



Ordinary Council Meeting

27 March 2024

Minutes

To: The President and Councillors.

Here within are the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

Tabitha Bateman

ACTING CEO



Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

Disclaimer

Any discussion regarding a planning matter or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following an Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 9 April 2024.



Tabitha Bateman

ACTING CEO

Confirmed Minutes

These minutes were confirmed at a meeting held on 24 April 2024.

Signed: 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 1.05pm and read aloud an Acknowledgement of Country:

"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCEMembers

Cr M McKeown	Shire President
Cr S Dival	Deputy Shire President
Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr R Madacsi	Councillor
Cr J Prater	Councillor
Cr D Wrench	Councillor (<i>via zoom</i>)

Staff

Ms T Bateman	Acting Chief Executive Officer
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Mr H de Vos	Executive Manager Development and Regulation
Mrs N Mwale	Finance Coordinator
Mr M Werder	Project Manager
Mr R Koch	Community Emergency Services Manager
Mrs M Rebane	Executive Assistant

Visitors

G Hill	B Ruthven
P Ruthven	S Hefferon
A Henshaw	S Pearce
L Graham	P Sydes

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting as follows:

Cr Prater declared an Impartiality Interest in Agenda Item 9.2.3 Mid-Year Budget Review pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in relation to the allocation for the Race Club in the mid-year budget; as he is a past President of the Race Club, no longer on the Committee but still a life member. He declared that he would consider the matter on its merits and vote accordingly.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 28 February 2024, the following questions were taken on notice:

4.1.1 Community Questions - Taken on Notice from S Pearce

Question One

S Pearce

The Council resolution contained no time frame of what action Council would take as the result of the meeting between the Moondyne Men and the Toodyay Tennis Club.

When will the matter of the Moondyne Men EOI to lease Shire Property at Fiennes Street be brought back to Council for deliberation?

Response from the Acting CEO

The Shire is currently reviewing all properties owned by the Shire that are available for rent or lease. Once the review of available local government properties is completed, a report will come to Council.

Question Two and Three

S Pearce

From the Audit and Risk Committee (ARC) Minutes, dated 14 February 2024 the Presiding Member moved the following amendment to the Officer's Recommendation:

1. *That the ARC has reviewed the draft wording of the ARC Charter as attached, and*
2. *Recommends that Council adopt the Charter as reviewed.*

Please explain why the ARC, trusted with oversight of council's financial and risk affairs, knowingly adopted a document empowering the committee, beyond the scope of the audit regulations and containing a number of errors for example:

- (a) Membership clause 4.3 Presiding Member will be appointed for an initial period of two years after each council election and may be extended or reappointed for further periods as determined by the Committee. The *Local Government Act 1995* says Membership is determined by Council which is another anomaly

- (b) At 3.0 Authority(d) states the committee can obtain legal or other professional advice to fulfill its role at Shire of Toodyay Expense. This poses a potential financial risk as there is no limit included and can be actioned without council approval.
- (c) Clause 5.0 Responsibilities: There are many clauses appear outside the scope of ARC functions as per regulation 16 under the *Local Government (Audit) Regulations 1996*. For example, 5.4(a) reviewing the financial statements and providing advice to the Council about whether they should be signed by the Council. The review includes assessing whether the financial statements are consistent with the knowledge of the Committee Members.

Please explain why the Committee knowingly adopted a document beyond the scope of the Audit regulations and contained a number of errors?

Response from the Acting CEO

It is up to Council to adopt the Charter for the Audit and Risk Committee. The Committee may recommend a charter to the Council however prior to presentation to Council, Officers can address any compliance risks and propose an alternative document.

4.2 PUBLIC QUESTION TIME

4.2.1 L Graham - Questions with notice

Question 1

s5.36(4) of the *Local Government Act 1995* and Local Government Regulation 18a requires the council to advertise the CEO position statewide. I ask:

- (a) On what date in 2020 did this legally required advertisement appear?

Response from Acting CEO:

Saturday 8th February 2020.

- (b) In which statewide publications did this legally required advertisement appear?

Response from Acting CEO:

The "Weekend West"

- (c) As it was a public advertisement, will Council provide a copy of the advertisement it placed? If yes, when? and If not, why not?

Response from Acting CEO:

It will be included within the minutes of this meeting.

Chief Executive Officer

- Visionary Leadership and Challenge
- Engage, Respond and Innovate



The Shire of Toodyay is a local government area in the Wheatbelt region of Western Australia, beyond the north-eastern limits of the Perth metropolitan area. The Shire covers an area of 1,694 square kilometres, and its seat of government is the town of Toodyay. The town site is located approximately 85 kilometres east of Perth in the picturesque Avon Valley. It has a population of 4,427 people and lays claim to some of the most magnificent examples of natural and cultural heritage in Western Australia. The Shire is seeking in its new CEO an energetic, visionary and consultative leader who can work constructively at both the operational and strategic levels.

Reporting to Council and with the support of the Executive team the CEO will engage with the community, and provide strong leadership to implement the strategic goals and objectives of the Shire. You will seek out opportunities for commercial growth, maintain an effective and responsive administration and provide prudent and timely advice on all relevant issues to Council with particular emphasis on financial management, economic growth and governance. With a flexible management style, you will also create and maintain effective relationships with all key stakeholders including government, business leaders and the community.

To be considered for this role you will be tertiary qualified and have a successful track record of accomplishment in a senior executive position in relevant service based organisations. With a strategic focus, you will have the ability to drive and foster creativity and innovation. This will be matched by your strong background in financial management, sound commercial acumen, and excellent communication and negotiation skills.

An attractive salary package will be offered to the successful candidate on a four year term. The package will be in the range of \$157,920 to \$259,278 and will include base salary, superannuation and other benefits as negotiated.

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Applications close at 5pm WST on Monday 24th February 2020

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Question 2

EFT 28472 to the value of \$2,309.13 was paid on 30/06/2020; who authorised that payment?

Response from Acting CEO:

Documents have been archived. Officers will require more time to provide them through normal business correspondence.

Question 3

Payment no 252 to the value of \$2797.47 was paid on 30/11/2021; who authorised that payment?

Response from Acting CEO:

Executive Manager Corporate and Community Services & Project Manager

Question 4

Payment no 97 to the value of \$2,874.25 was paid on 15/02/2023; who authorised that payment?

Response from Acting CEO:

Executive Manager Corporate and Community Services & Project Manager

Question 5

EFT 28472 to the value of \$2,309.13 was paid on 30/06/2020; who approved that payment?

Response from Acting CEO:

Documents have been archived. Officers will require more time to provide them through normal business correspondence.

Question 6

Payment no 252 to the value of \$2,797.47 was paid on 30/11/2021; who approved that payment?

Response from Acting CEO:

Executive Manager Corporate and Community Services on the basis of having relevant paperwork (Reimbursement request signed by the Shire President).

Question 7

Payment no 97 to the value of \$2,874.25 was paid on 15/02/2023; who approved that payment?

Response from Acting CEO:

Executive Manager Corporate and Community Services on the basis of having relevant paperwork.

Question 8

At the April 2020 OCM, Council was advised that s5.39(3) says a contract has no effect unless it contains performance criteria. So, I ask

- (a) Did the CEO's contract contain the specified performance criteria? If so, in which clause of the contract are these located?

Response from Acting CEO:

Section 4.1 in the contract dealt with the negotiation and agreement of the Performance Criteria with the CEO once the CEO was appointed.

The performance criteria was adopted by Council at the Special Council Meeting held on 22 September 2020.

Question 9

Admin regulation 18(f) stipulates that there can be no difference between the remuneration paid and other benefits contained in the advertisement for the position and what is paid.

- (a) Is there a difference? If so what is/are that/those difference/s?

Response from Acting CEO:

No. The contract that was agreed on and signed was within the range advertised for the position.

Clarification from Mr Graham

That response does not quite answer the question. The question was about remuneration and other benefits, not simply remuneration.

Response from Acting CEO:

The package was within the parameters of the advertisement.

Question 10

In what I consider to be a clear breach of those regulations, the Shire President was authorised (Special Meeting 14 April resolution 119/04/20) to negotiate conditions that were not contained in the advertisement.

- (a) What action is Council prepared to take to ensure that the regulations are in fact complied with?

Response from Shire President:

Section 18FB of the Local Government (Administration) Regulations 1996, inserted into the regulations in 2021, deals with the Certification of compliance with adopted standards for CEO recruitment. Section 18FB (3) requires that "As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs." Schedule 2 of the Local Government (Administration) Regulations 1996 specifies the Model Standards for CEO recruitment, performance and termination and Council is obliged to comply with those standards and will comply with those standards in the current recruitment of a CEO.

Question 11

Mr Graham withdrew the following question submitted prior to the meeting, and reserved his right to ask the question again at a future meeting.

In the local government employees section of its 2020 compliance audit return, Council reported that the requirements of the regulations (at points 2, 3, and 4) were complied with when they clearly were not.

- (a) What are the implications to the Shire for falsely reporting compliance?
- (b) What action is the Council prepared to take to ensure future compliance?

Question 12

The advertisement you referred to before was placed by the Consultants hired by the Shire. That does not contain the required details of the remuneration and benefits being offered, and it did not comply with Admin Regulation 18A. So I ask:

- (a) When did Council authorise that advertisement?
- (b) How did Council authorise that advertisement?
- (c) What actions did the Council take to ensure the advertisement complied with the regulations?

Response from Shire President:

I will take this question on notice.

Question 13

What are the implications to the Shire of not having a compliant audit for a number of years while having no valid CEO contract?

Response from Shire President:

I will take this question on notice.

Question 14

What action is the Council going to take to remedy its:

- (a) Non-compliance, and
- (b) False reporting.

Response from Shire President:

I will take this question on notice.

4.2.2 A Henshaw - Question without noticeQuestion 1

My question refers to the selection and appointment of the independent member for the purpose of CEO Recruitment and Selection panel. I would like congratulate Mr Flaherty on his selection.

- (a) the Shire specifically stated that the Expressions of Interest were to be received no later than 13 February 2024. Were all the expressions of interest received by this date?
- (b) Four demonstrable criteria were set by the Council. Was the successful candidate able to demonstrate his ability to meet the set criteria?

Response from Shire President:

(a) The advertisement for the independent person did not state that the expressions of interest were to be received by a certain date but that they should be received by a certain date.

(b) Taken on notice.

4.2.3 G Hill - Question without noticeQuestion 1

I am here representing the men on the Committee for Moondyne Men. We are a group of 40 men whose mantra is "Men looking after Men in the community." We are the largest men's group in Toodyay.

In October 2023 the Moondyne Men wrote an expression of interest to the Shire in regard to renting the old Tennis club; as the Tennis Club has now moved to new facilities at the Toodyay Recreation Centre. As a courtesy to us the Tennis Club were able to show us through the facility to ensure that it was fit for purpose.

We again wrote to the Shire on two further occasions in 2023 and 2024; writing to all Councillors on 30 Nov 2023 and writing to the Shire to obtain any lease agreements on the 3 March 2024.

We heard that there was no lease between the Shire and the Toodyay Tennis Club but in fact a letter of agreement and a peppercorn rent paid by the Tennis Club to the Shire.

Mr President, this building has been empty for almost a year and at the moment the Moondyne Men are homeless as our former meeting place at the RSL is needed for storage.

The Moondyne Men meet on Monday and Thursday morning each week and have a committee meeting and breakfast meeting on the first Saturday of each month.

Why not lease the old Tennis Club building to the Moondyne Men and receive almost \$2,500 a year in rent? So that when anyone walks out of the Shire office they can look across the road and see a building that is being used and not decaying from lack of use.

Response from Shire President:

I will take that question on notice.

4.2.4 B Ruthven - Questions without notice**Question 1**

The Audit and Risk Committee meeting held on 14 February was a special meeting because it fell outside the scheduled meeting calendar as adopted by Council on 22 November 2023.

The meeting was called on 7 February, by resolution ARC001/02/24 for a specific purpose, which was to review the Financial Management Review (and Audit Reg 17 review) report.

Standing Order local law 4.1(3) states that “no business is to be transacted at a committee meeting other than that specified in the agenda or in the notice as the purpose of the meeting, without the approval of the committee”.

The proposed new charter was clearly not part of the purpose of the 14 February ARC special meeting, so when did the committee approve the inclusion of the new charter item on the agenda?

Response from Shire President:

The committee meeting held on that date was not a special committee meeting. It was a committee meeting called under Standing Orders Local Law 17.10 which allows a meeting of a committee to be held if called for by the Presiding Member of the committee. In this case, Standing Orders 4.1 does not apply.

Question 2

The minutes of the ARC special meeting of 14 February, which were confirmed on 6 March, show that the committee rejected the Officer Recommendation to workshop the new charter but, instead, recommended that Council adopt the charter. The reason given was that the committee had already conducted a review.

Did the review take place between the calling of the special ARC meeting on 7 February and the convening of the special meeting on 14 February?

- (a) How was the decision to conduct the review made and by whom?
- (b) When, how and where did the review of the proposed new charter take place?
- (c) Which ARC members took part in the review of the proposed new charter?

Response from Shire President:

I will take that question on notice.

4.2.5 P Sydes - Question without noticeQuestion 1

When is the Shire going to rezone lots 4.1ha and above as rural small holdings as opposed to rural residential as they were directed to do so by the Department of Lands more than 12 months ago.

The Shire President deferred the response to the Executive Manager Development and Regulation

Response from Executive Manager Development and Regulation:

The Shire is currently finalising the draft Local Planning Scheme No. 5.

I will seek further advice from the Department.

Question 2

Is there a plan for pruning trees along the Bindoon Dewars Pool Road in the foreseeable future. The branches are meant to be 4.2m away from the road and I have taken out so many mirrors, as have other drivers along that road?

The Shire President sought clarification on the question and deferred the response to the Executive Manager Infrastructure, Assets and Services

Response from Executive Manager Infrastructure, Assets and Services:

There is not a specific plan for pruning trees on that specific road. Works requests are responded to when vegetation causes a problem in terms of site distance or obstruction. The maintenance crew will inspect the site tomorrow to ascertain what the extent is of pruning required.

4.2.6 S Pearce - Questions without notice

Clarification was sought in regard to whether the response was read out.

Question 1

- (a) When did Council pass a resolution to review the properties owned by the Shire that are available for rent or lease and when completed a report would come to Council?
- (b) Why did the recent request from the Moondyne Men not come to the Council for deliberation given it has financial nature implications and was related to Shire property?
- (c) Who decided that the request was to wait until the review of the Shire properties was completed?

Clarification was sought on the recording of questions correctly by the Shire President.

The Shire President deferred the response to the Acting CEO.

Response to (a) from Acting CEO:

Council resolved to review all leases and contracts in 2022 and we have been working through the list.

Question 2

This was two years ago that a resolution was passed, and has not been completed. Is that what you are saying?

Response from Acting CEO:

Yes.

Response to (b) from Shire President:

It did come to Council in December 2023. Council received the expression of interest from Moondyne Men regarding the possible lease of the old Tennis Club facilities at Fiennes St Toodyay and requested the CEO to liaise with the Moondyne Men to seek further information regarding their proposal to lease the old Tennis Club facilities and bring the matter to a Council workshop in February 2024 and provide a report to the February 2024 Council Meeting for consideration.

Question 3

The resolution said that it was to be workshopped and then to be brought back to the Council at the February 2024 Ordinary Council Meeting (OCM). This is the OCM today? Is it being discussed today?

Response from Acting CEO:

The process to be followed in terms of leasing and disposing of property is pursuant to the Local Government Act 1995. It is not being discussed today.

Question 4

Where is the Shire at with the EOI process for the Moondyne Men?

Response from Shire President:

I will take the question on notice.

Question 5

Last year, as a Councillor, there was an expectation, based on additional assistance that the CEO obtained that the 22/23 audit would be lodged early in 2024. Has the 22/23 audit been completed and lodged?

Response from Shire President:

We do not lodge the audit. Are you asking whether we have submitted the financial reports for audit?

Clarification from S Pearce

Yes. Has the 22/23 audit been completed and what happens once it has been completed?

The Shire President deferred the response to the Acting CEO.

Response from Acting CEO:

The draft financials were submitted to the Auditor in accordance with the timeline that had been developed between the Auditors and the Office of the Auditor General (OAG). The OAG is yet to complete their review of the financials.

Question 6

So the answer to my question is that at this stage it has not been completed, but you are on track to have it completed? Is that correct?

Response from Acting CEO:

Yes.

4.2.7 G Hill - Moodyne Men**Question 2**

The Moodyne Men have liaised with the Toodyay Tennis Club and the Tennis Club, as far as I am aware, are not adverse to us occupying the building which they no longer use. This building has been left open for more than a year. Having said that, the Shire owns the building, not the Toodyay Tennis Club. Why not lease the old tennis club building to the Moodyne Men?

Response from Shire President:

At the moment the Tennis Club is in occupation of the building under agreement with the Shire.

4.2.8 B Ruthven - Questions without notice**Question 3**

The ARC minutes show that the only consultation done by the ARC was with the OAG Better Practice Guide, despite the inclusion of the following passages:

Firstly, from the Auditor General's overview:

"... it is therefore difficult to have a 'one-size-fits-all' approach for better practice guidance. Entities need to consider their relevant legal and regulatory requirements as well as operating environment when using this guide."

Then, from within the document:

For local government entities, the role of audit committee is prescribed by the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996*. They do not have powers or authority to implement actions in areas over which the CEO has legislated responsibility and they do not have any delegated financial responsibility. The committee does not have management functions and cannot involve itself in management processes or procedures.

Given that information which was in the Better Practice guide, would you, as a member of the ARC, please explain why the ARC did not consult with the Department of Local Government or any local government legislation before recommending the charter to Council?

Response from Shire President:

I will take that question on notice.

Question 4

A legislated role of the CEO and administration to advise Council and provide relevant information for decision-making and the importance of risk management to the organisation. The Responsible Officer recommended workshopping the charter before putting it to Council.

What consideration did the Audit and Risk Committee give to the risks of legislative non-compliance and reputational damage to the Shire when rejecting the advice and recommendation from the responsible officer regarding the new charter?

Response from Shire President:

I will take that question on notice.

Question 5

Item 9.5.2 in this agenda includes an Officer's Recommendation for Council to note the ARC recommendation to Council and to adopt a REVISED ARC charter. The revised charter proposed by the Officer is very different to the version recommended by the ARC for adoption by Council.

Has there been any advice from the Department of Local Government about the appropriateness or legality of the ARC-proposed charter? If so, what form did this advice take?

The Shire President deferred the response to the Acting CEO

Response from Acting CEO:

Officers only received the advice from the Department yesterday and based on that information and the additional guidance on the clauses we are proposing to withdraw the Charter and take the opportunity to incorporate the advice from the department.

Question 6

Through the Chair I would like to ask the A/CEO approximately how much officer time was spent on checking and revising the ARC presiding member's charter so that it will meet local government legislation?

The Shire President deferred the response to the Acting CEO.

Response from Acting CEO:

That is hard to quantify but it was a few hours.

Question 7

At the rear of 15 Clinton St, near the police lockup is an old shed which has exposed broken asbestos and termite damage.

Does the Shire own this shed?

What is the risk to the shire associated with this exposed broken asbestos in a public space?

Clarification sought as to whether the shed was on museum precinct grounds.

Response from Shire President:

If the shed is on the museum precinct grounds it would be a shire owned property.

Question 7

It does not appear that way. Could it be checked?

The Shire President deferred the response to the Executive Manager Development and Regulation.

Response from Executive Manager Development and Regulation:

This question is taken on notice.

Question 8

What is the risk to the Shire associated with the broken asbestos in a public space?

Response from Executive Manager Development and Regulation:

This question is taken on notice.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 28 February 2024

OFFICER'S OCM089/03/24	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr S Dival		
SECONDED	Cr J Prater		
That the Unconfirmed Minutes of the Ordinary Council Meeting held on 28 February 2024 be confirmed.			
<u>Voted For:</u>	Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater		
<u>Voted Against:</u>	Nil		
			MOTION CARRIED 7/0

5.2 Special Meeting of Council held on 13 March 2024

OFFICER'S OCM090/03/24	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr J Prater		
SECONDED	Cr S Dival		
That the Unconfirmed Minutes of the Special Council Meeting held on 13 March 2024 be confirmed.			
<u>Voted For:</u>	Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater		
<u>Voted Against:</u>	Nil		
			MOTION CARRIED 7/0

5.3 Agenda Briefing held on 20 March 2024

OFFICER'S OCM091/03/24	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr C Duri		
SECONDED	Cr J Prater		
That the Notes of the Agenda Briefing held on 20 March 2024 be received.			
<u>Voted For:</u>	Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater		
<u>Voted Against:</u>	Nil		
MOTION CARRIED 7/0			
Attachments			
1	Agenda Briefing Notes 20 March 2024.		

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Shire President's announcement, in accordance with the *Shire of Toodyay Standing Orders Local Law 2008* (Section 4.3) is as follows:

8.1 Shire President activities

- Visited the Evacuation Centre in the Memorial Hall on 21 and 22 December.
- With the CEO, met with the Sergeant of the Toodyay Police on 16 January.
- With the CEO, met with the Editor of the Toodyay Herald on 18 January.
- Attended the Australia Day celebrations and Citizenship Ceremony at the Toodyay Recreation Centre on 26 January.
- Attended the opening of the half court-basketball facility at Morangup on 29 January; this event was also attended by Melissa Price MP.
- Attended the Wheatbelt Secondary Freight Network Steering Committee meeting in Midland on 30 January.
- Attended the Regional Road Group Avon Sub-Group meeting in Toodyay on 15 February.
- With the Deputy President, met with the Executive Director of the Department of Local Government Sport and Cultural Industries by Zoom on 12 February.
- Met with finance and governance officers of the Department of Local Government Sport and Cultural Industries in Toodyay on 16 February.
- Attended the WALGA Avon-Midland Zone meeting in Gingin on 23 February.

9 OFFICER REPORTS**9.1 DEVELOPMENT AND REGULATION**

Nil.

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 MOU Approval for Avon Valley Alliance**

Date of Report:	23 February 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	TOU5
Author:	K Hardie – Economic Development Coordinator
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Avon Valley Alliance MOU; ↗ 2. Avon Valley Alliance Minutes of a Meeting that was held on 15 Feb 2024; ↗ 3. Destination Perth Corporate Membership Report FY 2023. ↗

PURPOSE OF THE REPORT

To present the Avon Valley Alliance Memorandum of Understanding (MOU) for Council's consideration and support.

BACKGROUND

The Avon Valley Alliance began in 2019 when Avon Valley Inc. folded. An informal group worked together on regional tourism and marketing projects until the formation of the partnership with Destination Perth. A formal MOU had not been drawn up.

The Avon Valley Alliance currently comprises five (5) member councils, including the Shires of Toodyay, Goomalling, Beverley, Northam, and York. Each member council contributes annually towards the marketing and promotion of the Avon Valley.

The MOU for Avon Valley Alliance is asking Councils to commit from 2024 - 2027.

The Shire's Economic Development Officer attends the Avon Valley Alliance meetings as a Shire of Toodyay representative.

COMMENTS AND DETAILS

The Advisory Group met in February 2024 to discuss the following:

- Drafting of the MOU;
- Presentation of the draft to Councils in February and March for endorsement;
- Website planning and;
- Strategic planning.

For the 2023/24 financial year, of \$27,500. \$5,500 per Shire to Destination Perth.

Budget report from 2022/2023 attached.

The financial commitment of \$2,500 per annum is the maximum requested on any given year unless unanimously agreed upon by parties. Investment will be contributed on a project basis, with no monies held on account.

The Avon Valley Alliance and Destination Perth has been a positive and productive collaboration.

MOU attached **Attachment 1**. Minutes of the Advisory Group meeting held 15 Feb 2024 are attached at **Attachment 2**. Annual Report 2022/2023 from DP at **Attachment 3**.

IMPLICATIONS TO CONSIDER

Consultative:

Member Councils of the Avon Valley Alliance – Toodyay, Goomalling, Northam, York and Beverley.

Destination Perth

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 8: Toodyay is a popular tourism destination.

08.1: Collaborate with local businesses to promote and deliver exceptional tourism experiences.

08.1.1 Provide funding contribution to the Destination Perth Avon Valley Alliance to market Toodyay to Tourists and visitors.

Policy related:

Nil.

Financial:

Commitment to The Avon Valley Alliance will require an ongoing budgetary allocation of \$2,500 per financial year for the life of the MOU. This amount can be accommodated within the Shire's annual marketing and promotion budget. The expenditure has been included in the annual budget since 2017.

Legal and Statutory:

Nil

Risk related:

Financial or reputational risks associated with this report are considered moderate. The Avon Valley Alliance has steadily grown since its formation. With the assistance of Destination Perth's support and substantial marketing, the Avon Valley region is gaining momentum. Once the MOU is signed, Officers will maximise on the use of shared branding, website, social media, and marketing campaigns. In the event Council chose not to support the MOU, there could be a financial and reputational implications in addition to reduced tourism opportunity, not only for the Shire but also for local businesses.

Workforce related:

The actions arising from the Officers recommendation can be managed within existing Shire resources. Officers from the member councils, and with the support of Destination Perth, will continue to collaborate and expand on the opportunities and future projects as developed.

VOTING REQUIREMENTS

Absolute Majority

The Acting CEO provided an overview of the item.

Cr Duri moved the Officer's Recommendation

Cr Dival seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM092/03/24

MOVED Cr C Duri

SECONDED Cr S Dival

That Council:

1. Approves Avon Valley Alliance Memorandum of Understanding, as attached (**Attachment 1**) with an expiry date of 30 June 2027.
2. Requests the CEO to include an allocation of \$2,500 in the 2024/25 draft budget as the Shire of Toodyay's contribution to the Avon Valley Alliance.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

9.2.2 Monthly Financial Statements - February 2024

Date of Report:	23 February 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	N Mwale – Finance Coordinator
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Monthly Financial Statement as at 29 February 2024 ⇨ 2. Supplementary Information as at 29 February 2024 ⇨

PURPOSE OF THE REPORT

This report provides Council with financial information for the period ending 29 February 2024.

BACKGROUND

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, as compared to the budget and the year-to-date budget.

A statement of financial activity and any accompanying documents are to be presented at an ordinary meeting of the Council within two months after the end of the month to which the statement relates.

COMMENTS AND DETAILS

From 1 July 2023 all local governments are required to present to Council the Statement of Financial Activity to comply with Australian Accounting Standards (AAS) and the amended *Local Government (Financial Management) Regulations 1996*.

The Statement of Financial Activity, contained within the monthly financial statements, summarises the Shire's operating and capital activities and provides an indication of the Shire's financial performance as the year progresses. Officers have also provided additional supplementary information.

Key Financial areas

The following information provides balances for key financial areas for the Shire of Toodyay's financial position for the month ending 29 February 2024.

Outstanding Rates

The notices for rates and charges levied for 2023/24 were raised in September 2023 after adoption of the annual budget. Council approved revised rates due dates at its Ordinary Council Meeting held 25 October 2023 as a result of challenges faced during rates notice production.

