finances and resources
- Determine the Local Government's policies
- Plan for the future

REPETITIVE/INAPPROPRIATE/VEXATIOUS QUESTIONS

Repetitive Questions

In accordance with Department of Local Government Guideline No. 3 – Managing Public Question Time there is no obligation to respond to questions previously answered.

Inappropriate Questions

Questions which are considered to be offensive or defamatory will not be considered.

People should be discouraged from asking inappropriate questions such as those including defamatory remarks, offensive language or questioning the competency of staff or elected members. Questions should relate to issues and not individuals.

Vexations Questions

Continual questioning on a specific issue relating to decisions which have been made and acted on may be deemed to be vexations and will not be considered as they are not in the interests of the community as a whole, they consume Municipal resources with no collective benefit and they do not contribute to the good governance of the district as a whole.

NUMBER OF QUESTIONS

In the interests of enabling question time to be used by the community in a fair and equitable manner each person shall be limited to a maximum of two questions at any one time.

If there is sufficient time within the Public Question Time period the Presiding Member will then allow members of the public to sequentially, in accordance with the register, ask a further two questions at a time.

SPECIAL COUNCIL MEETINGS

Questions must relate to items on the meeting Agenda.

Adopted 21 October 2013



Shire of York

PUBLIC QUESTION TIME PROFORMA

Please ensure that your question complies with the Rules of Public Question Time as published in the Council Agenda and stated below

Name: _____

Residential Address: _____

Organization Name: _____
(If presenting on behalf of)

Council
Meeting Date: _____

Item No. Referred To:
(If Applicable) _____

Rules for Council Meeting Public Question Time

- a) The person asking the question is to give their name and residential address prior to asking the question.
- b) Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
- c) In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal. There will be no debate on questions submitted.
- d) Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response. Statements will not be recorded in the minutes.
- e) Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; legal advice; legal proceedings or other legal processes; or would otherwise impose an unreasonable resource impost on the Shire; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.
- f) Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).
- g) Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.

- h) Answers to questions are provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
- i) Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next Council Meeting.
- j) Public Question Time is set for a minimum period of 15 minutes and will terminate earlier should no further questions be forthcoming.
- k) To enable all members of the public a fair and equitable opportunity to participate in Public Question Time, each person will be allowed a maximum of two (2) questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
- l) Questions to be asked at the meeting will be registered, and the priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day of the meeting) and secondly, 'questions from the floor'. The Presiding Member shall call upon Public Gallery members that have not already submitted questions in writing or earlier registered their interest to ask a question, to do so, and the priority of asking questions shall be in accordance with that register.
- m) Should there be time remaining of the initial period for Public Question Time after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask a further two questions until the initial period for Public Question Time has expired.

Adopted 21 October 2013

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SHIRE OF YORK

THE WORKS COMMITTEE MEETING WILL BE
HELD ON THURSDAY, 4TH DECEMBER 2014, COMMENCING AT
5.00PM 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

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 Suspension of Standing Orders

Clause 3.2 – Order of Business

Moved: _____ Seconded: _____ Carried:

1.4 Announcement of Visitors

1.5 Declarations of Interest that Might Cause a Conflict

Councillors/Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed and also of the requirement to disclose an interest affecting impartiality under the Shire of York's Code of Conduct.

Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

| Name | Item No & Title | Nature of Interest (and extent, where appropriate) |
|------|-----------------|---|
| | | |
| | | |
| | | |

Disclosure of Interest that May Affect Impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

| Name | Item No & Title |
|------|-----------------|
| | |
| | |
| | |

2. ATTENDANCE

2.1 Members

2.2 Staff

2.3 Apologies

2.4 Leave of Absence Previously Approved

2.5 Number of People in Gallery at Commencement of Meeting

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

4.1 Written Questions – Current Agenda

4.2 Public Question Time

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

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Works Committee Meeting held November 6, 2014

Corrections

Confirmation

“That the minutes of the Works Committee Meeting held November 6, 2014 to be confirmed as a correct record of proceedings.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9. REPORTS