The *Local Government Act 1995* provides for ratepayers to pay rates in full or by instalments. The revised due dates for 2023/24 are as follows:

Instalment	Due Date
First Instalment	2 November 2023
Second Instalment	2 January 2024
Third Instalment	4 March 2024
Fourth Instalment	6 May 2024

The total outstanding rates balance at the end of February 2024 was \$2,508,825.47 compared to the January 2024 closing balance of \$3,113,935.82.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of February 2024 was \$600,182.25 broken down as follows:

Category	31/01/2024	29/02/2024
> 90 days and over	\$ 20,809.65	\$ 12,605.15
> 60 days and over	\$ 8,058.17	\$ 7,303.60
> 30 days and over	\$ 12,521.17	\$ 5,127.24
Current	\$ 59,979.58	\$ 575,146.26
TOTAL	\$101,368.57	\$600,182.25

The table above shows an increase in the outstanding sundry debtors balance due to progress claim invoices approximating \$522,535 for the grants that have been sent.

The composition of outstanding debtors is included in **Attachment 1**.

IMPLICATIONS TO CONSIDER**Consultative:**

Consultation with Datacom is ongoing in the preparation of the monthly financial statements.
DLGSC

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Authorised Signatories

Purchasing

Corporate Credit Cards

Financial Governance

Delegation

CS1 Payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*)

Financial:

Financial implications are reported, and explained, in the attached financial statements.

The Shire's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance with the Shire's investment policy.

As at 29 February 2024, the balance of funds held in the Shire's operating accounts was \$218,373.48 and the total of all interest bearing term deposits invested for the period ended 29 February 2024 was \$5,717,100.27

Of the \$5,717,100.27 invested in interest bearing deposits, \$2,531,145.57 relates to reserve funds.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

Cr Prater moved the Officer's Recommendation.

Cr Duri seconded the motion.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM093/03/24

MOVED Cr J Prater

SECONDED Cr C Duri

That Council receives, for the month ending 29 February 2024 the following:

- (a) Monthly Financial Statements; and
- (b) Supplementary information

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.2.3 Mid-Year Budget Review 2023/2024

Date of Report:	12 February 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN28
Author:	N Mwale – Finance Coordinator
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Mid-Year Budget Review 2023/24 Summary of Proposed Amendments; ⇒ 2. Forecasted Statement of Financial Activity as at 30 June 2024 ⇒ 3. Mid-Year Budget Review 2023/24 - Revised Capital Program; and ⇒ 4. Mid-Year Budget Review - Reserves Information. ⇒

PURPOSE OF THE REPORT

To consider the Mid-Year Budget Review 2023/2024 (**Attachments 1, 2 and 3**) and adopt budget amendments as presented pursuant to r.33A(3) of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Council is required to review the adopted budget and assess actual values against budgeted values for the period at least once a year, after the December quarter pursuant to the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The results of the mid-year budget review assist with not only forecasting the year-end position but also the following year’s budget planning process by highlighting variations to estimated income and expenditure.

The 2023/24 Annual Budget was adopted by Council on 28 August 2023. At the time of adopting the budget, the following was also resolved:

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, resolves that the level to be used in statements of financial activity in 2023/2024 for reporting material variances shall be 10% for variances with a dollar value greater than \$5,000.

Officers use the above resolution as a guide for highlighting any variations and as a basis for any budget amendment requests.

A review of the 2023/24 Adopted Budget and year to date actuals to 31 December 2023 has been undertaken. Officers have reported on major variances in accordance with the above resolution and provided comments where applicable.

COMMENTS AND DETAILS

As part of the annual budget preparation, Officers across the organisation are assigned projects and accounts within the budget for which they are responsible to monitor and manage.

During February 2024, responsible Officers met with the Finance Coordinator to analyse budgets and consider any variations to the adopted budget. The review takes into account a number of factors including what has occurred during the first half of the financial year, the likely operating environment over the remaining months and the estimated impact on the Shire's financial position at year-end.

That being said, the budget review maintained a conservative budget approach but at the same time, budgets were proposed to be increased or decreased to a more realistic estimate where necessary.

The budget amendments from this review incorporate the following adjustments as detailed in the documents tabled to this report:

- (a) Adjustments to the budget include:
 - (i) The CEO recruitment process not included in the adopted budget - estimated to require approximately \$50,000.
 - (ii) The implementation of a fit-for-purpose Records Management System, estimated to be \$96,158.
 - (iii) The costs for the Heritage Survey project not included in the adopted budget totalling \$30,000 - dependent on grant approval.
 - (i) A timing variance is also expected to affect the capital budget due to projects anticipated to be deferred or carried forward. These include some of the following items:

Project	Expenditure	Revenue
Bejoording Fire Station	\$ 135,000	\$ 135,000
Non-Crown Land Mitigation	\$ 275,539	\$ 137,770
Nottingham Road	\$ 166,976	\$ 83,488
North Street	\$ 145,903	\$ 72,951
Plant & Equipment purchases	\$ 654,769	\$ 242,381
	\$ 1,378,187	\$ 671,590

Construction of the Bejoording Fire Station has been delayed due to an unsuccessful grant application for the 2023/24 financial year. Officers will apply for funding from DFES again for consideration in the 2024/25 budget.

Road projects noted above, have been delayed as a result of unsuccessful grant applications in 2023/2024 however, Officers are confident that these grants would be considered for approval by the State Government, based upon feedback from the funding agencies.

Proposed adjustments to the plant and equipment purchases are a result of high demand for vehicles and extra funds required for the grader. The adjustment for the generator is a result of delays to the signing of the grant agreement.

Additional funds are required from the Asset Development Reserve to fund the roof sheeting renewals, gutters of the building, the Tote area and Horseshoe Bar at Toodyay Racecourse for \$200,000. Officers are unsure how much of these funds will be required prior to 30 June 2024.

IMPLICATIONS TO CONSIDER

Consultative:

Workshops were held with responsible officers. The results of these discussions assisted in the development of the proposed budget amendments as attached to this report.

Information was provided to Councillors on 12 March 2024 for discussion.

Strategic:

The way the Shire leads and operates:

- 2: Consistently improve our governance practices.
- 3: Ensure rigorous organisational systems.

Policy related:

F6 Significant Accounting Policy

F16 Financial Governance Policy

Financial:

The financial impact of the mid-year budget review is detailed within the tabled reports.

Legal and Statutory:

Local Government Act 1995

Section 6.2 Local government to prepare annual budget

Section 6.10 Financial management regulations

Local Government (Financial Management) Regulations 1996

Part 2. Reg 5(g) CEO's duties as to financial management

Part 3. Reg 33A Review of budget

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a Local Government to conduct a mandatory review between 1 January and 31 March each year and a copy to be forwarded to the Department of Local Government within 30 days.

Risk related:

It is a legislative requirement to undertake a review of the budget and to lodge it with the Department of Local Government, Sport and Cultural Industries. Failure to monitor and financially manage budgeted projects exposes the Shire to significant financial risk. This report helps to mitigate this risk.

It is critical that any projects required to be carried forward are identified and quarantined in order that expenditure is catered for in development of the 2024/25 annual budget. Additionally, grant income received to date for these projects must be recognised as a contract liability at year end and included in the upcoming budget. These funds must not be recognised as revenue for the current year.

The review does not seek to make amendments below the materiality threshold unless strictly necessary. The materiality threshold is set at \$5,000 as adopted by Council. Should a number of accounts exceed their budget within these thresholds, it poses a risk that the forecasted year end position may be understated.

Workforce related:

The budget review process has been managed within current resources.

VOTING REQUIREMENTS

Absolute Majority

Cr Prater moved the Officer's Recommendation 1 as follows:

That Council:

- 1. Adopts the mid-year budget review and supporting information as tabled to this report.**
- 2. Requests the Chief Executive Officer to forward the adopted 2023/24 mid-year budget review to the Department of Local Government, Sport and Cultural Industries within 30 days of Council's adoption.**

Cr Dival seconded the motion.

Clarification sought.

Cr Madacsi foreshadowed an alternate motion as follows:

That Council:

- 1. Adopts the mid-year budget review and supporting information as tabled to this report excluding the \$200,000 additional funds required from the asset development reserve to fund the roof sheeting renewal, gutters on the buildings, the tote area and horseshoe bar at Toodyay Racecourse.**
- 2. Requests the Chief Executive Officer to forward the adopted 2023/24 mid-year budget review to the Department of Local Government, Sport and Cultural Industries within 30 days of Council's adoption.**

Cr Madacsi objected to the motion.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM094/03/24**MOVED** Cr J Prater**SECONDED** Cr S Dival

That Council:

1. Adopts the mid-year budget review and supporting information as tabled to this report.
2. Requests the Chief Executive Officer to forward the adopted 2023/24 mid-year budget review to the Department of Local Government, Sport and Cultural Industries within 30 days of Council's adoption.

Voted For: Crs S McCormick, M McKeown, S Dival and J PraterVoted Against: Crs R Madacsi, C Duri and D Wrench**MOTION CARRIED 4/3 BY ABSOLUTE MAJORITY**

9.2.4 List of Payments - February 2024

Date of Report:	11 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	N Mwale – Finance Coordinator
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	NA
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Creditor Payments Listing - February 2024 ⇨

PURPOSE OF THE REPORT

To present the list of payments raised during December 2023.

BACKGROUND

Payments made from the municipal and trust funds are required to be reported to Council for each month, under section 13 of the *Local Government (Financial Management) Regulations 1996* (the regulations).

The regulations were amended this year to further include the requirement for a list of all payments made using a credit, debit, or purchasing card to be prepared each month, effective 1 September 2023.

COMMENTS AND DETAILS

The list of all invoices processed under delegated authority during February 2024 are attached at **Attachment 1**.

Electronic Funds Transfers (EFT) are for payments transferred directly to creditor bank accounts.

Direct Debits are for direct debits against the bank account such as bank fees, leases, loans, and other charges.

Payroll Direct Debits are for payroll and superannuation payments made to employees on a fortnightly basis.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

09.1: Govern Shire finances, assets, and operations responsibly.

Policy related:

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust Accounts. Creditor invoices and other charges paid have been duly incurred and authorised for payment in accordance with Shire policies; Authorised Signatories, and; Purchasing.

Financial:

Payments made in February 2024 total \$899,394.15.

Legal and Statutory:

Local Government Act 1995

Section 5.42 allows the local government to delegate its powers to the Chief Executive Officer.

Section 6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

Local Government (Financial Management) Regulations 1996

Regulation 13 states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared for each month and presented to Council.

Regulation 13A requires that if any payments are made via purchasing cards, a list is to be prepared for each month and presented to Council.

Risk related:

There is a legislative requirement to present the list of payments to Council. Failure to do so would pose a minor compliance risk. This report and its attachments help to mitigate this risk and gives Council the opportunity to review and question any payments made.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM095/03/24	
MOVED	Cr S McCormick
SECONDED	Cr C Duri
That Council notes as being paid, payments listed and presented for the month of February 2024 as attached to this report, summarised as follows:	
Municipal Cheques	761.00
Electronic Funds Transfer Payments	832,561.67
Direct Debits	

Payroll	54,342.73
Purchasing Cards	11728.75
TOTAL	899,394.15

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.3 EXECUTIVE SERVICES

9.3.1 Adoption of Amended Local Laws: Cats and Dogs

Date of Report:	10 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Executive Manager Development and Regulation
Previously Before Council:	Nov 2023 – Local Law Review
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Amended Cat Local Law 2024; ⇒ 2. Advert - Cat Local Law; ⇒ 3. Amended Dog Local Law 2024; ⇒ 4. Advert - Dog Local Law; ⇒

PURPOSE OF THE REPORT

To consider the adoption of the:

1. Cat Local Law 2024 (refer to **Attachment 1**); and the
2. Dog Local Law 2024 (refer to **Attachment 3**).

BACKGROUND

Local laws can only be made when authorised by the *Local Government Act 1995* (the Act) or other written laws but cannot be inconsistent with any State or Federal law.

At the November 2023 Council Meeting it was resolved that:

That Council:

1. Pursuant to section 3.16(4) of the *Local Government Act 1995* (the Act), resolves its intent to not change the *Cemeteries Local Law*; and
2. Pursuant to section 3.16(4) of the Act, resolves its intent to repeal the *Pest Plants Local Law* subject to the *Repeal Local Law 2023* being workshopped by Council;
3. Pursuant to section 3.16(4) of the Act, resolves its intent to workshop and amend the following local laws:
 - (a) *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*;
 - (b) *Cat Local Law*;

- (c) *Dogs Local Law;*
 - (d) *Extractive Industries Local Law;*
 - (e) *Fencing Local Law;*
 - (f) *Health Local Laws;*
 - (g) *Local Government Property Local Law;*
 - (h) *Parking and Parking Facilities Local Law;*
 - (i) *Standing Orders Local Law.*
4. *Determines that the periodic review of the local laws for the Shire of Toodyay has concluded.*

COMMENTS AND DETAILS

There are two local laws that have been amended thus far, by the Officers who enforce these local laws. Pursuant to section 3.12 of the *Local Government Act 1995* (the Act) the Shire of Toodyay, in making a local law, must follow the procedure described, in the sequence in which it is described. Now that the two local laws have been amended significantly, using the WALGA model local laws where available, and through workshopping and desktop reviews by Shire Officers, they are presented to Council for consideration to make them local laws pursuant to section 3.12 of the Act.

It is recommended that Council resolve its intent to adopt the following local laws:

- *Shire of Toodyay Cat Local Law 2024.*
- *Shire of Toodyay Dog Local Law 2024.*

Section 3.12 (2) states:

"At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner."

It is recommended that the Presiding Person read out the following:

Cat Local Law

1. Pursuant to section 3.12 of the *Local Government Act 1995* the Shire of Toodyay resolves its intent to adopt the *Shire of Toodyay Cat Local Law 2024*:
 - (a) The **purpose** of which is to improve the permit conditions, definitions of nuisance behaviour, modification of penalties, and to continue to provide the Shire of Toodyay with measures in addition to those under the *Cat Act 2011* to control the keeping of cats.
 - (b) The **effect** of which will repeal the previous local law, and continue to control cat ownership, to limit the number of cats that can be kept and to specify the places where cats can be kept.
 - (c) The **justification** of which is that it will provide enforcement options for issues that previously were unable to be dealt with by the Shire's authorised officers pursuant to the *Cat Act 2011* and the provisions of its subsidiary legislation.

Dog Local Law

2. Pursuant to section 3.12 of the *Local Government Act 1995* the Shire of Toodyay resolves its intent to adopt the *Shire of Toodyay Dog Local Law 2024*:

- (a) The **purpose** of which is to make provisions about the transferring of dogs to another person, modification of penalties, impounding of dogs, and to control the number of dogs that can be kept on premises and the manner of keeping those dogs, including fencing measures; and to prescribe areas in which dogs are prohibited and as dog exercise areas .
- (b) The **effect** of which will repeal the previous local law, and put in measures related to dog ownership, to limit the number of dogs that can be kept and to extend the controls over dogs which exist under the *Dog Act 1976* .
- (c) The **justification** of which is that it will provide enforcement options for issues that previously were unable to be dealt with by the Shire's authorised officers pursuant to the *Dog Act 1976* and the provisions of its subsidiary legislation.

IMPLICATIONS TO CONSIDER

Consultative:

A workshop on 12 February 2024 with councillors was held to go through the amended local laws being presented with this report. All Councillors were in attendance.

National Competition Policy: Local Laws Review Guidelines

WALGA

Strategic:

Shire of Toodyay Council Plan 2023-2033

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Dogs Policy

Financial:

This proposal will require local notice/advertisement to the value of approximately \$300.00.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Risk related:

If Council chooses to delay the making of these amended local laws there would be moderate reputational and compliance risks. This report mitigates the risk.

Workforce related:

Council's decision can be implemented with existing resources.

VOTING REQUIREMENTS

Absolute Majority

The Presiding Member read aloud Officer’s Recommendation 1.

Cr McCormick moved the Officer’s Recommendation 1 as follows:

That Council, pursuant to the provisions of section 3.12(3) of the Local Government Act 1995:

- 1. Resolves its intent to adopt the *Shire of Toodyay Cat Local Law 2024*:**
 - (a) The purpose of which is to improve the permit conditions, definitions of nuisance behaviour, modification of penalties, and to continue to provide the Shire of Toodyay with measures in addition to those under the *Cat Act 2011* to control the keeping of cats.**
 - (b) The effect of which will repeal the previous local law, and continue to control cat ownership, to limit the number of cats that can be kept and to specify the places where cats can be kept.**
 - (c) The justification of which is that it will provide enforcement options for issues that previously were unable to be dealt with by the Shire’s authorised officers pursuant to the *Cat Act 2011* and the provisions of its subsidiary legislation.**
- 2. Requests the CEO to advertise a local public notice (Attachment 2);**
- 3. Requests the CEO to send to the Minister a copy of:**
 - (a) The proposed local law – Refer to Attachment 1; and**
 - (b) A copy of the public Notice – Refer to Attachment 2.**
- 4. Requests the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it.**

Cr Prater seconded the motion.

Cr Madacsi objected to the motion and foreshadowed an alternate motion to defer the adoption of the Cat Local Law 2024.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM096/03/24

MOVED Cr S McCormick

SECONDED Cr J Prater

That Council, pursuant to the provisions of section 3.12(3) of the *Local Government Act 1995*:

- 1. Resolves its intent to adopt the *Shire of Toodyay Cat Local Law 2024*:**
 - (a) The purpose of which is to improve the permit conditions, definitions of nuisance behaviour, modification of penalties, and to continue to provide the Shire of Toodyay with measures in addition to those under the *Cat Act 2011* to control the keeping of cats.**

- (b) The **effect** of which will repeal the previous local law, and continue to control cat ownership, to limit the number of cats that can be kept and to specify the places where cats can be kept.
 - (c) The **justification** of which is that it will provide enforcement options for issues that previously were unable to be dealt with by the Shire's authorised officers pursuant to the Cat Act 2011 and the provisions of its subsidiary legislation.
2. Requests the CEO to advertise a local public notice (**Attachment 2**);
 3. Requests the CEO to send to the Minister a copy of:
 - (a) The proposed local law – Refer to **Attachment 1**; and
 - (b) A copy of the public Notice – Refer to **Attachment 2**.
 4. Requests the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it.

Voted For: Nil

Voted Against: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

MOTION LOST 0/7

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM097/03/24

MOVED Cr R Madacsi

SECONDED Cr C Duri

That Council defers consideration of the Shire of Toodyay Cat Local Law 2024 pending further review.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

OFFICER'S RECOMMENDATION 2

That Council, pursuant to the provisions of section 3.12(3) of the *Local Government Act 1995*:

1. Resolves its intent to adopt the *Shire of Toodyay Dog Local Law 2024*:
 - (a) The **purpose** of which is to make provisions about the transferring of dogs to another person, modification of penalties, impounding of dogs, and to control the number of dogs that can be kept on premises and the manner of keeping those dogs, including fencing measures; and to prescribe areas in which dogs are prohibited and as dog exercise areas .
 - (b) The **effect** of which will repeal the previous local law, and put in measures related to dog ownership, to limit the number of dogs that can be kept and to extend the controls over dogs which exist under the *Dog Act 1976* .

- (c) The **justification** of which is that it will provide enforcement options for issues that previously were unable to be dealt with by the Shire's authorised officers pursuant to the *Dog Act 1976* and the provisions of its subsidiary legislation.
2. Requests the CEO to advertise a local public notice (**Attachment 4**);
3. Requests the CEO to send to the Minister a copy of:
 - (a) The proposed local law – Refer to **Attachment 3**; and
 - (b) A copy of the public Notice – Refer to **Attachment 4**.
4. Requests the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it.

Cr Madacsi foreshadowed an alternate motion for Officer's Recommendation 2 as follows:

That Council defers consideration of the Shire of Toodyay Dog Local Law 2024 pending further review.

The Shire President asked for a mover for Officer's Recommendation 2.

There being no movers of the motion, the foreshadowed motion was moved.

MOTION/COUNCIL RESOLUTION NO. OCM098/03/24

MOVED Cr R Madacsi

SECONDED Cr S Dival

That Council defers consideration of the Shire of Toodyay Dog Local Law 2024 pending further review.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.3.2 Committee Membership: Deputy Committee Members

Date of Report:	10 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	GOV1
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	October and November 2023 OCM
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

The CEO withdrew this item under Standing Orders Local Law 2008

9.3.3 Department of Local Government, Sport & Cultural Industries correspondence

Date of Report:	15 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7/ICR94409
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. DLGSC Correspondence. ↔

PURPOSE OF THE REPORT

To receive correspondence of a governance nature or non-compliance matters between the Shire of Toodyay and the Department of Local Government, Sport and Cultural Industries (DLGSC).

BACKGROUND

Council resolved in 2018:

That the CEO submit a report to Council at each Ordinary Council Meeting detailing correspondence of a Local Government governance nature or non-compliance matters between the Shire of Toodyay and the Government of Western Australia's Department of Local Government, Sport and Cultural Industries (including with the relevant Minister) since the report to the previous Ordinary Council Meeting.

COMMENTS AND DETAILS

DLGSC described in the table below is attached (**Attachment 1**).

Document Number	Date sent / received	File Ref	Description
ICR94680	29/02/2024	STR87	Shire of Toodyay - outcomes regarding Temporary CEO
ICR94683	01/03/2024	MEM1	Meeting Minutes - 16 February 2024

At the February 2024 Council Meeting Council resolved to receive correspondence dated 21 December 2023 that had been missing from the February 2024 DLGSC Correspondence report. This is also attached together with the above correspondence.

It is recommended that Council receive the correspondence.

IMPLICATIONS TO CONSIDER**Consultative:**

Department of Local Government, Sport and Cultural Industries.

Strategic:

Plan for the future: Shire of Toodyay Council Plan – 2023 to 2033

Outcome 9: Responsible and effective leadership and governance

O9.1. Provide strong, clear, and accountable leadership.

Outcome 10: Happy community members who feel heard, valued and respected

O10.1 Keep community members informed and engaged on local matters.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

It is a function of CEO to give effect to the decisions of Council in accordance with s.5.41 of the *Local Government Act 1995*.

Risk related:

The risk in Council not choosing to receive the DLGSC correspondence is moderate however from a reputational and compliance perspective the risk could be high. This report mitigates the risk.

Workforce related:

Officers are required to formally report on all correspondence with the DLGSC. There is no action to be taken once Council receives the correspondence.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM099/03/24

MOVED Cr S McCormick

SECONDED Cr S Dival

That Council receives the correspondence with the Department of Local Government, Sport and Cultural Industries as attached to this report.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Bush Fire Mitigation Works Program Tender

Date of Report:	28 February 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIR1
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	C Sullivan – Executive Manager Infrastructure, Assets & Services
Previously Before Council:	Nil
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Bush Fire Mitigation Program of Works (Treatments) MAF 2023/24 Round 2; ↗ 2. Evaluation Report – Bush Fire Mitigation Works Program Tender (TEN94/2024). (confidential) <i>Section 5.23(2)</i> <ul style="list-style-type: none"> (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 (e)(iii) a matter that if disclosed, would reveal 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 (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)

PURPOSE OF THE REPORT

To consider awarding the tender for the Shire’s Bush Fire Mitigation Works Program utilising the Mitigation Activity Fund (MAF) Grant funding.

BACKGROUND

The Shire of Toodyay (the Shire) is an extreme bushfire risk area, as highlighted in the Shire’s Bush Fire Risk Management Plan (BRMP), and associated Bush Fire Risk Management Software (BRMS) assessments.

To assist in managing these risks, the Shire successfully secured external funding of \$215,000 (ex GST) through the Mitigation Activity Fund (MAF) for the 2024 calendar year. The expenditure will therefore span the 2023/24 and 2024/25 financial years. Calendar year-based mitigation programs are more suited to the seasonal conditions which are critical to best practice mitigation.

The Shire recently publicly advertised a tender (TEN94/2024) for the execution of bush fire mitigation program works around the Shire. These works encompass firebreak and access track construction/upgrades, and vegetation management via several methods including mechanical, chemical, biological (grazing) and hazard reduction burning.

COMMENTS AND DETAILS

The tender was advertised with each of the 49 treatments assigned to one of four categories of work:

1. Fuel Reduction - Prescribed Burning

May include mechanical elements in creating and maintaining control lines.

2. Fuel Reduction - Mechanical Works

May also involve elements of chemical treatment(s).

3. Fuel Reduction - Chemical Works

May also involve elements of mechanical treatment techniques (i.e., slashing).

4. Fire Access Track Works

Includes associated manual or mechanical vegetation management.

Tenders were invited for all treatments in one or more of the above categories.

Details of the program of works and category allocation is included as **Attachment 1 - Bush Fire Mitigation Program of Works (Treatments)**.

Four tenders were received from four different firms:

1. Avon Earthworks (Buckland, WA);
2. Fire Mitigation Services (Northam, WA);
3. Martins Environmental Services (Harvey, WA);
4. Intelife (Balcatta, WA).

While some tender categories exceeded estimates for the category, all tenders may be considered within overall estimates (allocated funding), and thus the evaluation focused on the tender with best capabilities to deliver.

Evaluation Summary:

A tender evaluation process was conducted by the following Officers:

- Community Emergency Services Manager.
- Executive Manager Infrastructure, Assets and Services; and the
- Reserves Management Officer.

The tender evaluation process rated the tenders on the following factors and weightings:

Item	Evaluation Criteria	Weight (%)	Scoring Methodology
1	Company Experience & Capability	40	A score out of 40 will be assigned to each Tenderer based on the evidence provided by the Tenderer of their firm's previous experience on similar projects and capability.
2	Nominated Project Team	10	A score out of 10 will be assigned to each Tenderer based on the evidence provided by the Tenderer of the experience and capabilities of their nominated project team members.
3	Program	20	A score out of 20 will be assigned to each Tenderer based on the evidence provided by the Tenderer in the form or a proposed construction program to undertake the Works.
4	Tendered price	30	A score out of 30 will be assigned to each Tenderer based on the best value for money offer by the Tenderer.
TOTAL		100%	

The evaluation criteria weightings emphasise experience and capability with bush fire mitigation projects. Funding for the project is fixed by the MAF Funding allocation and thus overall value within the budget, accounting for experience, project team and program timeline was the objective of the tender.

IMPLICATIONS TO CONSIDER

Consultative:

Department of Fire and Emergency Services Regional Superintendent (MAF application approval).

Department of Fire and Emergency Services Goldfields-Midlands Bush Fire Risk Management Officer.

Department of Fire and Emergency Services Bush Fire Risk Mitigation Branch (assessment of MAF application and awarding of grant).

Strategic:

This program of works addresses actions in the Shire of Toodyay *Bush Fire Risk Management Plan*. The program also uses a range of methods best suited to various vegetation and terrain types as per the council endorsed *Bush Fire Preparedness and Strategies Report*.

Policy related:

Purchasing Policy (FIN3).

Financial:

The tender amount is fully funded by the Mitigation Activity Fund 2023/24 Round 2 grant awarded by Department of Fire and Emergency Services.

Legal and Statutory:

All works will be carried out under *Bush Fires Act 1954* Section 33 Notice to the Shire of Toodyay which provides clearing of vegetation exemption under Schedule 6, Clause 1 of the *Environmental Protection Act 1986*. The *Bush Fires Act 1954* Section 36 also applies to these works which provides clearing of vegetation exemption under Schedule 6, Clause 1 of the *Environmental Protection Act 1986*.

Checks in relation to Declared Rare Flora and Fauna (DRF) are to be carried out prior to commencement of works and appropriate permits sought from the Department of Water and Environmental Regulation where the treatments cannot be modified to avoid the taking of the identified DRF.

Should there be any location where ground disturbance may require an approval under the Aboriginal Heritage Act legislation, consultation will be carried with the relevant Aboriginal representative group prior to consultation with the Department of Planning, Land and Heritage.

Risk related:

The program of mitigation works related to this tender and report is designed to minimise the severity and impacts of bush fire.

There is a risk that not awarding this Bushfire Mitigation Works Tender would severely affect the Shire's obligation to mitigate land which it manages, leading to increased bush fire impact severity and impact on property and life.

Consequence: Catastrophic (5)

Likelihood: Possible (3)

Calculated Risk: High (15)

There is a risk that not awarding this Bushfire Mitigation Works Tender would severely affect the Shire's obligation to mitigate land which it manages leading to a negative public perception (reputation) of the Shire.

Consequence: Moderate (3)

Likelihood: Almost Certain (5)

Calculated Risk: High (15)

Workforce related:

While the mitigation works are directly and fully funded by the Mitigation Activity Grant, project management costs are not. These are borne by the Shire in the form of in-kind resourcing from existing staff (in this case Community Emergency Services Manager and Reserves Management Officer). MAF projects of this size and scale represent a significant component of officer workloads. Selection of Fire Mitigation Services & Avon Earthworks, who have previously completed MAF treatments for the Shire (in all four treatment type categories), will reduce this overhead by selection of contractors with existing local knowledge of the Shire, treatment sites and treatments.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM100/03/24**MOVED** Cr S McCormick**SECONDED** Cr C Duri

That Council awards tender TEN94-2024 to the following contractors, for the treatment categories and contract values below:

1. Fuel Reduction - Prescribed Burning: Fire Mitigation Services Pty Ltd to the value \$30,864.00 excluding GST.
2. Fuel Reduction - Mechanical Works: Fire Mitigation Services Pty Ltd to the value \$58,335.00 excluding GST.
3. Fuel Reduction - Chemical Works: Fire Mitigation Services Pty Ltd to the value \$52,097.00 excluding GST.
4. Fire Access Track Works: Avon Earthworks Pty Ltd to the value \$8,230.00 excluding GST.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

9.4.2 Bush Fire Advisory Committee Recommendations - 7 February 2024

Date of Report:	28 February 2024
Applicant or Proponent:	Bush Fire Advisory Committee
File Reference:	FIR1
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	C Sullivan – Executive Manager Infrastructure, Assets & Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. BFAC Minutes from 07 February 2024 Meeting ↔

PURPOSE OF THE REPORT

To receive the minutes (**Attachment 1**) from the Bush Fire Advisory Committee Meeting (BFAC) held on 7 February 2024 and consider a recommendation made by the BFAC.

BACKGROUND

The BFAC made a recommendation to Council at their February 2024 meeting as follows:

That Council considers an increase in the CESM's credit card to enable an adequate limit for support during emergencies.

COMMENTS AND DETAILS

The BFAC raised the CESM Corporate Credit Card as an item, in response to the CESM needing to expend personal funds to meet the welfare and other incidental requirements of the Bush Fire Service during December 2023; which was not the first occurrence of that need and is therefore not limited to the December event.

The current Corporate Credit Cards Policy (FIN11) assigns a credit limit of \$2,000 to the CESM role. Welfare and incidental expenditure in December in support of the Bush Fire Service was over \$4,000. While some expenditure was put 'on account' by suppliers, the majority required upfront payment.

It is recommended that Council endorses the Committee's recommendation.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 1. A safe and healthy community.

1.1. *Facilitate community safety.*

Recognising the role volunteers play in our community and the need to support and foster volunteering.

Policy related:

Corporate Credit Cards Policy (FIN11).

Financial:

Nil.

Legal and Statutory:

Bush Fires Act 1954

Workplace Health and Safety Act 2020

Risk related:

Safe and effective management of Bush Fire Brigades is a responsibility of Local Government under the *Bush Fires Act 1954* and other legislation, most notably the *Workplace Health and Safety Act 2020*.

Improving and reviewing procedures and standards in relation to the operation of our Bush Fire Service personnel reduces exposure to risk.

Workforce related:

Officers will present the proposed Transaction Cards Policy at a Council Workshop, prior to being considered by Council Ordinary Council Meeting.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM101/03/24

MOVED Cr J Prater

SECONDED Cr C Duri

That Council receives the extract of the Bush Fire Advisory Committee Minutes of meeting (**Attachment 1**) held on 07 February 2024.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

Cr Duri moved the BFAC Recommendation 2

Cr McCormick seconded the motion.

Clarification was sought.

Cr Dival moved an amendment to the motion as follows:

That the word “considers” is replaced with the word “support”

Further clarification was sought.

Cr Dival withdrew the amendment.

The motion was put.

BFAC RECOMMENDATION/COUNCIL RESOLUTION NO. OCM102/03/24

MOVED Cr C Duri

SECONDED Cr S McCormick

That Council considers an increase in the CESM’s credit card to enable an adequate limit for support during emergencies.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.5 COMMITTEE REPORTS

9.5.1 EAC recommendations from meetings held on 29 November 2023 and 10 January 2024

Date of Report:	10 January 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC14
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Executive Manager Development and Regulation
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. EAC Minutes from 29 Nov 2023; and ⇒ 2. EAC Minutes from 10 Jan 2024. ⇒

PURPOSE OF THE REPORT

To receive the minutes of the Environmental Advisory Committee (EAC) Meeting held on 29 November 2023 and 10 January 2024, and consider the recommendations made by the EAC at those meetings (Refer to **Attachment 1** and **Attachment 2**).

BACKGROUND

The EAC met on 29 November 2023 and considered the following items:

1. Community Membership
2. Purpose and objectives of the Environmental Advisory Committee meeting; and
3. Status of Environment Sustainability Officer

The EAC met again on 10 January 2024 and considered the following items:

1. Local Biodiversity and Native Vegetation Management Project Update
2. Polyphagus Beetle Threat; and
3. Status of Environment Sustainability Officer

COMMENTS AND DETAILS

At the EAC meeting held in November 2023:

- (a) The Executive Manager Development and Regulation discussed Community membership on the EAC. No formal recommendation was made by the Committee to Council.

- (b) Cr Madacsi raised the “Purpose and Objectives” of the Committee as an item of new business during the meeting held in November 2023 to give the new membership on the Committee an opportunity to consider whether the purpose and objectives were still relevant and achievable. The move to discuss the matter was for the purpose of ensuring the objectives were realistic, given resourcing challenges and the like. It is recommended that the recommendation made by the Committee be endorsed by Council.
- (c) The recommendation made by the EAC in regard to receiving an update on the status of the advertisement of the Environmental Sustainability Officer position was in fact to receive a copy of the application package for that role. This was achieved by making the application package an attachment to the minutes of that meeting.

At the EAC Meeting held in January 2024:

- i. The Executive Manager Development and Regulation provided an overview of the progress made for the recruitment of the Environmental Sustainability role. At the time the role had been re-advertised. The Committee made a recommendation to Council as follows:

That Council:

1. Notes the progress of the recruiting for the Environmental Sustainability Role.
2. Requests a further update on this no later than the April 2024 OCM.

There had been no further applications received for this position following its readvertising. Officers, in liaison with the CEO at the Shire of Victoria Plains determined to amend the wording of the advertisement for the position and re-advertise for a third time on the Seek and Careers at Council platforms.

At the date of writing this report there have been nine applications. The closing date is 22 March 2024, and interviews will be conducted within two weeks from that closing date. It is the intention of Officers to further update Council through Council Forums and Workshops.

For the purposes of this report, it is recommended that Council endorse the Committee’s recommendation; noting that the above information responds to the recommendation made.

At the EAC meeting held in January 2024:

- (d) The Committee were made aware that until an ESO is appointed, the progress with respect to the Local Biodiversity and Native Vegetation Management Project has been put on hold. It is recommended that Council endorse the Committee’s recommendation.
- (e) The Polyphagus Shothole borer beetle information provided by Cr Madacsi was considered and the Committee asked for Council to request the CEO inform all Shire personnel of the risks. It is recommended that Council endorse the recommendation provided.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9 Responsible and effective leadership and governance.

O9.1 Provide strong, clear and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

s.1.7 Local Public Notice

s.5.8 Establishment of Committees

s.5.9 Type of Committees

Risk related:

There are no risks of note related to this report.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM103/03/24

MOVED Cr R Madacsi

SECONDED Cr C Duri

That Council receives the minutes of the meeting of the Environmental Advisory Committee held on 29 November 2023 (**Attachment 1**).

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM104/03/24**MOVED** Cr M McKeown**SECONDED** Cr S Dival

That Council receives the minutes of the meeting of the Environmental Advisory Committee held on 10 January 2024 (**Attachment 2**).

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

Clarification was sought in regard to EAC Recommendation 1.

EAC RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM105/03/24**MOVED** Cr R Madacsi**SECONDED** Cr C Duri

That Council:

1. Amends the purpose and objectives of the Environmental Advisory Committee to be:

Purpose

Provide guidance and assistance to Council where possible on matters relating to the environment within the Shire of Toodyay.

Objectives

- (a) make recommendations to Council on matters relating to the environment including but not limited to:
 - Protect and enhance natural resources.
 - Reduce, Reuse, Recycle and Recover
 - Sustainability;
 - Climate change resilience and action;
 - (b) educate and generate community interest and participation in matters relating to the above items;
 - (c) provide feedback to Council in relation to point (b) above;
 - (d) provide input and advice to Council on the implementation of environmental strategies and policies.
2. Requests the CEO to update the Committee Book with the above details.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

EAC RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM106/03/24**MOVED** Cr R Madacsi**SECONDED** Cr J Prater

That Council:

1. Notes the progress of the recruiting for the Environmental Sustainability Role.
2. Requests a further update on this no later than the April 2024 OCM.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0**EAC RECOMMENDATION 3/COUNCIL RESOLUTION NO. OCM107/03/24****MOVED** Cr S McCormick**SECONDED** Cr S Dival

That Council:

1. Requests the CEO inform Shire personnel of the risks of the Polyphagus Shothole borer beetle and recommend they adjust activities to address this issue.
2. Requests the CEO advertise the issue of the Polyphagus Shothole borer beetle as widely as possible including roadside signage, social media, the Shire website and fact sheet at the Waste Transfer Station.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

9.5.2 ARC recommendations from meeting held on 14 Feb 2024

Date of Report:	15 February 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/FIN7
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. ARC Minutes from 14 Feb 2024 meeting. ↔ 2. FMR Report (Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls Final Report); (confidential) Section 5.23(2) <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i> 3. PRIS Fact Sheet; ↔ 4. CURRENT Audit and Risk Committee Charter; ↔ 5. DRAFT Audit and Risk Committee Charter presented by Chair of the Audit and Risk Committee. ↔ 6. REVISED Audit and Risk Committee Charter. ↔

PURPOSE OF THE REPORT

To receive the minutes of the Audit and Risk Committee (ARC) Meeting held on 14 February 2024 and consider the recommendations made by the ARC at that meeting (Refer to **Attachment 1**).

BACKGROUND

When Council establishes an audit committee as per the Act and Regulations, the Audit in Local Government guideline published by the Department of Local Government, Sport and Cultural Industries states:

The only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act; that is, those relating to Audit. The committee cannot on-delegate the powers and duties delegated to it.

The ARC met on 14 February 2024 and considered the following Officer reports:

- (a) Item 4.1 Financial Management, Risk Management, Legislative Compliance and Internal Controls;
- (b) Item 4.2 Privacy and Responsible Information Sharing Legislation; and
- (c) Item 4.3 Audit and Risk Committee Charter.

COMMENTS AND DETAILS

The role of the audit committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions, and ethical accountability.

Recommendation 1 – Financial Management, Risk Management, Legislative Compliance and Internal Controls

The ARC Members considered the Officer's Report and the attached FMR Report from Moore Australia. (**Attachment 2**).

At the meeting, the CEO also provided an overview of the Risk Assessment (Audit Regulation 17) report that was provided by Moore Australia as part of their review, advising that she was in the process of writing up actions to address the risks contained in the report. In consultation with the DLGSC, it was intended that this report become the basis for an Improvement Plan, for endorsement by Council.

The ARC requested the CEO to provide an action plan to respond to the actions contained in Moore's Final Report, for review at its meeting to be held 6 March 2024. This is the subject of another report within this agenda.

Recommendation 2 – Privacy and Responsible Information Sharing Legislation

The WA Government drafted new Privacy and Responsible Information Sharing (PRIS) legislation regarding personal privacy protections and the accountability of information sharing within government. The intent of the legislation is to provide Western Australians with more control over their personal privacy, improve the delivery of government services and create local research and development opportunities (**Attachment 3**).

The Officer's report was prepared to inform the ARC members and Council about the upcoming legislation.

Recommendation 3: Audit and Risk Committee Charter

The current charter was adopted by Council at its meeting held on 24 January 2024 (**Attachment 4**).

This charter was initially developed in 2020 and adopted by Council, using the [Office of the Auditor General's Better Practice Guide for Western Australian Public Sector Audit Committees](#) (the Guide) as the basis for its development. This Guide was for the purpose of providing public sector entities with templates to help them establish and maintain an effective Audit Committee.

The Guide states that:

Entities should take care to modify the tools to reflect their legal or regulatory requirements. For example, local government entities will need to adapt these

templates to address the specific requirements of the Local Government Act 1995 and relevant regulations.

The Guide also states that:

The following part of the model charter provides an extensive list of many functions that the audit committee can perform. It is not intended that entities copy all of the functions in these lists. Instead, the accountable authority should review and modify the functions to suit the entity. It is important that the accountable authority and the audit committee agree on these functions.

The ARC met on 14 February 2024 and considered the Item 4.3 Audit and Risk Committee Charter. At this meeting, the Officer recommended that the ARC review the wording of the draft provided by the Chairperson (**Attachment 5**). However, due to timing constraints, Officers were unable to provide timely input prior to production of the ARC agenda, and the Charter was recommended to Council for adoption without amendment.

The draft Charter as presented to the ARC included all of the functions contained within the Guide's template, however as the Guide indicates, the charter should be reviewed to suit the functions of the entity and consider potential compliance risks.

Following the ARC meeting, Officers reviewed the draft Charter as presented to the ARC (**Attachment 5**) and made amendments based on the Guideline Number 9 – Audit on Local Government and advice from the DLGSC.

A REVISED Audit and Risk Committee Charter was prepared by Officers for consideration (**Attachment 6**).

It is recommended that the REVISED Audit and Risk Committee Charter be adopted by Council.

IMPLICATIONS TO CONSIDER

Consultative:

Department of Local Government, Sport and Cultural Industries

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9 Responsible and effective leadership and governance.

09.1 Provide strong, clear and accountable leadership.

Policy related:

Corporate Documents

Council delegates roles and responsibilities

Financial Governance

Internal Control

Legislative Compliance.

Risk Management

Financial:

Nil.

Legal and Statutory:

r.16. *Local Government (Audit) Regulations 1996*

r.17 *Local Government (Audit) Regulations 1996*

r.5 *Local Government (Financial Management) Regulations 1996*

s.1.7, s.5.20, s.7.12A, and s.7.9 *Local Government Act 1995*

[*Audit in Local Government – operational guidelines for Audit Committees*](#)

Risk related:

This report mitigates the following risks:

Financial Management, Risk Management, Legislative Compliance and Internal Controls

Elevating risk management, internal controls, financial management, and legislative compliance practices is imperative to uphold the Shire’s commitment to excellence, transparency, and accountability. By prioritising these areas and implementing requisite actions, the governance framework will be fortified, and risks will be mitigated while fostering sustainable growth and development for our community.

The risk in Council not receiving the reports, using the current Shire of Toodyay Risk Matrix is moderate (5).

Recommendation 2 – Privacy and Responsible Information Sharing Legislation

There is a moderate risk should ARC and Council not be kept abreast of legislative updates or changes.

Audit Committee Charter

There is a risk of non-compliance if the Council was to proceed with adopting the Draft Charter as provided to the ARC (**Attachment 5**). The risk is considered a moderate (5) and high (15).

Workforce related:

Significant Officer time is involved in developing the Action Plan and continuing to make improvements that were addressed in the FMR Report.

A significant amount of Officer time is also required towards the completion of all the milestones for the PRIS legislation.

VOTING REQUIREMENTS

Simple Majority

Clarification was sought about the minutes of 7 February 2024 that were confirmed at the 14th Feb meeting – identifying that two members were present and not recorded.

Cr Prater moved the Officer’s Recommendation as follows:

That Council receives the minutes of the Audit and Risk Committee Meeting from their meeting held on 14 February 2024 (Attachment 1)

Cr Dival seconded the motion.

Clarification was sought.

Cr Madacsi moved an amendment to the motion as follows:

That the words “subject to the inclusion of two councillors in observance at the meeting dated 7 February 2024” be included after the words “Attachment 1”.

Further clarification was sought.

The mover and seconder of the motion did not object to the amendment.

The motion was put.

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM108/03/24

MOVED Cr J Prater

SECONDED Cr S Dival

That Council receives the minutes of the Audit and Risk Committee Meeting from their meeting held on 14 February 2024 (**Attachment 1**) subject to the inclusion of two councillors in observance at the meeting dated 7 February 2024.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

ARC RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM109/03/24

MOVED Cr J Prater

SECONDED Cr S Dival

That Council:

1. Receives the Final Report from Moore regarding the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls (**Confidential Attachment 2**).
2. Requests the CEO to develop and provide an action plan to respond to the actions contained within the Final Report from Moore for consideration and review by the ARC at their March 2024 meeting.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

ARC RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM110/03/24**MOVED** Cr M McKeown**SECONDED** Cr J Prater

That Council notes the Officer's Report relating to Privacy and Responsible Information Sharing legislation recently introduced.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0**PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM111/03/24****MOVED** Cr S Dival**SECONDED** Cr R Madacsi

That the meeting proceed to the next item of business (Agenda Item 9.5.3 ARC Recommendations from Meeting held on 6 March 2024) at 2.43pm in accordance with Standing Order 10.1(a).

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0**OFFICER'S RECOMMENDATION 2**

That Council:

1. Notes the Audit and Risk Committee recommendation made at their meeting held on 14 February 2024; and
2. Adopts the REVISED Audit and Risk Committee Charter as attached (**Attachment 6**) to this report.
3. Requests the CEO make typographical amendments to the Audit and Risk Committee Charter, including formatting to ensure its consistency with the Corporate Documents Policy.

9.5.3 ARC Recommendations from Meeting held on 6 March 2024

Date of Report:	9 March 2024
Applicant or Proponent:	Audit and Risk Committee
File Reference:	COC2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Acting CEO
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Audit and Risk Committee Minutes of meeting held on 6 March 2024; ⇒ 2. 2023 Compliance Audit Return; ⇒ 3. CURRENT Local Government Payments and Gifts to Members Policy; ⇒ 4. REVISED Local Government Payments and Gifts to Members Policy; ⇒ 5. Datascope Migration Action Plan (confidential) Section 5.23(2) <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i> 6. Implementation Quote; (confidential) Section 5.23(2) <i>(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)</i> 7. REVISED Risk Management Framework; ⇒ 8. REVISED Risk Management Policy; ⇒ 9. DRAFT Risk Assessment & Improvement (Action) Plan; (confidential) Section 5.23(2) <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting,</i>

	<p><i>investigating or dealing with any contravention or possible contravention of the law.</i></p> <p><i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i></p>
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PURPOSE OF THE REPORT

To receive the minutes of the Audit and Risk Committee (ARC) Meeting held on 6 March 2024 and to consider the recommendations made by the ARC at that meeting (Refer to **Attachment 1**).

BACKGROUND

The ARC met on 6 March 2024 and considered the following Officer reports:

- (a) 4.4 Compliance Audit Return 2023;
- (b) 4.2 Local Government Payments and Gifts to Members Policy;
- (c) 4.3 Update on the Datascape Migration Project;
- (d) 4.1 Records Management Project 2023/2024;
- (e) 4.5 Risk Management Updates; and
- (f) 4.6 Risk Assessment and Improvement Plan.

COMMENTS AND DETAILS

In addition to the above items, ARC resolved the following as a result of receiving two resignations from deputy members:

That Council requests the CEO to review procedures for the appointment of deputy members of committees in accordance with legislative requirements.

Appointment of members to committees is covered within the legislation which provides that following ordinary elections, Council:

1. Must establish the Audit Committee - with membership of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. [Legislative references: s.7.1A, s.5.8, s.5.9, s.5.10, s.5.11A, and s.5.11 of the Local Government Act 1995](#); and
2. May establish committees (other than Audit) of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee. [Legislative reference: s.5.8, s.5.9, s.5.10, s.5.11A, and s.5.11 of the Local Government Act 1995](#)

In the past, deputy Council Members have been appointed under s.5.11A of the legislation to the degree that they are appointed to replace any of the members who have been appointed primary members, however the legislation requires Council to appoint deputy members to a primary member of a specific committee, and if more than one person is nominated as a deputy for one, or for all members, there needs to be an order of preference as part of Council's decision to appoint deputy members. Officers have provided a report to the March 2024 Council meeting. Please refer to that report for further information.

Recommendations made by the Committee connected with Officer Reports are explained below.

(a) 4.4 Compliance Audit Return 2023 (Refer to Attachment 2)

Local governments are required by legislation to complete an annual Compliance Audit Return by 31 March each year. The Compliance Audit Return (CAR) is a checklist of the Shire of Toodyay's (the Shire) statutory compliance with the *Local Government Act 1995* and its Regulations, which focuses on high-risk areas of statutory reporting as prescribed in Regulation 14 of the *Local Government (Audit) Regulations 1996*.

The Department of Local Government, Sport and Cultural Industries provides the questions in the CAR to all local governments. The questions contained in the Compliance Audit Return have been responded to by Officers.

The return was presented to the ARC and a recommendation made. It is recommended that Council resolve the ARC's recommendation.

(b) 4.2 Local Government Payments and Gifts to Members Policy

Officers have reviewed the current policy (**Attachment 3**), giving consideration to the FMR recommendations and recent changes to the Act and regulations. The detail of the Officer's review of this policy is contained in the report that was provided to the Audit and Risk Committee at its meeting held on 6 March 2024.

The policy was revised to provide clarity in reference to the annual determination made by the Salaries and Allowances Tribunal as recommended in the FMR Review, and incorporated recent changes to the Act such as payments made to Committee Members of the following Committees:

- Audit and Risk Committee;
- Environment Advisory Committee; and
- Heritage Advisory Committee

When the Audit and Risk Committee Members were asked to review the REVISED Policy they requested that Clause 4 be amended as it was different to the current policy.

Officers reviewed the current SAT Determination which states:

7.3 Annual Allowance for a Deputy Mayor, Deputy President Or Deputy Chair

1. *The percentage determined for the purposes of section 5.98A(1) of the LG Act is 25 per cent.*
2. *If the office of mayor or president is vacant under section 5.34(a) of the Local Government Act 1995, and the deputy performs the functions of mayor or president for a period of no less than four months, the deputy will be entitled to receive the mayor or president allowance according to the applicable local government band in 7.2 of the Determination.*

Having reviewed the above determination, and the provisions of the *Local Government Act 1995* (the Act), Clause 4 was amended. In addition to that change, the headings of the policy were amended to bring them into line with the wording in the SAT Determination. References to the correct sections in the Act were also amended.

The REVISED policy is provided at **Attachment 4** and is recommended for adoption.

(c) 4.3 Update on the Datascope Migration Project

The Shire resolved to transition to new software in 2018.

For various reasons including significant staff changeover, reduced capacity and resources, and COVID-19, the transition was especially difficult. Officers report to the Audit and Risk Committee and Councillors regularly to provide an update on the ongoing challenges and the remaining aspects requiring attention

The Datascape Migration Action Plan (**Attachment 5**) was provided to the ARC in December 2023. The Shire and Datacom have dedicated significant resources to work through the actions identified in the plan.

It is recommended that Council resolve the Committee's recommendation.

(d) 4.1 Records Management Project 2023/2024;

In 2018, an assessment was made of the Shire's existing ICT infrastructure, prompting the decision to move to a cloud-based Enterprise Software solution. The transition to Datascape commenced in 2019 with the goal of decommissioning SynergySoft as it was coming to end-of-life and transferring records management to SharePoint. Currently, the Shire's corporate records continue to be managed in Synergy Soft.

As part of a 5-year Record Keeping Systems Review, the Shire is required to undertake a review of the efficiency and effectiveness of the organisations record keeping systems ensuring that records and documents are properly kept. The evaluation raised concerns regarding compliance with the State Records Act and, after seeking advice from external consultants, SharePoint is not seen as a sustainable choice as previously thought.

Officers have reviewed alternative, fit-for-purpose records management systems and are proposing to implement OpenText Content Manager (CM). Other options considered included Altus Records and TechOne, in addition to the existing SynergySoft and SharePoint options. CM is specifically designed for records management and manages the lifecycle of records from creation to disposal. Additionally, CM is built to comply with legislation and manage security and access levels appropriately.

The project scope includes implementation of the software including system configuration, training of staff in the configuration and use of the Content Manager software and ongoing software support and integration with Datascape (**Confidential Attachment 6**).

Significant work has commenced in reference to the management of data, security, access to records and policies for retention and disposal. Preliminary training has been provided to staff in relation to the transition and moving forward, records training will form part of the organisation's annual training schedule.

It is recommended that Council resolve the Committee's recommendation.

(e) 4.5 Risk Management Updates

Please note that the current risk management framework was an attachment to the agenda of the Audit and Risk Committee. It has not been included with this report due to its size.

The REVISED Risk Management Framework 2024 (RMF) is provided (**Attachment 7**).

The revised RMF was reviewed by Shire Officers and updated to reflect the most recent Australian Standard for Risk Management, ISO 31000:2018.

The REVISED Risk Management Framework was reviewed by LGIS with the following notes:

- the framework relies on the development of risk profiles.
- the proof of adequacy of the framework lies in the implementation and whether risks are being managed.
- the framework is consistent with what we see across the member base and in the main follows the principles identified in ISO31000.
- the Shire has chosen to use its risk acceptance criteria as its risk appetite.

The risk acceptance criteria was amended by Officers following LGIS advice so that *extreme risk* was unacceptable.

The REVISED Risk Management Policy is provided (**Attachment 8**).