10. MATTERS FOR DISCUSSION

11. OTHER BUSINESS

12. ADJOURNMENT OF MEETING

13. CLOSURE

9. OFFICER'S REPORTS

9.1 WORKS REPORTS

9.1.1 Alfresco Area - Bella Cuccina Restaurant, 82 Avon Terrace, York

FILE NO:
COMMITTEE DATE: 4 December 2014
REPORT DATE: 24 November 2014
LOCATION/ADDRESS: 82 Avon Terrace, York
APPLICANT: Mario Balducci, Proprietor
SENIOR OFFICER: Keith Dickerson
AUTHOR: Keith Dickerson
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE CEO: Graeme Simpson

OFFICER RECOMMENDATION

"That this Committee Recommends that Council:

Consider this unbudgeted request for the construction of an Alfresco area and include it in the 2015/16 budget for consideration."

Voting Requirements:
Simple Majority Required: Yes

Background:

The existing markings on the road in front of Bella Cuccina Restaurant are incorrectly positioned in that the nib adjacent to the Shell Service Station will restrict the movement of larger vehicles entering and exiting for refuelling. The location of the nib needs to be moved 2 metres to the south which will provide 3.7 metres of free space from the service station driveway.

The Alfresco area needs to be 5.5 metres long x 2.4 metres wide with a strip drain along the existing kerb line and concrete kerbing on the outside perimeter of the area including the safety nib with two safety bollards on the roadside edge.

Financial Implications:

Estimated Cost

| | |
|--|-------------------|
| • 12.5 metres of barrier kerbing @ \$36.00/metre | \$450.00 |
| • 18m ² pavers to match existing @ \$55.00/m ² | \$990.00 |
| • 7.5m of strip drain @ \$112.00/metre | \$840.00 |
| • 2 x suitable bollards to match others on street @ \$187.00 each | \$374.00 |
| • 1 x tree guard to match others on street @ \$172.00 each | \$172.00 |
| • 1 x tree as required @ \$300.00 each | \$300.00 |
| • Earthworks and preparation | <u>\$2,700.00</u> |
| TOTAL | <u>\$5,826.00</u> |

9. OFFICER'S REPORTS
9.1 WORKS REPORTS
9.1.2 Engineer – Works Managers Report

FILE NO: OR.MTG.5
COUNCIL DATE: 15 December 2014
REPORT DATE: 28 November 2014
SENIOR OFFICER: Keith Dickerson, Consulting Works Manager
AUTHOR: Works Administrator, Leonie Kempin
APPENDICES: 1 - Vehicle Hours/kms Report July 2014
2 - Grading, Construction & Rural Rd Works
3 - Town Works
4 - Potholes, Guide Posts & Signs
5 - Private Works
6 - Plant Maint / Servicing - October 2014
7 - Plant Maint / Servicing - July 2012 to current

DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Graeme Simpson

OFFICER RECOMMENDATION

“The Committee Recommends to Council:

To receive and note the November 2014 report prepared by the Consulting Works Manager.”

Voting Requirements:
Simple Majority Required: Yes

Summary:
This report is a summary of activities of the Works Department for the month of November 2014.

Background:
The Works Department has responsibility for the management, operation, maintenance and improvement of Council's infrastructure assets like roads, footpaths, parks, bridges and so forth (but excluding buildings).

The Works Department operates in accordance with Council policy directives and the adopted budget of the Council of the Shire of York. The Works Department is accountable to the CEO who reports to the Shire Council.

This report is provided in order that the Council of the Shire of York is kept informed on the operations of the Shire Works Department and progress in implementing their policy and budget objectives. It is intended through this report that Council will be able to review activities and identify policy objectives and emerging operational issues.

Works Managers Report - November 2014:

- The outside work force training program is ongoing and some grader training has been provided.

Appendix 3 is a summary of monthly town works carried out by Works Depot staff for the month of November 2014.

Appendix 4 is a summary of pothole, guide post & sign maintenance carried out by Works Depot staff for the month of November 2014.

Appendix 5 is a summary of private works carried out by Works Depot staff for the month of November 2014.

Appendix 6 is a summary of Works Depot vehicle and plant maintenance/servicing for the month of November 2014.