The risk acceptance criteria in the current Risk Management Policy was developed and endorsed by Council on 24 Aug 2021 (CRN: 175/08/21). The risk acceptance criteria in the REVISED Risk Management Policy will mirror the criteria in the RMF.

It is recommended that the REVISED Risk Management Framework and policy be recommended for adoption by Council.

(Please note that the two recommendations made by the Committee have been merged due to software limitations).

(f) 4.6 Risk Assessment and Improvement Plan (Refer to Attachment 9)

In August 2023, the Shire President and Chief Executive Officer (CEO), met with representatives of the Department of Local Government, Sport and Cultural Industries (DLGSC) to discuss the outcomes of the 2021 audit and issues raised by the Auditor.

Officers have met with DLGSC representatives monthly to provide an update on the progress of the Plan which has been delayed due to several factors.

The Shire engaged Moore Australia to assist the CEO to undertake reviews on the appropriateness and effectiveness of the Shire's risk management, internal controls and legislative compliance systems and procedures as required by the Local Government (Audit) Regulations 1996 (Regulation 17). At the same time, an examination of the Shire's financial management systems and processes was carried out pursuant to Local Government (Financial Management) Regulation 5(2)(c).

Officers have used the Risk Assessment Report developed by Moore Australia as the basis for the draft Risk Assessment and Improvement Plan (the Plan) with columns added to capture comments and progress, articulation of the specific officer responsible for each action, and a timeframe for completion.

In addition, following feedback from the DLGSC and the ARC, several 'additional' actions have been added to the Plan which was placed on Teams for Councillors and ARC members to provide comment on before the OCM.

Officers are proposing that the Plan is reviewed by the ARC quarterly and recommended to Council before updates are provided to the DLGSC.

It is recommended that the ARC recommendation be resolved by Council.

IMPLICATIONS TO CONSIDER

Consultative:

Datacom

Department of Local Government, Sport & Cultural Industries

Dry Kirkness
Information Proficiency
Office of the Auditor-General
Other Local Governments
WALGA
XL2

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9 Responsible and effective leadership and governance.

O9.1 Provide strong, clear and accountable leadership

9.1.4. Undertake regular reviews of organisation and Council culture and implement initiatives to improve.

9.1.5. Establish a Risk Working Group.

O9.2. Govern Shire finances, assets, and operations responsibly.

Policy related:

Disposal of Property Policy (FIN12).

Attendance at Events Policy (GOV14).

Continuing Professional Development Policy (GOV9).

Council Delegates Roles and Responsibilities Policy (GOV12).

Risk Management Policy (ADM18).

Internal Control Policy (ADM19).

Legislative Compliance Policy (ADM20).

Financial:

Records Management System

There will be a one-off implementation cost for Content Manager of \$90,182 plus ongoing annual maintenance fees of \$5,976. Currently, the Shire pays approximately \$40,000 annually for 10 SynergySoft software licences and \$2,725 for an annual AvePoint licence.

Whilst there is a significant implementation cost to consider, ongoing costs for records management will reduce from approximately \$43,000 to \$6,000.

Officers are proposing to include these costs for consideration during the mid-year budget review.

Local Government Payments and Gifts to Members Policy

The current determination stipulates the minimum and maximum allowance to be paid to committee members.

The range for the Shire of Toodyay as a Band 3 Local Government is set at \$0 to \$215 per meeting. Officers are proposing that the fee payable is set at 85% of the maximum, consistent with the allowances paid to Elected Members.

Should Council adopt the fee as recommended, the financial impact on the annual budget would equate to approximately \$5,000 based on quarterly meetings.

Datascope

Expenditure above existing budget allocations will be managed at the mid-year budget review. Datacom has provided significant resources and continue to work with the Shire to address these outstanding actions.

Implementation Plan

The Plan has been developed on the assumption that actions are completed in-house within the current organisational structure and budgeted resources. In the event of ongoing staff vacancies, there may be a requirement to engage contractors to meet timeframes detailed in the Plan. Additional funding requests, if required, will be presented to Council for consideration and approval.

Legal and Statutory:

Regulation 14 of the Local Government (Audit) Regulations 1996

Local Government Act 1995

Salaries and Allowances Tribunal Determination

Division 8 Local Government payment and gifts to members

State Records Act 2000

State Records Principles and Standards 2002 - Principle 6

Record Management Plan

Local Government Act 1995 - s.5.41(h)

Risk related:

This report mitigates the following risks:

Compliance matters

The requirement to lodge an adopted Compliance Audit Return with the DLGSC is a legislative obligation. Failure to do so exposes the Shire to significant risk.

Policy update

The review of this policy is the role of Council and is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary, compliant with existing legislation, and relevant.

If the Shire chooses to delay the review of this policy, it is considered a medium risk.

Update on Datascope Management

There is a low risk in Council not accepting the recommendation from the ARC which is why the recommendation is being brought to Council. The ARC is established by Council pursuant to Section 7.1A of the Act. It is the ARC's role to assist Council and make recommendations to Council on matters that Council has a strategic interest in.

Record Management System

There is a significant compliance risk of not meeting the record keeping requirements as stipulated in the *State Records Act 2000*.

Reputational and financial risks also exist in the event the Shire is forced into migrating to a new system prematurely without allocating resources to the project, therefore leading to reputational risk in the event records are not managed appropriately.

Risk Updates

Elevating risk management, internal controls, financial management, and legislative compliance practices is imperative to uphold the Shire’s commitment to continuous improvement. By prioritising these areas and implementing requisite actions, the governance framework will be fortified, and risks will be mitigated while fostering sustainable growth and development for our community.

The Moore Australia reports clearly identified the need for improvement to the Shire’s risk management processes and recommended they be reviewed and updated. There is a moderate (3) risk presently, however inaction may mean that the risk is increased to Major (4).

Local Government Payments and Gifts to Members Policy

The review of this policy is the role of Council and is essential to good governance as it demonstrates the Shire’s ability to adapt to changing circumstances to ensure that its policies remain contemporary, compliant with existing legislation, and relevant.

If the Shire chooses to delay the review of this policy, it is considered a medium risk.

Workforce related:

The workforce related risks associated with this report are as follows:

Datascape transition

The transition to Datascape and associated challenges have had a significant impact on the Shire staff.

Records Management system

Information Proficiency will provide qualified technical consultants for this project to cover training of staff in the configuration and use of the Content Manager software.

Significant Officers time will be required for the implementation testing and training of the new system.

Implementation of the RMF and policy

Collaboration across the organisation is required to focus on the actions contained in the Audit Reg 17 report as well as developing the Shire’s risk register, in line with the principles and procedures contained in the RMF. Additional Officer time will be required in order that risks are clearly communicated throughout the organisation.

Improvement Plan

There is significant officer time required to deliver the actions identified in the Plan. Currently, the Shire is experiencing extreme challenges in attracting and retaining staff which must be taken into account during regular reviews.

VOTING REQUIREMENTS

Absolute Majority

Cr Madacsi departed Council Chambers at 2.44pm.

Cr Madacsi returned to Council Chambers at 2.45pm.

Cr Dival moved the Officer's Recommendation 1 as follows:

That Council receives the minutes of the Audit & Risk Committee Meeting held on 6 March 2024 (Attachment 1).

Cr Prater seconded the motion.

Clarification was sought.

Cr Madacsi moved an amendment to the motion as follows:

That the words "subject to the inclusion of two councillors in observance at the meeting dated 14 February 2024" be included after the words "Attachment 1".

Further clarification was sought.

The mover and seconder of the motion did not object to the amendment.

The motion was put.

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM112/03/24

MOVED Cr S Dival

SECONDED Cr J Prater

That Council receives the minutes of the Audit & Risk Committee Meeting held on 6 March 2024 (Attachment 1) noting there were two observers at the meeting in March 2024.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

ARC RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM113/03/24

MOVED Cr S Dival

SECONDED Cr J Prater

That Council adopts the attached Compliance Audit Return for the period 1 January 2023 to 31 December 2023, pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996* as attached (**Attachment 2**).

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

OFFICER'S/ARC RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM114/03/24**MOVED** Cr M McKeown**SECONDED** Cr J Prater

That Council:

1. Adopts the REVISED Local Government Payments and Gifts to Members policy as attached to this report (**Attachment 4**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to policy, prior to publication.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0**ARC RECOMMENDATION 3/COUNCIL RESOLUTION NO. OCM115/03/24****MOVED** Cr J Prater**SECONDED** Cr S Dival

That Council:

1. Notes the progress made to date on the Datascape transition.
2. Requests the CEO to provide quarterly updates including provision of completion dates and budgetary implications until the tasks identified on the Datascape Migration Action Plan have been finalised.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

The Acting CEO provided an overview in regard to this item.

Clarification was sought.

Cr Dival moved ARC Recommendation 4.

Cr Duri seconded the motion.

The motion was put.

ARC RECOMMENDATION 4/COUNCIL RESOLUTION NO. OCM116/03/24**MOVED** Cr S Dival**SECONDED** Cr C Duri

That Council:

1. Supports the implementation of a new, fit-for-purpose records management system, and the allocation of additional funds as part of the mid-year budget review of \$96,158.
2. Requests the CEO to monitor the expenditure and inform the Audit and Risk Committee on a regular basis, of the progress of the project implementation with regard to schedule and budget.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0**ARC RECOMMENDATION 5/COUNCIL RESOLUTION NO. OCM117/03/24****MOVED** Cr J Prater**SECONDED** Cr S Dival

That Council:

1. Receives the Risk Assessment (Audit Regulation 17) Report from Moore (**Confidential Attachment 9**);
2. Notes the actions contained in the report;
3. Requests the CEO report regularly to the Audit and Risk Committee on the actions undertaken toward the completion of the risks identified in the Report.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

ARC RECOMMENDATION 6 & 7/COUNCIL RESOLUTION NO. OCM118/03/24**MOVED** Cr M McKeown**SECONDED** Cr R Madacsi

That Council:

1. Adopts, by absolute majority, the REVISED Risk Management Framework (**Attachment 7**) as amended;
2. Adopts, by absolute majority, the REVISED Risk Management Policy (**Attachment 8**); and
3. Requests the CEO make any typographical amendments to the Risk Management Framework and Risk Management Policy as required.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0**REVISED OFFICER'S/ARC RECOMMENDATION 8/COUNCIL RESOLUTION NO. OCM119/03/24****MOVED** Cr J Prater**SECONDED** Cr S Dival

That Council:

1. Endorses the draft Shire of Toodyay Risk Assessment Improvement Plan developed following finalisation of the report on the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls.
2. Requests the CEO to forward a copy of the Improvement Plan to the Department of Local Government, Sport and Cultural Industries and the Office of the Auditor General; and
3. Requests the CEO to provide quarterly updates to the Audit and Risk Committee on the actions taken, including placing a live version of the plan on the teams environment for the ARC.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

ARC RECOMMENDATION 9/COUNCIL RESOLUTION NO. OCM120/03/24**MOVED** Cr S Dival**SECONDED** Cr J Prater

That Council requests the CEO to review procedures for the appointment of deputy members of committees in accordance with legislative requirements.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**12.1 Questions from the February 2024 Council Meeting**

The following question on notice was received from Councillor Prater.

Question from Cr Prater

On page 20 the area approved for Stage II A1 Gravel application says the additional bond applied was not collected at the time. What was the reason why it was not collected at the time?

Response from Executive Manager Development and Regulation

This has been identified as a possible compliance issue by the Shire. The Shire is currently working with the applicant and reviewing the application of rehabilitation bonds in general. The applicant has already paid a rehabilitation bond for the other extractive industry operation on the land.

VOTING REQUIREMENTS

Simple Majority

Clarification was sought.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM121/03/24

MOVED Cr C Duri

SECONDED Cr M McKeown

That the response to the questions raised by Councillor Prater be received and noted.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

12.2 Questions raised by Cr Madacsi

Cr McCormick departed Council Chambers at 3.03pm

The following questions on notice were received from Councillor Madacsi on 14 March 2024.

Background

This memorandum is notice, in accordance with Section 6.1(1) of the Shire of Toodyay Standing Orders of questions I wish Council to consider at the next Ordinary Meeting of Council as follows:

At the Ordinary Council Meeting of the 28 February 2024, I asked several questions and the answers to Question 2 were provided on page 126 of the Unconfirmed Minutes –

Question 2

Why was the decision to exclude observers, including the council appointed Audit and Risk Committee deputies from Audit and Risk committee meetings made -

- (a) by the presiding member of the audit and risk committee prior to the meeting convening?
- (b) without a formal decision of the Audit and Risk Committee?

Question

Please explain why the reply to question 2(a) included, *“the Presiding Member of the Audit and Risk Committee did not make a decision to exclude observers, including the Council appointed Audit and Risk Committee deputies from the Audit and Risk Committee meeting prior to the meeting convening”* when -

- (a) the two council observers were told in front of the committee and attending Shire Staff, that the meeting would not commence until they left, and
- (b) Standing Order 5.13(2) stated - A member may attend, as an observer, any meeting of a committee of which he or she is not a Member or a Deputy of a Member but is to sit in an area set aside by the CEO for observers separated from the committee members. Which is what had occurred.

Response from the Shire President

I was at the discussion before the meeting opened and the Presiding Member did not make a decision. There was discussion regarding deputy members and my clear recollection of what happened is that you voluntarily left the room before the meeting started.

Question

What is the relevance of the legitimacy of the appointment of deputy committee members, to the answer as to why the observers were asked to leave?

Response from the Shire President

The Councillors who thought they were deputies left the meeting voluntarily.

Question

Why was the decision made outside the committee meeting and were all committee members consulted?

Response from Shire President

No decision was made.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM122/03/24

MOVED Cr J Prater

SECONDED Cr S Dival

That the responses to the questions raised by Councillor Madacsi be received and noted.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 MEMBERS

Nil.

Cr McCormick returned to the Council Chambers at 3.15pm.

13.2 EMPLOYEES

9.1.1 Lot 11 Chitty Road Hoddys Well - Temporary extension of Development Approval and Extractive Industry Licence - Midland Brick

Date of Report:	26 March 2024
File Reference:	11CHI/A4273/EXT1
Author:	H de Vos – Executive Manager Development and Regulation
Responsible Officer:	H de Vos – Executive Manager Development and Regulation
Previously Before Council:	Item 9.5.1 OCM 25 March 2014
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Item 9.5.1 OCM 25 March 2014; 2. Email correspondence between the Shire and WALGA - 26.3.24; 3. Extractive Industry Management Plan for Brikmakers - October 2013.

SUMMARY

- Applicant:** Midland Brick
- Owner:** SJ Farrell & ML Farrell
- Proposal:** Temporary extension of Development Approval and Extractive Industry Licence.
- Location:** Lot 11 Chitty Road HODDYS WELL

PURPOSE OF THE REPORT

Council is requested to consider an application for a temporary extension to the existing development approval and extractive industry licence issued to Midland Brick to allow for the operation to remain compliant whilst a formal renewal application process takes place.

BACKGROUND

History

At the Ordinary Council Meeting on 25 March 2014, the Council granted development approval and an extractive industry licence to Brikmakers (now operating as Midland Brick) as part of a renewal of existing approvals for clay extraction operations at Lot 11 Chitty Road in Hoddys Well. For more details, please refer to **Attachment 1 – Item 9.5.1 OCM 25 March 2014**.

The Notice of Determination (Development Approval) and the Extractive Industry Licence paperwork list an expiry date of **2 April 2024** which reflected the ten-year period granted to Midland Brick in the resolution.

However, the signature at the bottom of each document from the Chief Executive Officer at the time is dated **5 August 2014**. Given the passage of time, it is unclear why there is such a delay in dates.

The Shire's Executive Manager Development and Regulation was contacted by the Officer dealing with approvals at Midland Brick on 25 March 2024 seeking clarification and the Shire's position on the two dates. To which written advice was provided stating that the date of expiry was confirmed as **2 April 2024**.

Issue

Given Midland Brick have been operating on the assumption that the expiry date is 5 August 2024, the application process for the renewal of this extractive industry has not commenced.

Thus, with the existing approvals due to expire on 2 April 2024, Midland Brick will be non-compliant after this time and effectively in breach of the *Planning and Development Act 2005* and the *Shire of Toodyay Extractive Industry Local Law*.

COMMENTS AND DETAILS

Midland Brick is in a predicament because of this issue with the dates. The company has written to the Acting Chief Executive Officer requesting that consideration be given to a two-month extension, and they have specified that the intent of the extension would not be for clay extraction but would allow the company to continue cartage to their manufacturing plants.

Historically, Midland Brick have demonstrated themselves to be good corporate citizens and have a good compliance history with the Shire. The Shire has been advised that a new renewal application is in its drafting phase and will be received for consideration in the near future. Given that there is no current application before the Shire, it is recommended that a longer extension of four months is granted. This will allow for any delays caused by reduced resourcing capacity.

IMPLICATIONS TO CONSIDER

Consultative:

Given the urgency of this request, no community or stakeholder consultation has been undertaken. In this instance it is not considered necessary as the future application will be required to undergo normal community consultation process.

However, the Shire has sought advice from the Western Australian Local Government Association (WALGA) on how best to approach this issue procedurally.

The particulars of this advice are noted further in this report under Legal & Statutory implications.

Strategic:**Plan for the future – Shire of Toodyay Council Plan 2023-2033****Outcome 5. High quality town planning complements our rural ambience and heritage.**

O5.1. Provide responsible planning and development.

Policy related:

Risk Management

This policy is intended to commit to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

Financial:

The process for amending a development approval is outlined in Clause 77 of the deemed provisions. The provisions outline that these changes are to be made in accordance with Part 8 of the provisions, i.e. as a normal application for development approval. Hence there would be, in normal circumstances, a requirement for the payment of standard development application fees. However, subclause (3) specifies that the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval. In this instance, as it is merely an administrative function, it is being treated in this manner.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 77 of the Deemed Provisions deals with amending or cancelling development approval.

Subclause (1)(b) allows the local government to amend or delete any condition to which the approval is subject.

Shire of Toodyay Local Planning Scheme No. 4

Shire of Toodyay Extractive Industry Local Law

Part 4.3 sets out the provisions for renewal of a licence.

The Local Law is not considered fit for purpose to deal with this situation as, unlike the Deemed Provisions under planning, there is no mechanism in the Local Law to amend an existing Extractive Industry Licence. Accordingly, on the basis of the information the Shire has provided to WALGA, the advice received from is to set aside deciding under the Local Law and instead the decision-making process should be based on relevant planning considerations and dealt with as a Development Approval only. For more details please refer to **Attachment 2 - Email correspondence between the Shire and WALGA - 26.3.24**

Risk related:

In accordance with the Shire of Toodyay Risk Management Policy the following risks have been determined:

<i>Risk Type</i>	<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Score</i>
Financial Impact	The Applicant has the right of appeal through the State Administrative Tribunal of Council’s decision on this matter. This would potentially expose the Shire to increased legal costs.	Possible (3)	Moderate (3)	Moderate (9)
Reputational	Extractive Industries are highly scrutinised by elements of the community – particularly landowners in close proximity. There is an expectation that the	Possible (3)	Moderate (3)	Moderate (9)

<i>Risk Type</i>	<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Score</i>
	Shire will manage and regulate these processes effectively. When this does not occur, it can lead to reputational damage.			

Workforce related:

This process is administrative and of a temporary nature with minimal impact on staffing as a full renewal application will follow this at a later date.

VOTING REQUIREMENTS

Simple Majority

Clarification was sought.

The Shire President called for a motion to adjourn for ten minutes.

MOTION/COUNCIL RESOLUTION NO. OCM123/03/24

MOVED Cr S McCormick

SECONDED Cr S Dival

That the meeting be adjourned at 3.16pm and resumed at 3.26pm.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

The meeting resumed at 3.29pm.

The Executive Manager Development and Regulation provided an overview.

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM124/03/24

MOVED Cr S McCormick

SECONDED Cr J Prater

That Council, in accordance with Standing Order 4.5, considers Item 13.2.2 Lot 11 Chitty Road Hoddys Well - Temporary extension of Development Approval and Extractive Industry Licence - Midland Brick as new business of an urgent nature.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 2

That Council

1. Notes the written advice received from the Western Australian Local Government Association on 26 March 2024 outlining an appropriate decision solution.
2. Pursuant to Clause pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the development application for a clay extractive industry to be operated at Lot 11 Chitty Road in Hoddys Well, subject to the following conditions:
 - (a) Pursuant to Clause 72 of the deemed provisions, this approval is time limited to a period of four (4) months from the date of this approval.
 - (b) Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, (**Attachment 3 of this report**) including any amendments placed thereon by Council and except as may be modified by the following conditions:
 - (i) The location and total area of the excavation is to be limited to 21.5ha as depicted on the application;
 - (ii) The term of the Planning Approval is for four (4) months from the date of this approval;
 - (iii) The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of

operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;

1. an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
 2. appropriate maintenance standards and associated requirements and responsibilities;
 3. the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
 4. the amount of the contribution to such cost to be paid by the applicant.
- (iv) The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.
- (v) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant;
- (vi) A Dieback and Disease Management Plan is prepared and implemented, to the satisfaction of the Shire of Toodyay Chief Executive Officer, prior to the commencement of development.
- (vii) A Water Management Plan is to be prepared by a suitably qualified professional which considers management of erosion, water use, identifies water supply, surface water management, stormwater management, displays catchments, identifies all water sources, and minimises any potential impacts on downstream users to the satisfaction of the Shire of Toodyay and the Department of Water.
- (viii) The Proponent to provide evidence that they have sufficient water supply available to be able to implement approved dust suppression activities.
- (ix) The Proponent obtaining all required environmental approvals from the Department of Environment Regulation including satisfactory resolutions of the concerns in relation to the wildlife corridor.
- (x) The proposal is to comply with the Department of Environment and Conservation (2011) publication "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities".
- (xi) Section 5.2 titled Rehabilitation is to be amended to incorporate a

monitoring program which establishes key performance indicators to determine that the rehabilitation program has been successful.

Conditions contained on existing Extractive Industry Licence approval to form conditions of development approval.

- i. The Proponent is to provide evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public road or such other land in the vicinity.
- ii. The applicant is required to provide to the local government a surveyor's certificate prior to the annual renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report.
- iii. The licensee must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any claim relating to any of the excavation and transport operations.
- iv. Working hours within the extraction area and transportation of materials shall be restricted to the hours between 7:00am and 5:00pm Monday to Friday (excluding public holidays) subject to further negotiation pending the outcome of current SAT mediation in relation to Morangup.
- v. All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- vi. All truck loads leaving the site with materials are to be covered.
- vii. The excavation site is to be rehabilitated in accordance with the approved Extractive Industry Licence Application dated October 2013 (or an alternate staging plan, referenced at Condition (n) below), the subject Lot and the Shire of Toodyay's Extractive Industry Local Law. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter or if the excavation is not active for a period of 24 months (2 years) of operation or inactivity rehabilitation works must be undertaken.
- viii. Prior to the commencement of operations, the applicant shall provide a cash bond of \$258,000 to the Shire of Toodyay as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three-year monitoring period. The bond is to be accompanied by a bonding agreement and written Authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the

bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. Should the rehabilitation costs incurred by the Shire of Toodyay exceed the amount of the bond, the balance will be a debt recoverably from the licensee in accordance with the Shire of Toodyay Extractive Industry Local Law. The bond will include the bond held by the Shire for the existing extractive industry approval.

- ix. No blasting on the site is to occur without the written permission of the Shire of Toodyay.
- x. The excavation site is to be maintained in a safe manner and a secure gate is to be installed and kept locked when the site is unmanned to prevent access to the general public.
- xi. In the event the Proponent wishes to continue Operating under its present Development Approval it shall be required to advise the Shire of Toodyay when it has completed extracting clay from the currently approved 8ha to a depth of 15m within 60 days. A Plan and a certificate from a licensed surveyor will be required to certify the correctness of that advice. Or if it believes that that resource has already been extracted it should notify the local government in writing to determine that it is operating the extractive industry on the subject Lot under this approval.

Clarification was sought.

Cr Dival moved the Officer's Recommendation 2.

Cr Prater seconded the motion.

Cr Madacsi objected to the motion.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM125/03/24

MOVED Cr S Dival

SECONDED Cr J Prater

That Council

1. Notes the written advice received from the Western Australian Local Government Association on 26 March 2024 outlining an appropriate decision solution.
2. Pursuant to Clause pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the development application for a clay extractive industry to be operated at Lot 11 Chitty Road in Hoddys Well, subject to the following conditions:
 - (a) Pursuant to Clause 72 of the deemed provisions, this approval is time limited to a period of four (4) months from the date of this approval.
 - (b) Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the

document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, (**Attachment 3 of this report**) including any amendments placed thereon by Council and except as may be modified by the following conditions:

- (i) The location and total area of the excavation is to be limited to 21.5ha as depicted on the application;
- (ii) The term of the Planning Approval is for four (4) months from the date of this approval;
- (iii) The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;
 1. an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
 2. appropriate maintenance standards and associated requirements and responsibilities;
 3. the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
 4. the amount of the contribution to such cost to be paid by the applicant.
- (iv) The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.
- (v) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant;
- (vi) A Dieback and Disease Management Plan is prepared and implemented, to the satisfaction of the Shire of Toodyay Chief Executive Officer, prior to the commencement of development.
- (vii) A Water Management Plan is to be prepared by a suitably qualified professional which considers management of erosion, water use, identifies water supply, surface water management, stormwater management, displays catchments, identifies all water sources, and

- minimises any potential impacts on downstream users to the satisfaction of the Shire of Toodyay and the Department of Water.
- (viii) The Proponent to provide evidence that they have sufficient water supply available to be able to implement approved dust suppression activities.
 - (ix) The Proponent obtaining all required environmental approvals from the Department of Environment Regulation including satisfactory resolutions of the concerns in relation to the wildlife corridor.
 - (x) The proposal is to comply with the Department of Environment and Conservation (2011) publication "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities".
 - (xi) Section 5.2 titled Rehabilitation is to be amended to incorporate a monitoring program which establishes key performance indicators to determine that the rehabilitation program has been successful.

Conditions contained on existing Extractive Industry Licence approval to form conditions of development approval.

- i. The Proponent is to provide evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public road or such other land in the vicinity.
- ii. The applicant is required to provide to the local government a surveyor's certificate prior to the annual renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report.
- iii. The licensee must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any claim relating to any of the excavation and transport operations.
- iv. Working hours within the extraction area and transportation of materials shall be restricted to the hours between 7:00am and 5:00pm Monday to Friday (excluding public holidays) subject to further negotiation pending the outcome of current SAT mediation in relation to Morangup.
- v. All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- vi. All truck loads leaving the site with materials are to be covered.
- vii. The excavation site is to be rehabilitated in accordance with the approved Extractive Industry Licence Application dated October 2013 (or an alternate staging plan, referenced at Condition (n) below), the subject Lot and the Shire of Toodyay's Extractive Industry Local Law. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground

levels and maintained for a period of three years thereafter or if the excavation is not active for a period of 24 months (2 years) of operation or inactivity rehabilitation works must be undertaken.

- viii. Prior to the commencement of operations, the applicant shall provide a cash bond of \$258,000 to the Shire of Toodyay as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three-year monitoring period. The bond is to be accompanied by a bonding agreement and written Authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. Should the rehabilitation costs incurred by the Shire of Toodyay exceed the amount of the bond, the balance will be a debt recoverably from the licensee in accordance with the Shire of Toodyay Extractive Industry Local Law. The bond will include the bond held by the Shire for the existing extractive industry approval.
- ix. No blasting on the site is to occur without the written permission of the Shire of Toodyay.
- x. The excavation site is to be maintained in a safe manner and a secure gate is to be installed and kept locked when the site is unmanned to prevent access to the general public.
- xi. In the event the Proponent wishes to continue Operating under its present Development Approval it shall be required to advise the Shire of Toodyay when it has completed extracting clay from the currently approved 8ha to a depth of 15m within 60 days. A Plan and a certificate from a licensed surveyor will be required to certify the correctness of that advice. Or if it believes that that resource has already been extracted it should notify the local government in writing to determine that it is operating the extractive industry on the subject Lot under this approval.

Voted For: Crs R Madacsi, C Duri, S McCormick, D Wrench, S Dival and J Prater

Voted Against: Cr M McKeown

MOTION CARRIED 6/1

14 CONFIDENTIAL BUSINESS**14.1 Deed of Release****OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM126/03/24****MOVED** Cr M McKeown**SECONDED** Cr J Prater

That Council in accordance with Standing Order 4.5, considers Item 14 Deed of Release as new business of an urgent nature at 3.47pm.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

Cr McKeown moved a Procedural Motion as follows:

That:

- 1. the meeting be closed to the public in relation to Agenda Item 14.1 Deed of Release at 3.47pm in accordance with Standing Order 10.1(e);**

The Presiding Member advised, in accordance with Standing Order 10.9 that Points 2 of the motion would be stated as follows:

- 2. That in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —**
 - (a) a matter affecting an employee or employees; and**
 - (b) the personal affairs of any person; and**
 - (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; and**
 - (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; and**
 - (e) a matter that if disclosed, would reveal —**
 - (ii) information that has a commercial value to a person; or**
where the trade secret or information is held by, or is about, a person other than the local government.

Cr Prater seconded the motion.

Clarification was sought.

The Procedural Motion was put.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM127/03/24**MOVED** Cr M McKeown**SECONDED** Cr J Prater

That:

1. the meeting be closed to the public in relation to Agenda Item 14.1 Deed of Release at 3.47pm in accordance with Standing Order 10.1(e);
2. That in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (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; and
 - (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; and
 - (e) a matter that if disclosed, would reveal —
 - (ii) information that has a commercial value to a person; orwhere the trade secret or information is held by, or is about, a person other than the local government.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed the public gallery and the Executive Managers to leave and requested that the Members, the Acting CEO and the Executive Assistant remain in the Chambers.

All members of the public departed the Council Chambers at 3.48pm.

The livestream from Council Chambers went behind closed doors at 3.50pm.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM128/03/24**MOVED** Cr M McKeown**SECONDED** Cr R Madacsi

That in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council, by resolution, decides otherwise.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

Discussion ensued behind closed doors.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM129/03/24**MOVED** Cr R Madacsi**SECONDED** Cr J Prater

That Council resume Standing Orders at 4.29pm.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Nil**MOTION CARRIED 7/0****OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM130/03/24****MOVED** Cr C Duri**SECONDED** Cr S Dival

That Council

1. Approves the Deed of Release as attached (**Attachment 1**); and
2. Appoints the Shire President as the Authorised person for the purposes of signing the Deed of Release.
3. Directs the Shire President to sign the Deed of Release on 28 March 2024.
4. Directs the Acting CEO to forward the Deed of Release to Mrs S Haslehurst after execution.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Nil**MOTION CARRIED 7/0****MOTION/COUNCIL RESOLUTION NO. OCM131/03/24****MOVED** Cr M McKeown**SECONDED** Cr C Duri

That Council move from behind closed doors at 4.31pm.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Nil**MOTION CARRIED 7/0**

The Council Chambers were re-opened at 4.32pm.

The live-stream resumed at 4.32pm.

In accordance with Standing Order 5.2(7), the Presiding Member read aloud the following resolution for the benefit of members of the public:

OCM130/03/24 – Resolution made by Council in regard to the Deed of Release.

15 NEXT MEETINGS

Ordinary Council Meeting	24 April 2024
Agenda Briefing	17 April 2024
Environment Advisory Committee Meeting	10 April 2024

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.34pm.



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Ordinary Council Meeting

Wednesday, 27 March 2024

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Agenda Briefing

20 March 2024

Notes

Unconfirmed Notes

These notes were approved for distribution on 21 March 2024.

A handwritten signature in blue ink, appearing to read "Tabitha", is written over a horizontal line.

Tabitha Bateman

ACTING CHIEF EXECUTIVE OFFICER

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes" that will be received at the next Ordinary Council Meeting, subject to any amendments being made by Council.

The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are included in the attachments to the Ordinary Council Meeting with the exception of confidential items or attachments that are confidential which will be included in Confidential Minutes of the Ordinary Council Meeting.

Received Notes

These notes were received at an Ordinary Council Meeting held on 27 March 2024.

Signed: MV McK

Note: The Presiding Member at the meeting at which the notes were received is the person who signs above.

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AGENDA BRIEFING NOTES

20 MARCH 2024

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 3.06pm.

2 RECORDS OF ATTENDANCEMembers

Cr M McKeown	Shire President
Cr S Dival	Deputy Shire President
Cr C Duri	Councillor
Cr R Madacsi	Councillor
Cr S McCormick	Councillor
Cr J Prater	Councillor
Cr D Wrench	Councillor (<i>arrived 3.13pm via zoom</i>)

Staff

Ms T Bateman	Acting Chief Executive Officer
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Mr H de Vos	Executive Manager Development and Regulation
Mrs N Mwale	Finance Coordinator
Mr R Koch	Community Emergency Services Manager
Mr M Werder	Project Manager
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Presiding Member advised that disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting as follows:

Cr Prater declared an impartiality interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 as he is a life member of the Race Club and past President, no longer on the Committee.

4 PUBLIC QUESTIONS**4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

It was stated in the livestream that there were no public questions taken on notice, however, there were two questions taken on notice at the February

AGENDA BRIEFING NOTES

20 MARCH 2024

2024 Council Meeting, the responses of which will be considered at the February meeting.

4.2 PUBLIC QUESTION TIME

Nil.

5 CONFIRMATION OF MINUTES

As per Council Meeting Agenda

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

As per Council Meeting Agenda.

9 OFFICER REPORTS

9.1 DEVELOPMENT AND REGULATION

Nil.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 MOU Approval for Avon Valley Alliance

Item 9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO
McKeown	Would the Acting give a brief rundown of what this is about?	<i>The Avon Valley Alliance is a collaboration between five shires – Beverley, Goomalling, Northam, Toodyay, and York. They have been working collaboratively to build tourism in the region and promote the Avon Valley as a sub-region of Destination Perth. The MOU will confirm Council’s financial support for the next three years.</i>

AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO
Dival	Could you provide some examples of the positive and productive collaboration and some examples of the positivity of the alliance	<i>The Alliance has been working with Destination Perth on marketing initiatives, in particular, branding for the group, advertising and promotional media content.</i>
McCormick	After going to Destination Perth and clicking through to Toodyay, in all the attractions and features on the Toodyay page I do not see any indigenous cultural attractions or topics and wonder if we have approached the right people to ask if they are interested in contributing to our attractions here from an aboriginal cultural tour, etc.	<i>This is good feedback that will be provided to the group.</i>

Cr Wrench joined the briefing on line at 3.13pm.

9.2.2 Monthly Financial Statements - February 2024

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from the Acting CEO unless otherwise stated:
Madacsi	Given interest term deposits held at the 29 February were \$5,717,100.27 of which \$2,531,145.57 were reserve funds, what comprised the balance of \$3,185,954.70?	<i>Finance Coordinator response: The Shire have funds in the following accounts: 1. Muni@Call account is \$1,023,922.80 2. Muni Saver account \$2,162,031.90</i>
Madacsi	How much of those term deposits are surplus?	<i>These funds are not considered surplus to requirements – they are earmarked for projects included in the budget. The term deposits represent funds not required at this point in time but can be utilised as and when required. They have been invested in the short term to capitalise on interest earnings.</i>

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AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from the Acting CEO unless otherwise stated:
Madacsi	Are they tagged for particular tasks?	<i>Yes – the funds in these term deposits form part of the annual budget and are made up of budgeted income such as rates, grant, fees and charges. They are held in a term deposit to earn interest until they're required to be called upon</i>
Madacsi	In the Statement of Comprehensive Income (Nature and Type) (p.39) The total for 2023/24 Actual (a) income reads \$284,426 but totals \$10,362,222 - Therefore, the running total and Net Results for the Period are incorrect and should read \$2,207,201 not \$5,921,365	<u>Finance Coordinator response:</u> <i>The formula in the spreadsheet did not flow through. Yes the correct actual total will read \$10,363,222 Net result will be \$4,156,430 The document has been amended and will be updated for the agenda.</i>
Madacsi	In the Statement of Comprehensive Income Please explain the Changes in asset revaluation surplus \$2,445,794.	<u>Finance Coordinator response:</u> <i>This is a result of the asset revaluations undertaken in 2022/23. The surplus movements relate to infrastructure assets, such as drainage, bridges, parks and buildings.</i>
Madacsi	In the Statement of Comprehensive Income Please explain the Fair value adjustments to financial assets, at fair value through profit or loss of \$2,764	<u>Finance Coordinator response:</u> <i>The fair value adjustment of \$2,764 is the increase of units the Shire holds in the LG House Trust.</i>
Madacsi	In the Statement of Financial Activity p.40 Is the Net Financial Assets figure at the end of the year \$5,357,840 correct ?	<u>Finance Coordinator response:</u> <i>The Financial Assets figure at the end of the Year is \$5,158,802. Again, it was the issue with the formula not flowing through. The document has been amended and will be updated for the agenda..</i>
Madacsi	In the Statement of Financial Activity p.40 Why is there no depreciation	<u>Finance Coordinator response:</u> <i>Depreciation for 2023/2024 will be posted after 2023 audit is finalised.</i>

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AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from the Acting CEO unless otherwise stated:
	listed for 2023/24 Actual(a)?	
McKeown	If depreciation can be calculated at any time why don't we calculate it?	<i>Officers are waiting until the 2022/2023 audit is finalised in the event further adjustments are identified.</i>
Madacsi	In the Statement of Financial Activity p.40 Why is there a 244% variance in Principal elements of finance lease payments - separate from Capex?	<u>Finance Coordinator response:</u> <i>The response is taken on notice.</i> <u>Response after meeting:</u> The YTD budget is higher than YTD actual by more than 200%
Madacsi	Statement of Financial Position p.41 In Current Assets what accounts for the significant increase (\$1,583,427) in Trade and other receivables?	<u>Finance Coordinator response:</u> <i>The response is taken on notice.</i> <u>Response after meeting:</u> The outstanding balance comprises outstanding balances from all receivable categories such as rates receivables, rates prepayments, sundry debtors' receivables, GST receivable which will be cleared once BAS is posted.
Madacsi	Statement of Financial Position p.41 In Current Assets what accounts for the increase of \$835,863 in Trade & other liabilities?	<u>Finance Coordinator response:</u> <i>The response is taken on notice.</i> <u>Response after meeting:</u> This comprises of outstanding balances from all payables categories such as the suspense account, creditors control account, PAYG account which will be cleared once BAS is posted.
Madacsi	Net Current Asset Report p.43 Why is the Closing balance for the Cash Restricted – Term Deposits for 2023 zero dollars?	<u>Finance Coordinator response:</u> <i>The formula in the spreadsheet did not flow through.</i> <i>The correct amount is \$1,212,267.</i> <i>The document has been amended and will be updated for the agenda.</i>
Madacsi	Variance Report p.44 Explanation of Variance – Fees and Charges for a	<i>There was an issue with the flow of formulas in the spreadsheet.</i>

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AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from the Acting CEO unless otherwise stated:
	variance of -77.20% (-\$962,974) does not match the p.39 actual variance of 12% (\$149,456) the Statement of Comprehensive Income?	<i>The figure was amended to reflect the correct figure of \$149,456</i> <i>The document has been amended and will be updated for the agenda.</i>
Madacsi	What were the AROC recoupments that were higher than anticipated?	<u>Finance Coordinator response:</u> <i>The response is taken on notice.</i> Response after meeting: This variance is considered immaterial. The detail has been amended in the revised attachments.
Madacsi	Rates Account Reconciliation as at 29 February 2024 (p.48) Do these figures refer to rates outstanding other than 2023/24, as to 29 February, rates were over budget by \$16.197 due to instalment interest, yet the reconciliation states a Current overdue of \$1,873,782?	<u>Finance Coordinator response:</u> <i>The response is taken on notice.</i> Response after meeting: \$1,873,782.01 relates to the current outstanding amount from the rates raised in September 2023

9.2.3 Mid-Year Budget Review 2023/2024

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
<i>Note: The attachments to the mid-year budget review was tabled at 3.19pm.</i> Clarification was sought in regard to questions asked by Cr Madacsi, and responses provided to her by Officers.		
Madacsi	In the Project Briefs and new ongoing operational costs of the 2023/24 Budget	<i>The response is taken on notice.</i> Response after meeting: The budget allocation was based on the quote received from Landgate. The Shire is yet to receive the invoice and final cost.

AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
	Was the budgeted GRV Revaluation amount of \$91,000 sufficient?	
Madacsi	Why does the Chitty Road Upgrade - SLK 4.34 - 6.75 final seal require the Bejoording Rd allocation if fully funded by Roads to Recovery?	<u>Executive Manager Infrastructure, Assets and Services response:</u> <i>It is not the final seal, but an extension needing to be remedied and money allocated for Bejoording Road was for design. Officers have asked for a revision of the expenditure against the budget and will be approaching Roads to Recovery to request that the additional work, which was primarily the seal in front of the Austral Bricks property, be considered for funding.</i>
Madacsi	Why are Nottingham Road and North Street carried forward when I was advised the funding was confirmed by January?	<u>Response after meeting from Executive Manager Infrastructure, Assets and Services:</u> <i>Advice was received in February from the funding agency that the grant submission was not successful - the funding decision was unknown in January.</i>
McKeown	In the documents tabled today on page 5 it is talking about the Bejoording Fire Station and two items about the Bejoording Fire Station. One is regarding transfer from the asset development reserve, which did not happen, the reason being the construction has not been approved. The next one is Item 054733.50 and a movement of funding saying we have more cash because we did not have to contribute to the project?	<i>That is correct. During the budget adoption process seed-funding was allocated to the project in the hope that DFES would fund the remaining component.</i> <i>Because the construction will not go ahead this financial year, there will be a reduction to capital expenditure and also no requirement to draw funds from the Reserve. There will be a zero impact to the budget.</i>
McKeown	So the problem was that DFES did not approve the grant funding application for	<i>They did. Other options put forward was a self-supporting loan; halving the project over 2 years , or entering into a ten year self-supporting loan. At this stage we are looking</i>

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AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
	the fire station. Did they provide alternatives to that?	<i>at reapplying for next year. It is likely the project will be carried forward to 2024/25.</i>
<i>McKeown</i>	What is a self-supporting loan?	<i>DFES had so many requests for funding and were unable to service them all. So, to smooth out the impact, they had requested that local governments consider entering into a self-supporting loan arrangement whereby the local government would seek funding from the WA Treasury Corporation and service the loan but DFES would continue to repay the payments to the local government over the next ten years. This is an arrangement that they have entered into with other local governments. The Shire is unable to consider that option for this year based on the status of our financials. The idea is to go back and reapply next year.</i>
<i>Prater</i>	Was there any other alternative where we could go somewhere else to get the money, e.g. government? Why can't we do that?	<i>The Shire sought significant funding from DFES. Securing a loan was problematic due to receiving a disclaimer opinion on the last two audits. This would likely be the case if we were to approach a different lending authority.</i>
<i>Duri</i>	What is a disclaimer opinion?	<i>In issuing disclaimer opinion, the Office of Auditor General concluded that the financial report was not materially correct, or that financial report could not be relied upon due to their inability to gather sufficient appropriate audit evidence.</i>
<i>Dival</i>	There are numerous items where money has not been spent for whatever reason we have not got funds like the Bejoording road widening; bridge repair on Bindi-Bindi Toodyay and Picnic Hill Road and being transferred to other projects. Particularly the bridge repair is being transferred to a solar lighting project. I am not sure what that is about Why are we transferring to other	<i>The item you are referring to was a particular funding agency which is the community LCRI and we are just waiting on agreement from the funding agency that community infrastructure covers what we are proposing to transfer the money to. One of the projects was a request from the Police force for solar lights at either end of the Newcastle Park pedestrian bridge, for example; where there has been (as I understand it) vandalism to the bridge and anti-social behaviour that the police were unable to issue infringements because the CCTV camera did not have a good enough</i>

AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
	projects instead of putting into reserve accounts?	<i>image of the offenders We believe it is still appropriate because it covers community infrastructure which includes other such things besides bridges.</i>
<i>Dival</i>	Timber Deck repairs. It says it is an unbudgeted item but in the columns it says there was funding in the adopted budget and proposed budget there is funding listed. I did not think the repairs were what those figures stated it was.	<u><i>Executive Manager Infrastructure, Assets and Services response:</i></u> <i>The timber decking was not in the adopted budget. It was extra, or over budget.</i> <u><i>Acting CEO response:</i></u> <i>That budget allocation of \$108,000 relates to the GL code. That is not a GL code specifically for the timber decking which is only \$19,000. The balance contains other amounts for other projects.</i>
<i>Madacsi</i>	Shifting the bridge allocation to the lighting – The question it will arise is why is it not being used on the bridge. Can we clarify that for the public?	<u><i>Executive Manager Infrastructure, Assets and Services response:</i></u> <i>Maintenance activities on the bridge was organised and implemented before I joined the organisation. They are largely complete now. There is only the asphaltting of the surface of four more bridges left to go now. The Newcastle Pedestrian Bridge is a separate grant amount that was held up due to delays associated with approvals under the Aboriginal Heritage Act but in terms of the other bridges all work has been completed except for the asphalt underlays.</i>
<i>Madacsi</i>	In transferring that amount we still have funds for the asphaltting?	<u><i>Executive Manager Infrastructure, Assets and Services response:</i></u> <i>Yes</i>
<i>Prater</i>	Has the disclaimer stopped our credit?	<i>There is a level of information that the Shire needs to provide in order to receive loan funding from WATC. We cannot provide the information because we did not have audited financial statements for the 2022 year.</i>
<i>Madacsi</i>	If there is an item within the budget review that at the point of adoption of the review at the OCM we are	<i>Council can at any time approve a budget amendment or consider a budget amendment throughout the year. The mid-year budget review process is not the only opportunity to amend the adopted budget.</i>

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AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
	still uncertain about can it be added at the next OCM? Can alterations be made after reporting?	
McKeown	It doesn't necessarily have to be done as a budget item does it? We could propose some expenditure as a separate item to make a decision on can't we without changing the budget, to have a resolution ?	<i>The Shire would not formally change the budget and re-submit to the DLGSC.</i>
Madacsi	How much is the cost to undertake the unbudgeted showground lighting?	<i>The response is taken on notice.</i> Response after meeting: <i>The approximate cost of the temporary lighting repairs is \$8000 excluding GST pending receipt of final costs of electrical controls.</i>
Madacsi	Could the LRCI money be diverted to the racecourse restoration to relieve the Asset Reserve account and the lighting considered as part of the budget process?	<i>The response is taken on notice.</i> Response after meeting: <i>This would require a project submission to the LRCI fund to determine if the building improvements at the Toodyay Race Club meets the definition of community infrastructure. Proposed lighting upgrade to the Showground can be considered by Council in future budgets in the same way as any other project submission.</i>
Madacsi	If the overall deficit in the operating budget is \$208,141 and the estimated surplus in the budget of \$693,596 consists of deferred or carried forward projects or reserve funding— What savings does the shire have that is not restricted, deferred or carried forward works, or in reserves?	<i>The response is taken on notice.</i>

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AGENDA BRIEFING NOTES

20 MARCH 2024

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
Madacsi	<p>Regarding the racecourse restoration and the January resolution SCM002/01/24</p> <p>Has the shire received the list of intended works to be undertaken by the race club's pledge of \$80,000 as requested ?</p> <p>Have possible funding sources been investigated to support the shire's contribution?</p> <p>Should the draft Officers Report to adopt the Budget Review be amended to remove the \$200,000 from reserves before adoption given the resolution and public perception its approved?</p> <p>As the budget can be amended at any time by resolution, can the review of the racecourse costs be deferred until the April OCM to consider the above information?</p>	<p><i>The response is taken on notice.</i></p> <p><u>Response after meeting:</u></p> <p><i>The Toodyay Race Club has already carried out works on site at their own expense including the following:</i></p> <ul style="list-style-type: none"> • <i>Removal of redundant and unsafe wiring from Tote area.</i> • <i>Upgrading of electrical switchboards to meet regulatory requirements.</i> • <i>Install a gravel floor in the maintenance shed.</i> • <i>Repairs to plumbing underneath the Livery area.</i> • <i>Large scale tree lopping and green waste removal.</i> • <i>New garden bed established at the public entry point.</i> • <i>Relocate the Joe Broderick memorial to the new garden bed.</i> • <i>Engage a licenced electrician to negotiate with Western Power for the relocation of the main transformer pole.</i> • <i>Re-establish the rose beds by the Livery and Finish Post. Install reticulation to the beds.</i> • <i>General tidy up of all garden areas.</i> • <i>Engage a licenced builder to perform repairs to the Ticket Booth and Members area outside deck.</i> • <i>Negotiate with RAAWA with regards to the supply and installation of the new plastic running rail. This has been delivered and will be installed closer to race day.</i> <p><i>Slashing of the track in preparation for the coming wet season. A qualified greenkeeper will aerate the track and rye grass will be planted once the track has received its first significant rain.</i></p>

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Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
		<p><i>Shire staff are checking possible funding applications through Lottery West and other community infrastructure funds. This would be for next financial year based on the timeframes of the funding applications.</i></p> <p><i>It is a decision for Council whether the allocation in the mid-year review is approved.</i></p>

9.2.4 List of Payments - February 2024

Item 9.2.4 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
McCormick	<p>On page 62 of the attachments a payment No. 229 Blackwell Plumbing associated with Morangup and Coondle Fire Stations Redbrook Circle x 2 as quoted. Can we have some detail from the Officer on what those works were?</p>	<p><i>The response is taken on notice.</i></p> <p><u>Response after meeting from Executive Manager Infrastructure, Assets and Services:</u></p> <p>Blackwell Plumbing</p> <p><i>This relates to four jobs at three sites.</i></p> <p>5286 – Morangup Collocated Emergency Facility – replacement of pressure pump (LGGs funded 50% BFS, 50% SES)</p> <p>5288 & 5389 – Red Brook Circuit - Replacement of end of life fire emergency water overhead stand pipe. Included investigate works and actual replacement. Funded by recurrent ES/EM budget and Fire Emergency Water budget respectively.</p> <p>5324 – Coondle Fire Station – This represented upgrade works to the sites fire emergency water facility. This was funded by the DFES Water Tank grant.</p>
McCormick	<p>Were local contractors given the opportunity to quote for that work or perform it?</p>	<p><i>Our first preference is always local companies first.</i></p>

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Item 9.2.4 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
Madacsi	<p>What was the signage requested from Jason Signmakers (21) for \$2,616.26?</p> <p>What was the Allstrong Outdoor garage doors, there was a repair of roller doors at the Toodyay Recreation Centre of \$1,144. Why was that?</p> <p>What was the Wacwil Community Centre path and steps \$9,570 as the Community Centre a Budget 2023/24 allocation?</p> <p>What was the plumbing required through Blackwell Plumbing for the Morangup Coondle, Red Brook Circle of \$18,995.20 (229) and was it a funded or budget item?</p>	<p><u>Executive Manager Infrastructure, Assets and Services response:</u></p> <p>Signage – This relates to purchase of signage for Coondle Fire Station (and some sundry signage for other Stations). The primary objective was to replace missing street signage on Bindi Bindi Road and add site access/parking signage to address issues with other parties (internal and external) using the fire station driveway and carparking for gravel dump and plant parking effecting brigade operations. Line marking and signage were agreed outcome of management and funded through recurrent ES/EM budget. Please note while purchased, this signage is awaiting installation.</p> <p><i>At the Toodyay Recreation Centre there were a number of roller doors causing trouble.</i></p> <p><i>All of them were checked by an experienced contractor because what was happening is that the tensioning in the vertical ropes controlling the descending of the door was an issue. You could lift it but it would fall down and there was a risk of injury to users of the facility if it was not fixed. We got a contractor in to adjust the tension in the vertical ropes.</i></p> <p>Response after meeting:</p> <p>The Community Centre funding was approved in the 2022/23 FY and carried forward in the 2023/24 FY. The Shire received 50% funding under the Stronger Communities Fund.</p>
McCormick	<p>The total budget for steps for the CRC was there a need for the handrail</p>	<p><u>Executive Manager Infrastructure, Assets and Services response:</u></p> <p><i>There is a need for the rail in terms of the Aust Standard requirements for potential falling over the side of the stairs. That was not a budget item and will be part of a grant funding project.</i></p>

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Item 9.2.4 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated.
McCormick	Steps been built for six months but taped off because of no hand rail	<u>Executive Manager Infrastructure, Assets and Services response:</u> <i>Yes. That is correct.</i>

9.3 EXECUTIVE SERVICES

9.3.1 Adoption of Amended Local Laws: Cats and Dogs

Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response
Madacsi	Proposed Cat Local Law 2024: Is there any advantage to having a Toodyay local law for cats given the Cat Act 2011 and Cat Regulations 2012 are adequate, under review and more stringent?	<i>The response is taken on notice.</i> <u>Response after meeting from Executive Manager Development and Regulation:</u> While the Cat Act 2011 and Cat Regulations 2012 provide a comprehensive framework for the welfare and management of cats in Western Australia, the local law can supplement these regulations to address unique local challenges and preferences.
Madacsi	Is there any reason we do not regulate if three or less cats, given the aggregate impact on the environment is greater than cat management facilities?	<u>Response after meeting from Executive Manager Development and Regulation:</u> There is an option for a Local Government to include a limit in cat numbers in a Local Law. Kalamunda's Local Law limits the number to two cats for example. Bassendean also limits to two.
Madacsi	Proposed Dog Local Law 2024: Regarding 3.2: Did we not amend the number of dogs to be kept outside the townsite to two, with an exception for working dogs?	<i>The response is taken on notice.</i> <u>Response after meeting from Executive Manager Development and Regulation:</u> Yes. Farm dog - no greater than 4, two of which are in training and on a rural property of 40ha or greater. Or, where it can be demonstrated an additional dog is required because of an increase in stock or landholding.
Madacsi	Regarding 5.2: Places which are dog exercise area refers to the Dog Act 1976, however s.32(1)(b) refers to	<i>The response is taken on notice.</i> <u>Response after meeting from Executive Manager Development and Regulation:</u>

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Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response
	rural leashing areas can be specified by the local government. Where have we specified any areas within this local law?	<i>No areas have been specified within this local law.</i>

9.3.2 Committee Membership: Deputy Committee Members

Item 9.3.2 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated:
<i>Dival</i>	Question the entire item – further in the agenda with recommendation from ARC to review the deputy requirements under the Act. This report goes further by actually suggesting deputies without consultation with Councillors. The guidelines from the Dept have said if you have a deputy it should be someone who aligns with your principles, to be confident of voting on the committee. Question given all committees work with quorums not seen anywhere where mechanisms kick into gear. Also do not have deputies for community members.	<p><u>Response after meeting from Executive Assistant:</u></p> <p>There were two deputies who resigned from their positions as deputy members.</p> <p>As per the Officer’s Report, the procedures that the ARC wished to be revised are in place however the appointment of deputy delegates was not done pursuant to the <i>Local Government Act 1995</i>.</p> <p>In order to not delay the issue it was decided to ask Council to make the decision and this is why the report has been part of the March agenda.</p>
<i>McKeown</i>	Why has this item come up?	<i>The Act stipulates a deputy is to be appointed to a specific member. In the past we appointed deputies to cover all or any members on the committees. This report was to bring our situation into line with the wording of the act which is what we attempted to do by assigning deputy members to individual members of the committee.</i>

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Item 9.3.2 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise stated:
<i>Madacsi</i>	Has the ARC recommended we do that at this meeting?	<i>No. The Audit Committee requested we review our processes around the appointment of deputies.</i>
<i>McKeown</i>	It is not compulsory to appoint deputies to any position is it?	<i>No.</i>
<i>McKeown</i>	If we do decide to appoint deputies do we appoint deputies to all members of the Committee?	<u>Response after meeting from Executive Assistant:</u> <i>Council is restricted, through the legislation, to only appoint Council Members to other Council Members on the Committee. Council Members cannot represent Community Members on the Committee.</i>

9.3.3 Department of Local Government, Sport & Cultural Industries correspondence

Questions and Points raised		
Councillor	Discussion	Response from the Shire President
<i>Madacsi</i>	Could Councillors be briefed on those two items of correspondence?	<i>The detail is in the attachments.</i>

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Bush Fire Mitigation Works Program Tender
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The President ruled that this item be discussed at the end of the meeting so the meeting would be able to go behind closed doors.