Appendix 7 is a cumulative summary of Works Depot vehicle and plant maintenance/servicing for the period July 2012 to current.

Item 9.1.2 Appendices

10. MATTERS FOR DISCUSSION

Below are Resolutions presented to the 17 November, 2014 Ordinary Council Meeting

Resolution - WC 031114

RESOLUTION 331114

Moved: Cr Boyle

Seconded: Cr Smythe

"That Council Recommends :

Prior to resealing of Goldfields & Quellington Roads that these sections of roads are to be checked for excess gravel in the drains and any excess gravel to be removed to clear drains and reused. To avoid damage to the new seal."

The Shire President declared that the Motion was CARRIED: 5/0

Resolution - WC 041114

RESOLUTION 341114

Moved: Cr Smythe

Seconded: Cr Hooper

"That Council:

Develop a policy that requires all sub-contractors engaged by the Shire of York be required to carry out safety inductions and plant inspections in accordance with the relevant OH&S Act."

The Shire President declared that the Motion was CARRIED: 5/0

SHIRE OF YORK WATER REPORT

Resolution - WC 051114

RESOLUTION 351114

Moved: Cr Boyle

Seconded: Cr Wallace

That Council Agrees for the:

The Committee to resolve to revisit the watering of trees in Avon Terrace by automated process at the March 2015 Works Advisory Committee meeting.

The Shire President declared that the Motion was CARRIED 5/0

PARKS & GARDENS REPORT

Resolution – WC 061114

RECOMMENDATION

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

Approach the operators of the York monthly markets to relocate to Avon Terrace between South Street and Macartney Streets.”

AMENDMENT

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Approach the operators of the York monthly markets and business owners to relocated to Avon Terrace between South Street and Macartney Street.”

CARRIED: 5/0

RESOLUTION 361114

Moved: Cr Boyle

Seconded: Cr Smythe

“That Council:

Approach the operators of the York monthly markets and business owners to relocated to Avon Terrace between South Street and Macartney Street.”

The Shire President declared that the Motion was LOST: 3/2

Advice Note: Council to advice the Works Committee that Council will liaise with the Strategic Planning Working Party as to how best to deal with this proposal from the Committee.

Resolution - WC 071114

RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council:

Engage with Mr Ron MacKay of the Works Committee on a voluntary basis to research the Shire of Yorks road maintenance manual requirements and develop a list of the documentation required to achieve industry best practice and present the list to the Works Committee.”

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council Requests:

That the Works Manager engage with Mr Ron MacKay of the Works Committee on a voluntary basis to research the Shire of Yorks road maintenance manual requirements and develop a list of the documentation required to achieve industry best practice and present the list to the Works Committee.”

CARRIED: 5/0

RESOLUTION

371114

Moved: Cr Boyle

Seconded: Cr Hooper

The following is to be the Resolution

“That Council Requests:

That the Works Manager engage with Mr Ron MacKay of the Works Committee on a voluntary basis to research the Shire of Yorks road maintenance manual requirements and develop a list of the documentation required to achieve industry best practice and present the list to the Works Committee.”

The Shire President declared that the Motion was CARRIED: 5/0

MOU on Totem Poles

Resolution - WC 081114

RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council:

Approve the installation of Totem Poles from York District High School to Candice Bateman Park as per the MOU.”

AMENDMENT

Moved: Cr Wallace

Seconded: Cr Boyle

“That Council:

Approve the installation of Totem Poles, currently stored at York District High School, in Candice Bateman Park as per the MOU.”

CARRIED: 5/0

RESOLUTION

381114

Moved: Cr Boyle

Seconded: Cr Hooper

The following is to be the Resolution

“That Council:

Approve the installation of Totem Poles, currently stored at York District High School, in Candice Bateman Park as per the MOU.”

The Shire President declared that the Motion was CARRIED: 5/0

14. OTHER BUSINESS

15. ADJOURNMENT OF MEETING

RECOMMENDATION

As the allotted time has expired the Committee will adjourn until:

Date: Thursday, 5th February, 2015

Place: Council Chambers

Time: 5.00pm

When the discussions shall resume.

Moved:

Seconded:

16. CLOSURE