9.4.2 Bush Fire Advisory Committee Recommendations - 7 February 2024

Nil.

9.5 COMMITTEE REPORTS

9.5.1 EAC recommendations from meetings held on 29 November 2023 and 10 January 2024

Nil.

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9.5.2 ARC recommendations from meeting held on 14 Feb 2024

Nil.

9.5.3 ARC Recommendations from Meeting held on 6 March 2024**Item 9.5.3 - Questions and Points raised**

Councillor	Discussion	Response
McKeown	Numbering problem – 1, 2, 3, 4 5 and 6 then 2	<i>This will be fixed.</i>
McKeown	Recommendation No 8	<i>This will be fixed.</i>

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**12.1 Questions from the February 2024 Council Meeting**

As per Council Meeting Agenda with responses provided in the Council Meeting minutes.

12.2 Questions raised by Cr Madacsi

As per Council Meeting Agenda with responses provided in the Council Meeting minutes.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**13.1 MEMBERS**

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS*The Shire President ruled at 3.55pm that the meeting move behind closed doors.**The Shire President ruled at 4.03pm that the meeting come from behind closed doors.*

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AGENDA BRIEFING NOTES

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15 NEXT MEETINGS

As per Council Meeting Agenda.

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.06pm.

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The Manager Community Development departed Council chambers at 6.50 pm.

9.5 PLANNING AND DEVELOPMENT

9.5.1 Lot 11 Chitty Road, Toodyay – Proposed Extractive Industry (Clay)

Date of Report:	13 March 2014
Applicant:	Brikmakers
File Ref:	11CHI/A3845
Author:	Graeme Bissett - Manager Planning & Development
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none"> 1. Site Plan; 2. Applicant's Proposal for Extractive Industry; and 3. Schedule of Submissions.
Voting Requirements:	Simple Majority

INTRODUCTION

Council is requested to consider an Application for Planning Approval and an extractive industry licence (EIL) for 21.5ha of extractive industry for clay extraction on Lot 11 Chitty Road, Toodyay.

Key points of the current proposal (refer to **Attachment 2**) include:

- Expected average of 75,000 to 100,000 tonnes of clay to be removed from the site each year;
- The existing depth of excavation is 13m-14m (3-4m of overburden and 10m of resources). The proposed new excavation depth is 30m below the current surface, with the top 0.1 to 1.0m being soils and gravels;
- Excavation itself will take place in three month campaigns;
- Hours of operation proposed to be 6:00am to 5:00pm from Monday to Saturday, excluding public holidays;
- No clay processing will be undertaken on site;
- Expected truck movements of up to 150 (in and out) per day, that is, 75 loads per day with carting expected 4-5 days per month;
- Trucks leaving the site travel west on Salt Valley Road and Fernie Road before entering Toodyay Road;
- Trucks used are rigid truck and trailer configurations with 42 tonnes per load; and
- Three clay types characterised by colour (white, off white and red) exist, which are located in predominantly specific areas. These will be mined in

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varying amounts depending on demand and as up to three areas of the pit will be worked simultaneously.

BACKGROUND

Lot 11 Salt Valley Road has a site area of 685ha and is a forested property. The property has sections of farmland and sections of forest, with the proposed location of the pit being on sparsely vegetated land. Two pits exist on the property, one operated by Brikmakers in the northern section of the property while the other pit operated by Austral Bricks is located in the south eastern corner of the property.

The proponents currently operate a clay pit on 8ha of which Council considered the application for planning approval and extractive industry licence at the Ordinary Council Meeting on 17 April 2008, where the following was resolved:

3. *Council grant Planning Approval for the proposed extractive industry (clay extraction) at Lot 11 Chitty Road, Toodyay, subject to the following conditions:*
 - a) *Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document 'Extractive Industry Application' dated January 2008.*
 - b) *The approval lapses on 17 April 2013 and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued.*
 - c) *Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.*
 - d) *Prior to any extraction being undertaken, the first fifty (50) metres of the access track from Salt Valley Road is to be sealed and the intersection of the access track with Salt Valley Road is to be upgraded to a standard acceptable to the Shire of Toodyay.*
 - e) *Prior to any extraction being undertaken, the portion of Salt Valley Road between the edge of the bitumen seal and the entrance to the extraction site shall be upgraded to 8.6m formation bitumen seal standard, with a 6.2m two-coat centre seal and 800mm single coat shoulder seals each side. These upgrading works shall include the installation of all warning and advisory signs as required by the relevant Australian Standards. The applicant shall pay the total cost of this upgrade.*
 - f) *Prior to the commencement of operations on site, the proponent is to contribute an amount of \$105,035 being equivalent sharing of total private contributions to the upgrading and sealing of Salt Valley and Fernie Roads proportional of the respective regularity and size of the loads to be carried on the said roads.*

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- g) *The applicant is required to obtain approval from the Department of Environment and Conservation prior to the removal of any vegetation on site.*
- h) *Any temporary or permanent structures to be situated on the site will require the issue of Planning Approval and a Building Licence.*
- i) *Working hours within the extraction area and transportation of materials shall be restricted to the hours between 6.00am and 5.00pm Mondays to Saturday (excluding public holidays) and may be further restricted in specific cases as determined appropriate by Council.*
- j) *The 8ha excavation site is to be rehabilitated in accordance with the Rehabilitation Plan (detailed in document "Extractive Industry Application", dated January 2008) and a minimum area of 1.8ha to be replanted with native vegetation. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three (3) years thereafter.*
- k) *Those portions of public roads affected by the activities relating to the extraction site shall be maintained to a standard acceptable to the Council at the applicant's cost. To achieve this, the applicant shall pay an annual road maintenance contribution equivalent to an amount of \$0.50 per tonne, for expenses incurred by the Shire of Toodyay for the repair and maintenance of Council's roads. The road maintenance contribution shall comply with the following:*
 - a) *The Road Maintenance Contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works;*
 - b) *Payment shall be made in advance, with the first payment due upon the commencement of operations;*
 - c) *Payment may be made on a quarterly basis;*
 - d) *Payment shall be based on the estimated tonnage.*
 - e) *The applicant is to provide a report detailing all activities to and from the site, by 30 June each year;*
 - f) *The advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.*
- l) *The noise generated by the development is not to exceed the levels as set out under the Environmental Protection Act 1986 (and the Environmental Protection (Noise) Regulations 1997) at the boundary of the property.*

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- m) *All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.*
- n) *The applicant must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the applicant and the Shire of Toodyay for a sum of not less than \$10,000,000 in respect of any claim relating to any of the excavation and transport operations.*

Notes to applicant

- a) *The proposal is located within a proclaimed surface water area. In accordance with the Rights in Water Irrigations Act 1911, the extraction of surface water for activities such as dust suppression may require a licence. The proponent should contact the Department of Water for further information.*
 - b) *The subject property is located within a non-proclaimed area for groundwater under the Rights in Water Irrigation Act 1914. Extraction from any groundwater from artesian aquifers is subject to licensing by the Department of Water.*
4. *Council grant an Extractive Industry Licence to BGC Clay Products for clay extraction at Lot 11 Chitty Road, Toodyay, subject to the following conditions:*
- a) *Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document 'Extractive Industry Application' dated January 2008.*
 - b) *The licence lapses on 17 April 2013 and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued.*
 - c) *Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.*
 - d) *Prior to any extraction being undertaken, the first fifty (50) metres of the access track from Salt Valley Road is to be sealed and the intersection of the access track with Salt Valley Road is to be upgraded to a standard acceptable to the Shire of Toodyay.*
 - e) *Prior to any extraction being undertaken, the portion of Salt Valley Road between the edge of the bitumen seal and the entrance to the extraction site shall be upgraded to 8.6m formation bitumen seal standard, with a 6.2m two-coat centre seal and 800mm single coat shoulder seals each side. These upgrading works shall include the installation of all warning*

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and advisory signs as required by the relevant Australian Standards. The applicant shall pay the total of this upgrade.

- f) Prior to the commencement of operations on site, the proponent is to contribute an amount of \$105,035 being equivalent sharing of total private contributions to the upgrading and sealing of Salt Valley and Fernie Roads proportional of the respective regularity and size of the loads to be carried on the said roads.*
- g) The applicant is required to obtain approval from the Department of Environment and Conservation prior to the removal of any vegetation on site.*
- h) Any temporary or permanent structures to be situated on the site will require the issue of Planning Approval and a Building Licence.*
- i) Working hours within the extraction area and transportation of materials shall be restricted to the hours between 6.00am and 5.00pm Mondays to Saturday (excluding public holidays) and may be further restricted in specific cases as determined appropriate by Council.*
- j) The 8ha excavation site is to be rehabilitated in accordance with the Rehabilitation Plan (detailed in document "Extractive Industry Application", dated January 2008) and a minimum area of 1.8ha to be replanted with native vegetation. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three (3) years thereafter.*
- k) Prior to the commencement of operations, the applicant shall provide a bond of \$96,000 to the Shire of Toodyay as a performance guarantee against the satisfactory completion of the rehabilitation of the site, as detailed in Condition (j). The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three year monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works.*
- l) Those portions of public roads affected by the activities relating to the clay extraction site shall be maintained to a standard acceptable to the Council at the applicant's cost. To achieve this, the applicant shall pay an annual road maintenance contribution equivalent to an amount of \$0.50 per tonne for expenses incurred by the Shire of Toodyay for the repair and maintenance of Council's roads. The road maintenance contribution shall comply with the following:*

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- a) *The Road Maintenance Contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works;*
 - b) *Payment shall be made in advance, with the first payment due upon the commencement of operations;*
 - c) *Payment may be made on a quarterly basis;*
 - d) *Payment shall be based on the estimated tonnage.*
 - e) *The applicant is to provide a report detailing all activities to and from the site, including back loading activities from other areas within the Shire, by 30 June each year;*
 - f) *The advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.*
- m) *The noise generated by the development is not to exceed the levels as set out under the Environmental Protection Act 1986 (and the Environmental Protection (Noise) Regulations 1997) at the boundary of the property.*
- n) *All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.*
- o) *No blasting on the site is to occur without the written permission from the Shire of Toodyay.*
- p) *The excavation site is to be maintained in a safe manner and a secure gate is to be installed and kept locked when the site is unmanned to prevent access to the general public.*
- q) *The licensee must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the licensee and the Shire of Toodyay for a sum of not less than \$10,000,000 in respect of any claim relating to any of the excavation and transport operations.*

Following Council's consideration of this matter, the Proponent then requested Council consider amending certain condition which it resolved to do at its meeting of June 2008 as below:

That:

- 1. Council amend Condition No 2 of the planning approval and extractive industry licence issued to BGC Clay Products for Lot 11 Chitty Road, Toodyay so that the approval lapses on 17 April 2018.*
- 2. Council amend Condition No 4 & 5 of the planning approval and*

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extractive industry licence issued to BGC Clay Products for Lot 11 Chitty Road, Toodyay so that the conditions read as follows:

4. *Prior to the transportation of any extracted material from the site, the first fifty (50) metres of the access track from Salt Valley Road is to be sealed and the intersection of the access track with Salt Valley Road is to be upgraded to a standard acceptable to the Shire of Toodyay.*
5. *Prior to the transportation of any extracted material from the site, the portion of Salt Valley Road between the edge of the bitumen seal and the entrance to the extraction site shall be upgraded to 8.6m formation bitumen seal standard, with a 6.2m two-coat centre seal and 800mm single coat shoulder seals each side. These upgrading works shall include the installation of all warning and advisory signs as required by the relevant Australian Standards. The applicant shall pay the total cost of this upgrade.*

On 17 February 2014 Council also conducted a site visit of the development site where the operation was explained. Council also inspected the intersections of Fernie Road and Toodyay Roads and Salt valley Road and Toodyay Roads.

CONSULTATION

Consultation for the application for planning approval and extractive industry licence was undertaken in accordance with Level E of Council's Policy M.2 – Public Consultation Formal Matters.

An advertisement was placed in the Avon Valley Gazette on 16 December 2013. A sign was located on site and the proposal placed on the Shire of Toodyay's website. All landowners on Fernie Road and Salt Valley Road between Lot 11 Salt Valley Road and Toodyay Road at the western boundary of the Shire of Toodyay were advised of the proposal in writing and provided with an opportunity to make comment.

The application was also referred directly to the Department of Environmental Regulation (DER), Department of Water (DoW) and Main Roads WA (MRWA).

The advertising period concluded on 13 January 2014. Comments were received from the Department of Water, DER and MRWA. Nine members of the community also placed submissions, all being objections.

Key concerns raised by the community were as follows:

- On site Water Management and potential offsite impacts;
- Operating hours;
- Noise impacts;
- Locality road standards;

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- Perceived blasting on the site;
- Extension of time granted to 2028;
- Road damage as a result of truck on road;
- Extraction of water from the Jimperding Brook;
- Potential landfill site; and
- Phasing/staging rehabilitation.

A schedule of submissions and Officer Recommended Responses is attached (refer to **Attachment 3**).

STATUTORY ENVIRONMENT

Local Planning Scheme No 4

Shire of Toodyay Local Planning Scheme No 4 provides the mechanism for protecting and enhancing the environment of the district, controlling land and building development, setting aside land for future reserves and other matters authorised by the Planning and Development Act 2005.

The subject site is zoned 'Rural' under the provisions of Local Planning Scheme No 4. The proposed Extractive Industry is defined as 'Industry – Extractive' land use, which is a 'D' use within the Rural zone. This means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The subject site is located within the Avon River Valley Special Control Area under the provisions of Local Planning Scheme No 4. Section 6.2 of Scheme No 4 outlines the provisions of the Special Control Area. These provisions detail items that are to be considered in the assessment of planning applications, including issues such as clearing of native vegetation, impacts development has upon water courses, landscape, amenity and flora and fauna.

State Planning Policy

State Planning Policy 2.4 Basic Raw Materials Policy provides state planning framework particularly for the provision of priority resource extractive industry sites. The subject site is within the scope of this policy. One objective of the policy it to ensure that the use and development of the land for the extraction does not adversely affect the environment, nor the amenity of the locality of the operation. Further it also includes that when considering a development application Council can have regard to the effect of vehicular traffic and the availability and suitability of road access.

Local Laws

The Shire of Toodyay Extractive Industry Local Law applies to this application and establishes guidelines to assess applications for extractive industry and to issue extractive industry licences.

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The local government may, in respect of an application:

- (a) Refuse the application; or
- (b) Approve the application;
 - (i) Over the whole or part of the land in respect of which the application is made and
 - (ii) On such terms and conditions, if any, as it sees fit.

Reviews

Decisions made by local government are subject to review by the State Administrative Tribunal (SAT) (part 6.1).

POLICY IMPLICATIONS

Council's Policy M.2 – Public Consultation Formal Matters applies to the proposal and requires consultation in accordance with Level E – Locality. The consultation procedures undertaken are consistent with this policy.

Local Planning Policy No. 7 – Extractive Industries, Road Maintenance Contribution is applicable to extractive industry applications. The Shire of Toodyay's Schedule of Fees and Charges specifies that any extractive industry that extracts more than 2,000 tonnes per annum will need to make a road maintenance contribution. As the applicant is proposing to extract an average of 100,000 tonnes per annum road maintenance fees based on the fee schedule would be paid at \$0.50 per tonne, equating to a total contribution of \$50,000 per annum, depending upon ultimate tonnage. In this instance, it is considered that an alternative method that considers actual damage to the road by the applicant other than a flat rate should be used to obtain maintenance contributions.

FINANCIAL IMPLICATIONS

Under the Shire of Toodyay's Schedule of Fees and Charges, clay extractive industries which are deeper than 3m are required to have a secured sum of \$12,000 per hectare. The proposed area of excavation is 21.5ha, which equates to a bond of \$258,000. Currently the Shire holds a bond of \$96,000 which can be offset against the \$258,000.

Roads and Servicing

MRDWA has considered the proposal and does not support the development due to the potential to increase traffic at the intersection of Fernie and Toodyay Roads. In August 2013 Shawmac conducted a safety audit of this intersection and made recommendations in relation to it.

A copy of the Shawmac Report has been provided to Council under separate cover.

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The Proponent was asked to consider the comments of MRDWA and advised;

We have considered the MRWA response to our expansion application and make the following comments.

When assessing the impact of Brikmakers proposal on the intersection of Fernie Road and Toodyay road it must be remembered that the cartage volumes out of the pit will remain essentially the same as current operations. If for instance the proposal is rejected then the current operation will continue with the same cartage impacts etc.

The current EIL requires the payment of a road maintenance contribution for the public roads affected by the extraction to achieve (sic) a standard acceptable to the Council. i.e. the payments made by Brikmakers (and also Austral, Opalvale and Boral) have been made for the sole purpose of maintaining the clay cartage routes, inc the intersection in question. These payments from four separate companies would have amounted to a significant sum in the past 5-8 yrs. This money must now be used to undertake the maintenance needed by the Shire to comply with the audit.

Officers note the comments and advise the following;

- The current approval for the clay pit was granted on the basis that the truck movements were expected to be 20 per day and may peak at 40 per day.
- Irrespective the Shire has received a rate of 50c per ton on the volumes carted.
- The Proponent states that traffic movements will not increase however this application states that they will remain the same at 75 vehicles per day. There is a discrepancy in the vehicle numbers stated. This factor contributes to the aspect of road safety requirements as opposed to general road maintenance.

Council should consider an equitable solution to improving the intersection at Fernie and Toodyay Roads. In the event that funds received from the per ton fee are not required for maintenance as such, they could be used for the capital costs of improving the said intersection. If this is not the case, the Proponent may be required to contribute proportionately to the costs of the recommended actions as suggested in the Shawmac Report.

Road maintenance contributions are also required under Local Planning Policy No. 7 – Extractive Industries, Road Maintenance Contribution and the Shire of Toodyay's Schedule of Fees and Charges. In this instance, it is considered that an alternative method that considers actual damage to the road by the applicant other than a flat rate should be used to obtain maintenance contributions.

The Proponent has continued to pay the road maintenance contribution of 0.50c per tonne of clay extracted for the current approval which has been in place since the License was issued.

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Officers are currently working on a breakdown on how much money has been collected for road maintenance, how much has been spent and what is planned to be spent. This will be supplied by the meeting.

Officers are of the view however that due to a recent State Administrative Tribunal matter a more equitable scenario is to require the Proponent to pay for the road damage caused to the local roads that is caused by this development. In this regard, a proportionate contribution should be required which requires the Proponent to engage an Engineer to conduct a road maintenance audit, determine the road baseline condition, the road use and damage caused by this industry alone and require payment to be made on that basis. In considering road maintenance costs, whole of lifecycle costing needs to be considered.

Instead of a flat rate for road maintenance, conditions which arose out of the State Administrative Tribunal proceedings for *Opal Vale Pty Ltd and Shire of Toodyay* [2013] WASAT 88 and *Keysbrook Leucoxene Pty Ltd and Shire of Serpentine-Jarrahdale* [2012] WASAT 212 are an alternative model. This approach is considered to more accurately reflect the actual maintenance affects arising out of the proposed extractive industry licence, but are less certain and more administratively complex for both for the Local Government and the licensee. This will require a Road Maintenance Plan which audits the condition of the relevant roads prior to the operation of the facility, identifies what the appropriate maintenance standards are, identifies the estimated average annual cost of maintenance and a provides determination of the amount of contribution to be made by the applicant.

At its November Forum Council considered another model that has been used successfully in other Local Governments and relies on assessing the impact of heavy transport based on methodologies developed by the National Transport Commission. There has not been sufficient time for this model to be adapted for use in Toodyay, but it might be used for future license applications. The Shire is entitled to recover the actual cost of damage (Repairs and Maintenance) that is attributable to the licensee.

Irrespective of the Planning merits of applying road contributions the Shire's Local Law may apply a condition to a EIL on such terms and conditions, as it sees fit.

STRATEGIC IMPLICATIONS

Lot 11 Chitty Road is identified in the Western Australian Planning Commission's Statement of Planning Policy 2.4 – Basic Raw Materials as an area of Priority Resource Location.

The policy promotes the principal that basic raw materials should be taken before they become sterilised by development. The proposed extraction will be in keeping with this policy. Further the land is indentified as such in the Shire of Toodyay Local Planning Strategy.

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The proposal will result in the clearing of some native vegetation. The Proponent has lodged a clearing permit however it is being held in abeyance pending an approval from the Shire of Toodyay. The proposed rehabilitation suggests that the land will be returned to pasture and endemic vegetation by planting a range of shrubs and trees to create shelter belts totalling 3.5ha.

Comments in relation to the clearing proposal from the Department of Regulation (DER) indicate there is concern that the southern portion of the site is currently a wildlife corridor. With that said, retaining the vegetation will severely hamper the extractive industry. It may be more palatable for all parties if the Proponent actually re-establishes that corridor with the same endemic species post mining. This does not provide a solution in the short term but maintains important principles in relation to rehabilitation.

The DER was contacted to further clarify the comments that they submitted. They have confirmed that they recommend it to be a condition of planning approval that the applicant is to abide by "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*", prepared by the Department of Environment and Conservation 2011.

Concern has also been raised by the Department of Water and several Submitters in relation to the hydrology, particularly surface water management and the use of water from the Jimperding Brook. In this regard the Proponent should be required to submit a Water Management Plan as a condition of the development. Further given the land is within the Avon River Catchment Surface Water Area proclaimed under the Rights in Water Irrigation Act 1914, the Proponent will also have to meet the requirements of the Department of Water.

The proposed extractive industry can potentially have an impact upon the environment. Environmental concerns are addressed in the report at Section 4: Possible Impacts and Management and Section 5: Mine Closure. This section of the report addresses the issues of:

- Clearing;
- Surface Water/Erosion Control;
- Dust;
- Noise; and
- Visual impact.

Section 5: Mine Closure deals with the rehabilitation of the site with two dams, pastureland and endemic vegetation. This section also details how the rehabilitation will be prepared. A Monitoring program should also be required.

The Shire of Toodyay's Environmental Officer has been consulted and has stated the following:

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- *Flora and Fauna Survey's have been received by applicant. These documents are for our information only and we do not have authority to comment on them, but it does give us the opportunity to gather more information about the site.*
- *Management plan for relocation of fauna species is addressed by the Department of Environmental Regulation and federal Department of Environment as part of their assessment process for the proposed clearing.*
- *Request proponent to address Dieback in the Clay Extraction Management Plan.*

The applicant has not provided any details regarding dieback and disease management. As the property is in an area where dieback and other diseases may be prevalent, it is recommended that a Dieback and Disease Management Plan be prepared and implemented at the applicant's cost as a condition of approval.

SOCIAL IMPLICATIONS

There is a general sentiment from some nearby land owners that extractive industry in the vicinity causes amenity impacts to them as identified in the Submissions received.

The *EPA Guidance Statement No 3 - Separation Distances between Industrial and Sensitive Land Uses* provides recommends a 500m to 1,000m separation distance of extractive areas from clay extractive areas. There are no existing dwellings within 1,000m of the site. The closest dwelling is located 1,500m from the site.

In terms of the impact of the site from traffic movements, it is considered that there will be no change in the existing impact on users of the road network presently however, it is noted that traffic movements have nearly doubled since Council granted its last approval for this clay operation.

Recent extractive industry approvals (such as Lot 11 Chitty Road and Lot 123 Clackline Toodyay Road) have had their operating hours restricted to 7:00am to 5:00pm Mondays and Fridays excluding public holidays, in order to ensure no trucks are on the road on Saturday, when tourists from Perth are most likely to visit Toodyay and to ensure that trucks are not on the local roads at very early times of the day. In line with the previous two approvals, Shire Staff is of the view that the operating hours for this planning approval and extractive industry licence are restricted to 7:00am to 5:00pm Mondays and Fridays excluding public holidays.

OFFICER'S COMMENT

It is apparent that Council has established recent restrictions on extractive industries recently ranging from restrictions on operating hours to reviewing its road contribution arrangements.

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Further, Officers are of the view that the request to approve the development to the year 2028 should be revised to 2024 being the standard 10 year approval time generally granted.

The requirement for the Proponent to prepare a Road Maintenance Plan is generally a sound engineering principle which establishes road lifecycle costs based on the use of the roads from vehicles associated with that industry, i.e. need and nexus.

The intersection of Fernie and Toodyay Roads has been identified as requiring improvements and Council should consider a collaborative solution by engaging all Stakeholders given the significant cost that would be involved.

Given the significant variation to the proposed conditions represented in the Officer Recommendation for this proposal, as opposed to the current approval, the Applicant could still operate under the current approval until the resource is exhausted on the initial 8ha to a depth of 15m below ground surface, consistent with the current approval.

OFFICER RECOMMENDATION

It is recommended that Council:

1. Endorse the Schedule of Submissions and Recommended Responses;
2. Grant Planning Approval for the Extractive Industry at Lot 11 Chitty Road, Toodyay, subject to the following conditions:
 - (a) Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, including any amendments placed thereon by Council and except as may be modified by the following conditions.
 - (b) The location and total area of the excavation is to be limited to 21.5ha as depicted on the application.
 - (c) The term of the Planning Approval is for ten (10) years from the date of this approval.
 - (d) The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of

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Toodyay Chief Executive Officer;

- (i) an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
- (ii) appropriate maintenance standards and associated requirements and responsibilities;
- (iii) the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
- (iv) the amount of the contribution to such cost to be paid by the applicant,

The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.

- (e) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant.
- (f) A Dieback and Disease Management Plan is prepared and implemented, to the satisfaction of the Shire of Toodyay Chief Executive Officer, prior to the commencement of development.
- (g) A Water Management Plan is to be prepared by a suitably qualified professional which considers management of erosion, water use, identifies water supply, surface water management, stormwater management, displays catchments, identifies all water sources and minimises any potential impacts on downstream users to the satisfaction of the Shire of Toodyay and the Department of Water.
- (h) The proposal is to comply with the Department of Environment and Conservation (2011) publication "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*".
- (i) Section 5.2 titled *Rehabilitation* is to be amended to incorporate a monitoring program which establishes key performance indicators to determine that the rehabilitation program has been successful.

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3. Grant an Extractive Industry Licence for clay extraction on Lot 11 Chitty Road, Toodyay subject to the following conditions:
- (a) Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, including any amendments placed thereon by Council and except as may be modified by the following conditions.
 - (b) The location and total area of the excavation is to be limited to 21.5ha.
 - (c) The term of this licence is for ten (10) years from the date of this approval.
 - (d) The extraction of material is limited to a depth of 30m below natural ground level.
 - (e) The Proponent is to provide evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public road or such other land in the vicinity.
 - (f) The applicant is required to provide to the local government a surveyors certificate prior to the annual renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report.
 - (g) The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;
 - (i) an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
 - (ii) appropriate maintenance standards and associated requirements and responsibilities;
 - (iii) the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and

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- (iv) the amount of the contribution to such cost to be paid by the applicant,

The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.

- (h) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant.
- (i) The licensee must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any claim relating to any of the excavation and transport operations.
- (j) Working hours within the extraction area and transportation of materials shall be restricted to the hours between 7:00am and 5:00pm Monday to Friday (excluding public holidays).
- (k) All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- (l) All truck loads leaving the site with materials are to be covered.
- (m) The excavation site is to be rehabilitated in accordance with the approved Extractive Industry Licence Application dated October 2013 (or an alternate staging plan, referenced at Condition (m) below), the subject Lot and the Shire of Toodyay's Extractive Industry Local Law. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter.
- (n) Prior to the commencement of operations, the applicant shall provide a cash bond of \$258,000 to the Shire of Toodyay as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three year

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monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. Should the rehabilitation costs incurred by the Shire of Toodyay exceed the amount of the bond, the balance will be a debt recoverable from the licensee in accordance with the Shire of Toodyay Extractive Industry Local Law. The bond will include the bond held by the Shire for the existing extractive industry approval.

- (o) No blasting on the site is to occur without the written permission of the Shire of Toodyay.
- (p) The excavation site is to be maintained in a safe manner and a secure gate is to be installed and kept locked when the site is unmanned to prevent access to the general public.
- (q) In the event the Proponent wishes to continue Operating under its present Extractive Industry Licence it shall be required to advise the Shire of Toodyay when it has completed extracting clay from the currently approved 8ha to a depth of 15m within 60 days. A Plan and a certificate from a licensed surveyor will be required to certify the correctness of that advice. Or if it believes that that resource has already been extracted it should notify the local government in writing to determine that it is operating the extractive industry on the subject Lot under this approval.

Advice Notes:

- i) It is noted that a current approval exists for 8ha of clay extraction on the subject lot, in this regard; the Proponent may continue to operate under the terms of that approval until the resource on the 8ha to a depth of 15m has been exhausted. The Proponent will however, be required to notify the Local Government in accordance with Condition (p) above.
 - ii) This extractive industry must at all times comply with the *Shire of Toodyay Extractive Industries Local Law 1999*.
4. Authorise Shire Officers to review the Road Safety Audit conducted by Shawmac August 2013 and provide costing for such works to establish the required contribution from each of the major road users.
 5. Schedule the upgrading of the Fernie Road and Toodyay Road intersection, subject to funding including obtaining funds from Main Roads Western Australia.

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The Manager Planning and Development tabled an information sheet provided by the Applicant at 6.50 pm.

Cr McCann foreshadowed a motion as follows:

That this matter be deferred pending the outcome of current SAT mediation with BGC.

Clarification was sought.

COUNCIL RESOLUTION NO 73/03/14

MOVED Cr Firms

That Standing Order 7.9 be suspended to the extent that it will allow free and open discussion on this matter and for Members to address the Council more than once.

MOTION CARRIED 9/0

Standing Order 7.9 was suspended at 7.04 pm.

Cr McCann moved the Officer's Recommendation as follows:

That Council:

1. **Endorse the Schedule of Submissions and Recommended Responses;**
2. **Grant Planning Approval for the Extractive Industry at Lot 11 Chitty Road, Toodyay, subject to the following conditions:**
 - (a) **Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, including any amendments placed thereon by Council and except as may be modified by the following conditions.**
 - (b) **The location and total area of the excavation is to be limited to 21.5ha as depicted on the application.**
 - (c) **The term of the Planning Approval is for ten (10) years from the date of this approval.**
 - (d) **The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated**

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with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;

- (i) an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
- (ii) appropriate maintenance standards and associated requirements and responsibilities;
- (iii) the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
- (iv) the amount of the contribution to such cost to be paid by the applicant,

The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.

- (e) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant.
- (f) A Dieback and Disease Management Plan is prepared and implemented, to the satisfaction of the Shire of Toodyay Chief Executive Officer, prior to the commencement of development.
- (g) A Water Management Plan is to be prepared by a suitably qualified professional which considers management of erosion, water use, identifies water supply, surface water management, stormwater management, displays catchments, identifies all water sources and minimises any

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potential impacts on downstream users to the satisfaction of the Shire of Toodyay and the Department of Water.

- (h) **The proposal is to comply with the Department of Environment and Conservation (2011) publication “A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities”.**
 - (i) **Section 5.2 titled *Rehabilitation* is to be amended to incorporate a monitoring program which establishes key performance indicators to determine that the rehabilitation program has been successful.**
3. **Grant an Extractive Industry Licence for clay extraction on Lot 11 Chitty Road, Toodyay subject to the following conditions:**
- (a) **Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, including any amendments placed thereon by Council and except as may be modified by the following conditions.**
 - (b) **The location and total area of the excavation is to be limited to 21.5ha.**
 - (c) **The term of this licence is for ten (10) years from the date of this approval.**
 - (d) **The extraction of material is limited to a depth of 30m below natural ground level.**
 - (e) **The Proponent is to provide evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public road or such other land in the vicinity.**
 - (f) **The applicant is required to provide to the local government a surveyors certificate prior to the annual renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report.**
 - (g) **The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that**

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such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;

- (i) an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
- (ii) appropriate maintenance standards and associated requirements and responsibilities;
- (iii) the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
- (iv) the amount of the contribution to such cost to be paid by the applicant,

The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.

- (h) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant.
- (i) The licensee must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any claim relating to any of the excavation and transport operations.
- (j) Working hours within the extraction area and transportation of materials shall be restricted to the hours between 7:00am and 5:00pm Monday to Friday (excluding public holidays).

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- (k) All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- (l) All truck loads leaving the site with materials are to be covered.
- (m) The excavation site is to be rehabilitated in accordance with the approved Extractive Industry Licence Application dated October 2013 (or an alternate staging plan, referenced at Condition (m) below), the subject Lot and the Shire of Toodyay's Extractive Industry Local Law. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter.
- (n) Prior to the commencement of operations, the applicant shall provide a cash bond of \$258,000 to the Shire of Toodyay as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three year monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. Should the rehabilitation costs incurred by the Shire of Toodyay exceed the amount of the bond, the balance will be a debt recoverably from the licensee in accordance with the Shire of Toodyay Extractive Industry Local Law. The bond will include the bond held by the Shire for the existing extractive industry approval.
- (o) No blasting on the site is to occur without the written permission of the Shire of Toodyay.
- (p) The excavation site is to be maintained in a safe manner and a secure gate is to be installed and kept locked when the site is unmanned to prevent access to the general public.
- (q) In the event the Proponent wishes to continue Operating under its present Extractive Industry Licence it shall be required to advise the Shire of Toodyay when it has completed extracting clay from the currently approved 8ha to a depth of 15m within 60 days. A Plan and a certificate from a licensed surveyor will be required to certify the

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correctness of that advice. Or if it believes that that resource has already been extracted it should notify the local government in writing to determine that it is operating the extractive industry on the subject Lot under this approval.

Advice Notes:

- i) It is noted that a current approval exists for 8ha of clay extraction on the subject lot, in this regard; the Proponent may continue to operate under the terms of that approval until the resource on the 8ha to a depth of 15m has been exhausted. The Proponent will however, be required to notify the Local Government in accordance with Condition (p) above.
 - ii) This extractive industry must at all times comply with the *Shire of Toodyay Extractive Industries Local Law 1999*.
4. Authorise Shire Officers to review the Road Safety Audit conducted by Shawmac August 2013 and provide costing for such works to establish the required contribution from each of the major road users.
5. Schedule the upgrading of the Fernie Road and Toodyay Road intersection, subject to funding including obtaining funds from Main Roads Western Australia.

Clarification was sought.

Cr Firms moved an amendment to the motion as follows:

That at Point 2 a new point (h) be added to read as follows:

- (h) The Proponent to provide evidence that they have sufficient water supply available to be able to implement approved dust suppression activities.

Cr McCann accepted the amendment.

Cr Firms moved an amendment to the motion as follows:

That at Point 2 a new point (i) be added to read as follows:

- (i) The Proponent obtaining all required environmental approvals from the Department of Environment Regulation including satisfactory resolutions of the concerns in relation to the wildlife corridor.

Cr McCann accepted the amendment.

MINUTES OF ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 25 MARCH 2014

Cr Madacsi moved an amendment to the motion as follows:

That Point 3 (m) the words "referenced at Condition (m) be amended to read "referenced at Condition (n)"

And

That at Point 3 (m) following the words "maintained for a period of three years thereafter" the words "or if the excavation is not active for a period of 24 months (2 years) of operation or inactivity rehabilitation works must be undertaken" are to be inserted.

Cr McCann accepted the amendments.

Clarification was sought.

Cr McCann departed Council Chambers at 7.59 pm.

Cr McCann returned to Council Chambers at 8.01 pm.

Cr Firms moved an amendment to the motion as follows:

That Point (i) under the heading "Advice Notes" be deleted.

Cr McCann accepted the amendment.

Cr Firms moved an amendment to the motion as follows:

That Point 3(j) following the words "(excluding public holidays)." the words "subject to further negotiation pending the outcome of current SAT mediation in relation to Morangup."

Cr McCann accepted the amendment.

The substantive motion was put.

COUNCIL RESOLUTION NO 74/03/14

MOVED Cr McCann

That Council:

1. Endorse the Schedule of Submissions and Recommended Responses;
2. Grant Planning Approval for the Extractive Industry at Lot 11 Chitty Road, Toodyay, subject to the following conditions:
 - (a) Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation

MINUTES OF ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 25 MARCH 2014

Application dated October 2013, including any amendments placed thereon by Council and except as may be modified by the following conditions;

- (b) The location and total area of the excavation is to be limited to 21.5ha as depicted on the application;
- (c) The term of the Planning Approval is for ten (10) years from the date of this approval;
- (d) The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;
 - (i) an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
 - (ii) appropriate maintenance standards and associated requirements and responsibilities;
 - (iii) the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
 - (iv) the amount of the contribution to such cost to be paid by the applicant,

The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.

- (e) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant;
- (f) A Dieback and Disease Management Plan is prepared and

MINUTES OF ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 25 MARCH 2014

- implemented, to the satisfaction of the Shire of Toodyay Chief Executive Officer, prior to the commencement of development.
- (g) A Water Management Plan is to be prepared by a suitably qualified professional which considers management of erosion, water use, identifies water supply, surface water management, stormwater management, displays catchments, identifies all water sources and minimises any potential impacts on downstream users to the satisfaction of the Shire of Toodyay and the Department of Water.
 - (h) The Proponent to provide evidence that they have sufficient water supply available to be able to implement approved dust suppression activities.
 - (i) The Proponent obtaining all required environmental approvals from the Department of Environment Regulation including satisfactory resolutions of the concerns in relation to the wildlife corridor.
 - (j) The proposal is to comply with the Department of Environment and Conservation (2011) publication "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*".
 - (k) Section 5.2 titled *Rehabilitation* is to be amended to incorporate a monitoring program which establishes key performance indicators to determine that the rehabilitation program has been successful.
3. Grant an Extractive Industry Licence for clay extraction on Lot 11 Chitty Road, Toodyay subject to the following conditions:
- (a) Development shall be carried out only in accordance with the terms of the application as approved herein, any approved plan as detailed in the document, Brikmakers Extractive Industries Licence Variation Application dated October 2013, including any amendments placed thereon by Council and except as may be modified by the following conditions.
 - (b) The location and total area of the excavation is to be limited to 21.5ha.
 - (c) The term of this licence is for ten (10) years from the date of this approval.
 - (d) The extraction of material is limited to a depth of 30m below natural ground level.
 - (e) The Proponent is to provide evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public road or such other land in the vicinity.

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HELD IN COUNCIL CHAMBERS ON 25 MARCH 2014

- (f) The applicant is required to provide to the local government a surveyors certificate prior to the annual renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report.
- (g) The applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer;
- (i) an audit of the condition of relevant roads prior to the commencement of the operation of the Facility;
 - (ii) appropriate maintenance standards and associated requirements and responsibilities;
 - (iii) the estimated average annual cost of road maintenance and repairs for the duration of operation of the Facility; and
 - (iv) the amount of the contribution to such cost to be paid by the applicant,
- ...The proponent is to pay to the local government a bond or equivalent acceptable to the local government sufficient to secure the road maintenance and repair obligations contained in the approved Road Maintenance Plan, prior to the commencement of the development. The cash bond or approved equivalent is to be reviewed annually. The applicant will further be required to enter into an agreement with the Shire of Toodyay in relation to the above.
- (h) The Proponent is to pay to the Shire of Toodyay a proportionate sum, to the satisfaction of the Shire's Chief Executive Officer, for the undertaking of the required and recommended works as determined in the Road Safety Audit, Intersection of Fernie Road and Toodyay Road by Tony Shaw of Shawmac, dated 28 August 2013. Such payment will take account of the existing unexpended road contributions paid by the applicant.
- (i) The licensee must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any claim relating to any of the excavation and transport operations.

MINUTES OF ORDINARY MEETING OF COUNCIL
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- (j) Working hours within the extraction area and transportation of materials shall be restricted to the hours between 7:00am and 5:00pm Monday to Friday (excluding public holidays) subject to further negotiation pending the outcome of current SAT mediation in relation to Morangup.
- (k) All trucks entering the Shire of Toodyay shall comply with the Shire of Toodyay's Policy A.8 - Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- (l) All truck loads leaving the site with materials are to be covered.
- (m) The excavation site is to be rehabilitated in accordance with the approved Extractive Industry Licence Application dated October 2013 (or an alternate staging plan, referenced at Condition (n) below), the subject Lot and the Shire of Toodyay's Extractive Industry Local Law. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter or if the excavation is not active for a period of 24 months (2 years) of operation or inactivity rehabilitation works must be undertaken.
- (n) Prior to the commencement of operations, the applicant shall provide a cash bond of \$258,000 to the Shire of Toodyay as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three year monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. Should the rehabilitation costs incurred by the Shire of Toodyay exceed the amount of the bond, the balance will be a debt recoverably from the licensee in accordance with the Shire of Toodyay Extractive Industry Local Law. The bond will include the bond held by the Shire for the existing extractive industry approval.
- (o) No blasting on the site is to occur without the written permission of the Shire of Toodyay.
- (p) The excavation site is to be maintained in a safe manner and a secure gate is to be installed and kept locked when the site is unmanned to prevent access to the general public.
- (q) In the event the Proponent wishes to continue Operating under its present Extractive Industry Licence it shall be required to advise the Shire of Toodyay when it has completed extracting clay from the

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currently approved 8ha to a depth of 15m within 60 days. A Plan and a certificate from a licensed surveyor will be required to certify the correctness of that advice. Or if it believes that that resource has already been extracted it should notify the local government in writing to determine that it is operating the extractive industry on the subject Lot under this approval.

Advice Notes:

- i) This extractive industry must at all times comply with the *Shire of Toodyay Extractive Industries Local Law 1999*.
4. Authorise Shire Officers to review the Road Safety Audit conducted by Shawmac August 2013 and provide costing for such works to establish the required contribution from each of the major road users.
5. Schedule the upgrading of the Fernie Road and Toodyay Road intersection, subject to funding including obtaining funds from Main Roads Western Australia.

MOTION CARRIED 9/0

MINUTES OF ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS ON 25 MARCH 2014

COUNCIL RESOLUTION NO 75/03/14

MOVED Cr Rayner

That Standing Order 7.9 be resumed.

MOTION CARRIED 6/0

Standing Order 7.9 was resumed at 8.10 pm.

9.5.2 Lot 61 Stirling Terrace, Toodyay - Signage Application

Date of Report:	10 February 2014
Applicant:	Tony Maddox Real Estate
File Ref:	61STIT/A375
Author:	Hugo de Vos – Planning Officer
Responsible Officer:	Graeme Bissett - Manager Planning & Development
Officer's Disclosure of Interest:	Nil
Attachments:	1. Photographs showing locations of window display boxes on front façade and signage.
Voting Requirements:	Simple Majority

INTRODUCTION

Council is requested to consider an application for retrospective planning approval submitted by Tony Maddox Real Estate for three signs erected at the front, one sign to the side and three window boxes also at the front of Lot 61 Stirling Terrace, Toodyay.

The application is being referred to Council as the application proposes a variation to Local Planning Policy No 20 – Central Toodyay Heritage Area.

BACKGROUND

Lot 61 Stirling Terrace is a 1244m² property on the Municipal Inventory (Category 3 No 15). The place has aesthetic value as a fine architectural example of the period which makes a significant contribution to the streetscape of Toodyay.

The proponent had previously submitted a retrospective planning application for signage which required determination at Council level. The matter was put to Council at the 20 August 2013 meeting.

The style and type of signage for this application is similar to the previous application. Indeed the reason the matter is being put to the Council is for the

From: [James McGovern](#)
To: [Hugo de Vos](#)
Subject: [External]-RE: [External]-RE: Extractive Industry issue
Date: Tuesday, 26 March 2024 3:08:30 PM
Attachments: [image003.png](#)

Yes Hugo, that is the nub of my advice.

Should any queries arise on Council, you could respond that the Local Law is not fit for purpose in the current situation and that the decision-making process should be based on relevant planning considerations.

Regards,

James

James McGovern | Manager Governance and Procurement | Executive Officer, Great Eastern Country Zone | WALGA
(p) (08) 9213 2093 | (mob) 0417 961 203 | (e) jmcgovern@walga.asn.au



Our work regularly takes us across the State and as such WALGA would like to acknowledge the many traditional owners of the land on which we work throughout Western Australia. We pay our respects to their Elders, past, present and emerging.

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From: Hugo de Vos <planner@toodyay.wa.gov.au>
Sent: Tuesday, March 26, 2024 2:27 PM
To: James McGovern <JMcGovern@walga.asn.au>
Subject: RE: [External]-RE: Extractive Industry issue

Hi James

Thanks for getting back to me. I take on board your comments that many LGAs are moving away from an extractive industry local law and instead turning to decisions made under a framework based on the planning and development act and local planning policies. It's just unfortunate that we don't have a policy in force at this time.

Can the Shire make a decision as a development approval and simply ignore making one under the Extractive Industry Local law?

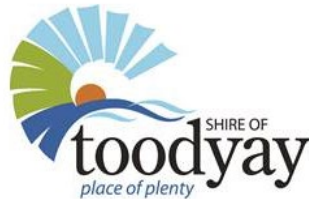
Kind Regards,

[Hugo de Vos](#)

EXECUTIVE MANAGER DEVELOPMENT AND REGULATION

Shire of Toodyay
PO Box 96
TOODYAY WA 6566

Phone: (08) 9574 9340
Fax: (08) 9574 2158
E: records@toodyay.wa.gov.au
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From: James McGovern <JMcGovern@walga.asn.au>
Sent: Tuesday, March 26, 2024 2:17 PM
To: Hugo de Vos <planner@toodyay.wa.gov.au>
Subject: [External]-RE: Extractive Industry issue

Hi Hugo,

It is not appropriate to rescind a decision that has been actioned, albeit I appreciate that it is the consequence of the 2014 decision that is causing the current issue.

If the Shire feels confident doing so, it may consider requesting the extractive industry licence holder to make a fresh application that will be determined under your planning scheme. This would have the benefit of making a clean break from the former determination, however this advice is made net of WALGA's understanding of the capacity for your planning scheme to manage such an application.

Regards,

James

James McGovern | Manager Governance and Procurement | Executive Officer, Great Eastern Country Zone | WALGA
(p) (08) 9213 2093 | (mob) 0417 961 203 | (e) jmcgovern@walga.asn.au



WALGA

Our work regularly takes us across the State and as such WALGA would like to acknowledge the many traditional owners of the land on which we work throughout Western Australia. We pay our respects to their Elders, past, present and emerging.

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From: Hugo de Vos <planner@toodyay.wa.gov.au>

Sent: Tuesday, March 26, 2024 1:24 PM

To: James McGovern <JMcGovern@walga.asn.au>

Subject: Extractive Industry issue

Hi James

Thank you for taking my call earlier. One option I forgot to ask is this:

Given the issues with the Local Law, is it possible for the Shire revoke the approvals as part of the resolution on 25 March 2014 and then do new approvals – time limited?

Kind Regards,

Hugo de Vos
EXECUTIVE MANAGER DEVELOPMENT AND REGULATION
Shire of Toodyay
PO Box 96
TOODYAY WA 6566

Phone: (08) 9574 9340
Fax: (08) 9574 2158
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**Lot 11, DP 34937 Salt Valley Rd, Hoddys Well
Toodyay Shire**

Extractive Industries Licence Variation Application

October 2013





Executive Summary

Brikmakers operates a clay pit that is located on a portion of Lot 11 DP 34937 Salt Valley Rd, Hoddys Well. The site is licensed by an extractive industries licence (EIL) granted by Toodyay Shire in June 2008. The land is owned by Simon James Farrell.

The current EIL is for mining a clay deposit that includes an extraction area of 8 ha. This application is to extend the extraction area to a total of 21.5 ha.

The hours of operation, for extraction and transport of materials, will remain the same 0600 to 1700 Monday to Saturday (excluding public holidays).

The existing internal road will be utilised to access the loading areas. Trucks will access Salt Valley Rd at the northern gate then travel west to Fernie Rd and onto Toodyay Rd. The number of truck movements is not expected to increase rather remain the same as current operations.

The extension of the project involves clearing 3.5 ha of vegetation in the extension of the extraction area. This proposal will have no impact on the creek and surface water flows in the area. Importantly the operational area will be separated from the nearby creek by diverting flows into a combination of exhausted clay pits and dams.

Water for dust suppression will be sourced from the 4 retention dams and if necessary from agreed sources on the farm.

The post mining landform is proposed to be a contoured depression including two dams. It is proposed to rehabilitate the extracted areas with pasture and endemic vegetation.

The clay extraction and cartage operations at this site have been shown to be successfully managed by the current licence conditions and operating methods. The extra area will allow this important resource to continue to be utilised.



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1. Background

1.1. Current Extractive Industries Licence (EIL)

Brikmakers operates a clay pit that is located on a portion of Lot 11 DP 34937 Salt Valley Rd, Hoddys Well. The site is licensed by an extractive industries licence (EIL). The land is owned by Simon James Farrell.

An EIL was granted by Toodyay Shire in June 2008 for a period of 10 years to BGC Clay Products covering and extraction area of 8ha.

1.2. Proponent



Brikmakers Pty Ltd
260 Kalamunda Rd South Guildford
WA 6055

Please note change from BGC Clay Products Pty Ltd

Contact

Nathan Blackwell
Geologist
63131000
0427421683
nwb@brikmakers.com

1.3. Requested Variation from Existing Licence

The current EIL is for mining a clay deposit that includes an extraction area of 8 ha identified in plan 1. This application is to vary the extraction area to a total of 21.5 ha identified in plan 1.

The final rehabilitation will retain the same aim to form a contoured depression with dams, pasture and native vegetation.

A further 10 years from the existing approval is requested. Ie until 2028.

1.4. Location and Site Layout Plans

The attached plans indicate the location and layout of the proposal. The extension includes areas to the north and south of the current extraction.

An area of future stock piling activities is also highlighted. This will only be utilised if needed as the pit develops. Currently much of the stockpiles are located on an area approved for extraction.



2. Existing Environment

2.1. Regional Setting

The local land use is almost entirely rural and dominated by broad-acre farming. Areas of remnant vegetation are relatively common particularly adjacent to drainage lines and associated with the steep quartzite terrain.

A number of clay pits exist on a NW-SE alignment in the Hoddys Well and Morangup Localities. The proposed location forms part of the Williamson Farm that includes other clay extraction operations.

The proposed extensions are located in a predominantly cleared paddocks situated between two large areas of remnant vegetation. A creek line exists to the north east of the extraction area.

2.2. Local Geology

The location lies on the boundary between metamorphic quartzites ("Toodyay stone") and altered muscovite schists of the Jimperding metamorphic belt.

Extensive weathering has formed the regolith profile that includes gravel/laterite and the highly altered, kaolin dominated, micaceous clay over unaltered micaceous schist.

2.3. Soils and Soil Profiles

Soils comprise sand gravelly yellow and red duplexes, gravelly deep clayey sands and sandy loams over laterite and clay (Ag Wa). Soils vary from 0 to 0.5m thick over laterite and gravel.

2.4. Hydrology

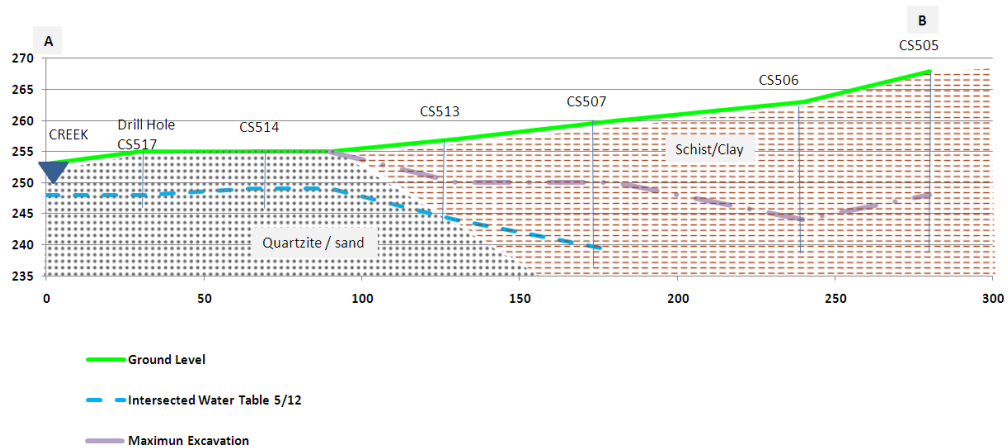
The project area is located on a gently sloping valley draining towards an unnamed creek that flows into Jimperding Brook.

Groundwater has been intercepted in drilling on the eastern side of the proposed extraction. This water is contained within the fractured quartzite (Toodyay stone) that forms the eastern contact of the schist. No water table or perched water tables have been intercepted during significant drilling of the deposit and the extraction area. Over 100 exploration holes either within the proposed extraction area or adjacent to it have been completed by BGC over a 7 year period. Two water bore holes were drilled to attempt to establish a water source adjacent to the pits but no significant water was found in either as they were drilled into the schist.

The diagram below demonstrates the relationship between the water table, schist and quartzite. A minimum of 5m will exist between the water table and the finished pit floor. The cross section is an east to west section showing measured water table and proposed excavation depths.



Generalised Geology and Hydrology of pit extension Hodys Well



The weathered schists have a low to very low permeability. Therefore the ground water regime in the area can be called an aquiclude. This indicates that groundwater is present however there is no defined/connected aquifer system within the schist.

The general geology of the area is highly weathered rocks that have a high clay content and therefore do not allow for significant flows. There are no sedimentary sands etc in the area that would produce an interconnected ground water table with in the deposit.

No significant ground water has been located at the depths proposed to excavate, max 30m below ground level. The majority of the excavation area will be between 15-20m below ground level.

2.5. Flora and Fauna

The extraction area is cleared parkland utilised for grazing. As is common in this type of environment where livestock (e.g. sheep) have access to the area, weed growth is predominate and trees are used by the livestock for shelter . A considerable number of the trees in the project area are suckers arising from mature *Corymbia sp.* (previously known as *Eucalyptus sp.*) and as such are too numerous to count individually. Due to this it was determined that it was more appropriate to calculate the proposed area to be cleared instead of counting the number of trees, the area being 1.82 (Mulders, 2011)



The area is indicative of the Wandoo woodland found in the area and the dominant remnant species are Marri (*Corymbia calophylla*, previously *Eucalyptus calophylla*) with fringing Wandoo (*Eucalyptus wandoo*) and Powderbark Wandoo (*Eucalyptus accedens*).

On assessment the dominant species found were Marri (*Corymbia calophylla*) and on the fringes of the area there are Wandoo (*Eucalyptus wandoo*) and Powderbark (*Eucalyptus accedens*), with the rest of the site consisting of pasture.

The condition of the remnant vegetation as determined using the bush forever ranking method is *Degraded* to *Completely Degraded*. This is due to the previous extraction activities and the grazing by livestock. (Mulders, 2011) (Attachment 1)

2.6. Heritage

A search of the Department of Indigenous Affairs data base indicates that there are no known aboriginal sites with in the project area.



3. Project Description

3.1. Excavation

It is proposed to excavate clay from a total area of 21.5 ha area. 75, 000 to 100,000 tonne per year is expected to be excavated.

It is envisaged that Brikmakers would commence excavation of the new area in 1st quarter 2014.

The pit is currently excavated in approximately 3 month campaigns. For the majority of the year there is no extraction activity on site.

The top 0.1 to 1 metres in the extraction comprises soils and gravels. Top soil will be stockpiled separately for use during rehabilitation. The topsoil stockpile will form low bunds to retain the best possible soil and seed viability.

Below the overburden lies up to 40 metres of micaceous kaolinitic clay. Brikmakers propose to mine up to 30m below the current surface. The relatively deep excavation depth will allow for less area to be excavated to achieve the same tonnage of clay.

The clay pit will be an open pit worked by a combination of dozers, excavators, scrapers and wheel loaders (see photos 5 and 6 below). Trucks will either be loaded direct from the pit face or from stockpiles. There will be no crushing on site.

There is an exhausted clay pit directly to the north of the extraction area. This pit and dam 1 (see plan 1) will be utilised to contain runoff from excavation areas. Operational areas and stockpiling areas are all drained into either dam 2 or 3 (see plan 1). A number of low form bunds and swale drains will be constructed to direct surface flows, see 4.2. The working floor will be excavated in a manner to store excess water with in the pit during winter.

The existing internal gravel road will be utilised to access the excavation area.

During mining the pit walls will be relatively steep, with benches constructed for each 5 metre depth interval, extending to a depth of approximately 15 metres at the extents of the extraction area. On completion of clay excavation the benched areas will be re-contoured with maximum slope of 1:2. The floor will graded to direct water flows to two dams at the north and south of the excavation. Stockpiled gravel, overburden and topsoil will be returned, thus reducing the final depth.

3.2. Staging

The deposit contains 3 clay types characterised by colour; white, off white and red. Each of these types are mined in varying amounts depending on production demands at the factory. Plan 4 indicates the parts of the pit that contain predominantly each of the 3 clay types. In reality there is a combination of all 3 clays



throughout most of the pit however the areas indicated are dominated by either of the 3.

Therefore up to 3 areas of the pit will be worked simultaneously. The bulk of the rehabilitation will be undertaken at the completion of the entire resource. However when practical where areas are exhausted then Brikmakers will undertake rehabilitation works.



3.3. Photos of current operations



Photo 1. Entry road with signage.

Hoddys Well EIL, Oct 2013

9



Photo 2. Overview of pit looking north from southern boundary.



Photo 3. Water Cart.



Photo 5. Loading with excavator into dump trucks.

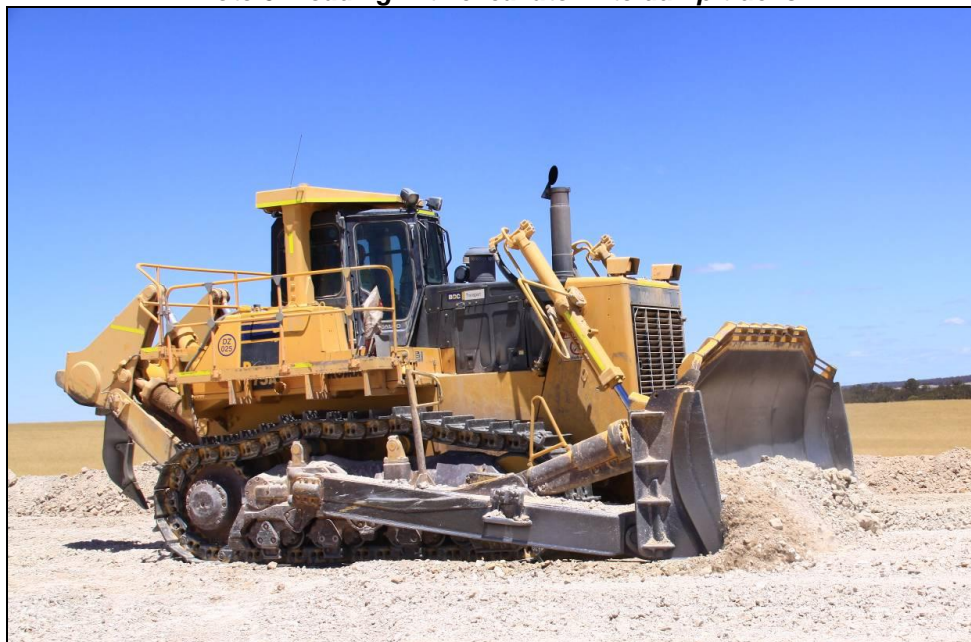


Photo 6. Dozer levelling pad.



Photo 7. Example of partially rehabilitated pit (Mumberkine)



Photo 8. Mobile Onsite Facilities



Photo 9. Danger Signs



Photo 10. Dam 1 (see plan 1).



Photo 11. Dam 2 to retain stockpile runoff.



3.4. Hours of operation

The hours of operation, for extraction and transport of materials, will be 0600 to 1700 Monday to Saturday (excluding public holidays).

3.5. Transport

The pit is worked in a series of campaigns during the year. In general clay is carted from the property for 4-5 days a month. Truck movements (in and out) are expected peak at 150. ie 75 loads per day. This is the current level of truck traffic generated from this operation.

BGC primarily utilise rigid truck and trailer configurations with 42 tonnes per load.

The existing internal road will continue to be utilised to access the loading areas. Trucks will access Salt Valley Rd at the northern gate then travel west to Fernie Rd and onto Toodyay Rd.

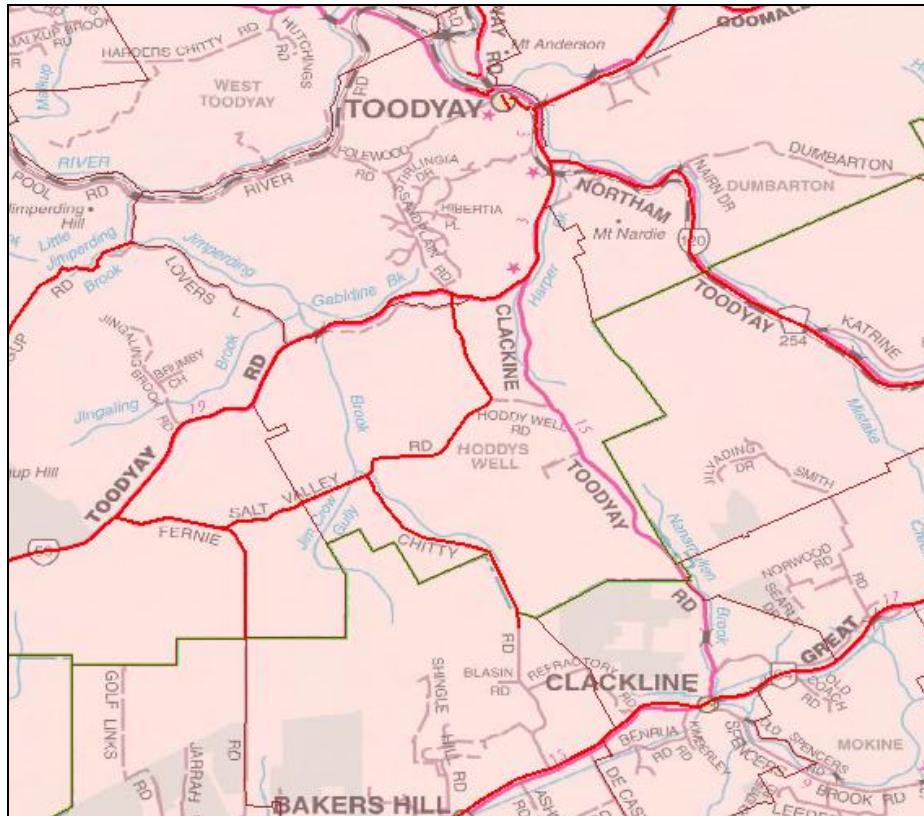
As the map below indicates the Main Roads WA, Restricted Access Vehicle (RAV) system allows for RAV Network 2 access on this route. This is consistent with the proposed truck configurations.

No significant change to existing truck movements is expected as part of the expansion of the area of the pit.



MRWA RAV Map - Hoddys Well

(www.mainroads.wa.gov.au)



- Legend**
- RAV Network 2
 - Suburbs
 - Local Government Areas
 - Travellers Atlas



4. Possible Impacts and Management

4.1. Clearing

The extension of the project involves clearing 3.5 ha of vegetation in the extension of the extraction area. The trees will be stockpiled for later use in the rehabilitation process. Large tree trunks will be retained to serve as habitat after rehabilitation.

The clearing of these remnant trees will have no significant impact on the local area as large areas of remnant vegetation exist within 1km of the site.

The following is an extract from a report prepared by Cyndi Mulders (Mulders, 2011) to support the clearing application to DEC.

Principles in Environmental Protection Act 1986

The following ten principles are a guide for the decision of whether to clear native vegetation in Western Australia. The Department of Environment and Conservation consider these ten principles in their decision making process.

It comprises of a high level of biodiversity: The site in question comprises of degraded remnant vegetation as it is parkland cleared, which was previously utilised for grazing of livestock and is now an extractive industries site. There is not a high level of biodiversity as it is predominately made up of large tree species only with pasture throughout most of the site. There is one section which contains mature trees and relatively dense understorey. The site is situated adjacent to other larger areas of remnant vegetation which show a high level of biodiversity (refer Plate 1). It is surrounded on the north eastern and western boundary by large remnant bushland. There is a corridor of agricultural land through the two sections of bushland. This project site is a part of that corridor and would no doubt continue to be utilised for grazing, therefore the biodiversity level would remain as it currently is and this project is unlikely to have any further impact on the species richness and biodiversity than the current extractive industry activities. The site on a brief site visit is quite degraded, particularly with regard to access by heavy vehicles and weed spread.

It comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia: The property is located in a rural area of predominately agricultural pursuits. There are a considerable number of neighbouring properties that are cleared to some extent, which may have an effect on the activity of native fauna. However there are larger areas of remnant vegetation located in other areas of this property and neighbouring properties which do provide sufficient corridors for fauna, therefore clearing of the small amount of trees in this project area should not impact significantly on native fauna or fauna habitat. On preliminary site inspection there does not appear to be any hollows or nesting sites for native birds, however this is not to say that there are no hollows or nesting sites. As previously stated in this report Baudin's Black Cockatoo should not be significantly impacted on as there are significantly larger sections of remnant bushland which provide nesting hollows and food source for



these native birds. Due to the close proximity of other remnant bush, this should not cause any significant impact.

It includes, or is necessary for the continued existence of, rare flora: There were no rare floral species considered to be under threat found in the proposed clearing area, and thus the site is not necessary for the continued existence of rare flora.

It comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community: On brief site assessment there were no occurrences of Threatened Ecological Communities' recorded in the proposed project area.

It is significant as a remnant of vegetation in an area that has been extensively cleared: The site is not significant as an area of remnant vegetation, as the adjacent areas of remnant vegetation is of a higher quality.

It is growing in, or in association with, an environment associated with a watercourse or wetland: There is no wetland associated with the site. There is a creek which is found to the northern and southern area of this proposal and is only seasonal, not flowing all year round.

The clearing of the vegetation is likely to cause appreciable land degradation: Due to the topography, elevation, current use of the land and the presence of the surrounding remnant bushland including the quality of that vegetation it is unlikely that the clearing of vegetation would cause any significant appreciable land degradation. With continued implementation of the current management strategies including dieback and dust management plans and rehabilitation and revegetation this will further assist with the prevention of appreciable land degradation.

The clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation areas: Due to the size of the site, amount of vegetation to be cleared, vegetation condition and its proximity to other larger, higher quality areas of remnant vegetation, it is unlikely that further clearing of this site should have any significant impact on any surrounding areas. The rehabilitation and revegetation of cleared areas once activities have been completed will assist in reducing impacts on the nearby remnant areas and may considerably rehabilitate the areas to a much more valuable level than they currently are. No Threatened Ecological Communities were found in the project site area and the site shows varying levels of degradation, and thus is determined as showing limited biodiversity value.

If clearing the vegetation is likely to cause, or exacerbate, the incidence of flooding: The area of the site to be cleared is not associated with any year round watercourses or wetland areas and due to its locality and its elevation and topography flooding is not likely to be of a major concern.

The following measures will be implemented to ensure the adjacent remaining native vegetation and fauna will not be impacted by this proposal;



Clearing will only be undertaken once approval has been granted by the Department of Environment and Regulation. The approved area will be clearly marked to avoid any accidental clearing.

Weed and Dieback prevention will be achieved by advising all contractors and operators that all plant and equipment needs be inspected prior to bringing it to site. Any soil will need to be removed. Equipment will be restricted within the designated operating areas.

The surface water control will further reduce any impacts on surrounding vegetation by containing any pollutants.

An application for a clearing permit is currently with DER.

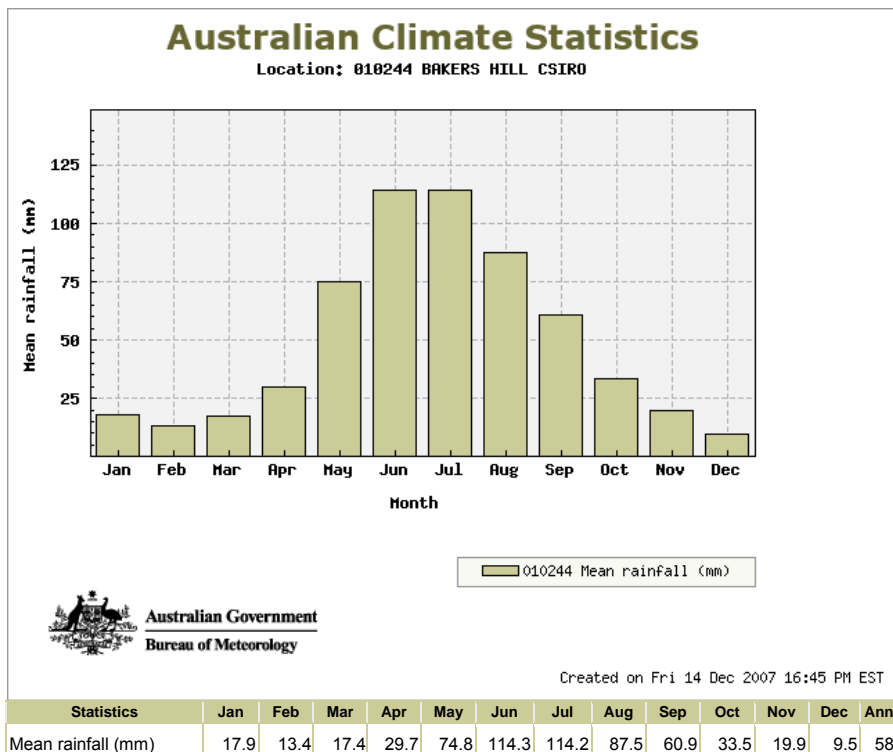
4.2. Surface Water /Erosion Control

There is a potential for any extraction activities to cause contamination of local water courses primarily through siltation and erosion of surrounding land. The proximity of this excavation to a local creek requires attention to ensure these impacts are managed.

This proposal will have no significant impact on the creek and surface water flows in the area. Importantly the operational area will be separated from the nearby creek by diverting flows into a combination of exhausted clay pits and dams. The original pit to the north of the excavation area and Dam 1 (see plan 1) will be utilised to contain runoff from excavation areas. Operational areas and stockpiling areas are all drained into either dam 2 or 3 (see plan 1). A number of low form bunds and swale drains will be constructed to direct surface flows. These measures will ensure that no clay laden water enters the local waterways.

The proposed pit extents are a minimum of 50m from the watercourse to the north east. As the floor and faces of the pit will be composed of clay there will be no seepage of water from the clay pit into the watercourse. A significant bund of overburden will be placed around the extent of the pit to prevent any flows into the pit from the creek.

The pit will be staged in such a way that all water from excavated areas is contained within the pit itself. The existing excavated areas can easily be utilised for this purpose as the pit progresses. This water is then used for dust suppression and fire control.



Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	Years
Mean rainfall (mm)	17.9	13.4	17.4	29.7	74.8	114.3	114.2	87.5	60.9	33.5	19.9	9.5	588.3	41

www.bom.gov.au

4.3. Dust

Dust has the potential to be generated from three sources;

- Excavation and loading,
- Cartage on gravel roads and
- Cartage on adjacent local roads.

The impact from potential dust that may be generated from the extraction activities includes the potential to impact on:

- the health of native vegetation;
- the amenity of neighbouring landholders and land uses;
- visibility of nearby roads.

As there are no residences within 2000m of the proposed extraction it is expected that there will be no impacts from dust on neighbouring properties.

All dust emissions onsite from excavation and loading will be controlled within occupational health and safety regulations. This will ensure the absence of off site effects. Site watering is used at all times during excavation and carting activities.



The movement of trucks on the haulage road has the potential to create dust. This is controlled with regular water binding. Loads are tarped to prevent dust during transport.

Water for dust suppression will be sourced from the 4 retention dams and if necessary from agreed sources on the farm.

4.4. Noise

There are two possible noise sources from the proposed clay pit;

- Extraction (digging and moving of material); and
- Trucks operating onsite.

As there are no residences within 2000m of the proposed extraction it is expected that there will be no impacts from noise on neighbouring properties.

The pit is worked by either one excavator with 1-2 dump trucks or scrapers. The noise generated will be minimal and comply with best practice for noise control in mining operations. The extraction will be campaign based and only during hours imposed by the shire extractive industries licence (maximum permissible working hours are 0600 to 1700).

No blasting will occur on site. These activities are commonly the cause of community concern with respect to noise/vibration and quarry operations. Trucks are loaded on site either from stockpiles or direct from the pit face. Noise will be generated by truck movements in and out of the loading zone and the loading itself. As discussed above, cartage will be campaign based so as to minimise the noise impact from these activities.

4.5. Safety

The excavation will be fenced and appropriately signed to help prevent unauthorised access. Bunding will be utilised to prevent access to steep faces. All personnel on site will undertake a safety induction.

The site is registered with the Department of Minerals and Energy and all safety matters are regulated by this department.

4.5.1. Fire management

All staff present on site are trained and inducted, including fire response and evacuation procedures. The following is an extract from the clay pit induction in relation to fire.



Bushfires

All BGC Clay Pits are located in areas that are prone to serious bushfire threats. This poses two problems for personnel working on site:

1. The risk of starting a fire from within the site by a careless action of BGC personnel or others.
2. The risk of an externally started bushfire engulfing the site.

Preventing Bushfires

Smoking and a lack of care with naked flames or sparks are very common sources of bushfire ignition. BGC Transport personnel and their contractors are to exercise the utmost care when dealing with any matter that could be a potential ignition sources for a fire.

Disposal of cigarettes must be via a proper receptacle and not discarded on the ground. The procedures outline in the 'Smoking' section above is to be followed precisely.

REMEMBER: the authorities will prosecute any person who is found to be responsible for starting a bushfire.

Management must monitor, and advise all personnel and contractors working on site; of any fire weather warnings put out by local authorities and follow the warning advice.

An extreme fire weather warning may necessitate the suspension of operations.

External Bushfires

A dense plume of smoke is a sure sign that there is a bushfire in the vicinity.

Management should maintain contact with the local fire authorities to monitor whether the fire poses a risk to the quarry operation.

All personnel on site should be advised that a potentially dangerous situation exists; be advised to closely monitor their two-way radio; and, be kept up-to-date of any threat.

Management should begin planning for an evacuation as soon as the threat is noticed, and advise all personnel of the stages that will be followed as the threat develops.

If evacuation is required, the decision should be taken early, so that all personnel can evacuate safely, following the emergency procedures described above.

HOURS of OPERATION: Daylight only – 6.00AM to 6.00PM – Monday to Saturday

EMERGENCY EVACUATION: Turn RIGHT coming out of the gate onto Salt Valley Road; continue down road to Toodyay Road, then RIGHT into Toodyay.

ALTERNATIVE: Turn LEFT coming out of the gate onto Salt Valley Road; continue down road that becomes Fernie road and which will lead to Toodyay Road. Then LEFT to Gidgegannup or RIGHT into Toodyay

Access South to The Great Eastern Highway is also available down Chitty Road, via Austral Brick's pit off Salt Valley Road.

**QUARRY MANAGER and CHIEF EMERGENCY WARDEN: Glenn Trenholme
Phone: 0428282004**



DEPUTY EMERGENCY WARDEN: The Safety Officer, as from time to time elected.

4.6. *Visual Impact / Aesthetics*

The site is not visible from the adjacent road (Salt Valley Rd) or any residences. The site will be kept in a neat and tidy condition.



5. Mine Closure

5.1. Post Mining Land Use

The post mining landform is proposed to be a contoured depression including two dams. It is proposed to rehabilitate the extracted areas with pasture and endemic vegetation. Rehabilitation will include the old extraction area utilised for surface water control. Plan 2 illustrates the proposed finished landform and location of plantings.

5.2. Rehabilitation

VEGETATION REMOVAL

Vegetation that exists in the extraction areas will be cleared using a bulldozer. Roads will be designed to retain as many trees as possible. All vegetation from the site will be stockpiled for later use in the rehabilitation process. Large tree trunks will be retained in windrows to serve as habitat after rehabilitation.

TOPSOIL/OVERBURDEN STRIPPING AND STOCKPILING

All available topsoil will be stripped and used to construct a bund. The bund will then be planted with grass species. This will serve as a visual screen, safety bund as well as a stormwater management measure. Some laterite, gravel and clay will also be stripped and stockpiled in this manner.

SURFACE CONTOURING, TOPSOIL RE-SPREADING

During mining the pit walls will be relatively steep, with benches constructed for each 5 metre depth interval, extending to a depth of approximately 15 metres at the extents of the extraction area. On completion of clay excavation the benched areas will be re-contoured with maximum slope of 1:2. The floor will be graded to direct water flows to two dams at the north and south of the excavation.

Rehabilitation, where possible, will be undertaken on a progressive basis. Care will be taken not to impact fringing vegetation during these activities. Top soil and mulch will be replaced to a depth of 15-20cm over the overburden.

REVEGETATION

Seeding and planting of endemic tree species and pasture will be undertaken on completion of earthworks. Plan 2 indicates the location of proposed tree lines. Retained logs and branches, particularly those with hollows, will be scattered over the rehabilitated areas to serve as habitat.



It is proposed to return the subject area back to a suitable and sustainable environment that can be re-utilised as grazing land for livestock, however with an increased amount and diversity of vegetation than is currently existing on the site.

It is proposed to plant a diverse range of shrubs and trees endemic to the area as shelter belts which will enhance the site and provide shelter for livestock and native fauna. These shelter belts will be aligned with relevant final contours and take into account conditions including wind direction and vegetation habit (refer Plan 2).

The proposed width of the vegetation belts is approximately 25 metres and the amount of area that is proposed to be planted is 18,000 m². The current licence requires the minimum area of planting to be 1.8ha this will be increased to 3.5 ha to account for further clearing in this extension.

The proposed rehabilitation method will assist in providing a more sustainable and productive grazing environment while also providing habitat for native fauna. Care will need to be taken and vegetation confirmed as being suitable for planting in areas with livestock before ordering and conducting the planting program. The rehabilitation program will include the monitoring of plant health and growth for a 3 year period or until sufficiently established.

The following species will be planted in the proposed belts of vegetation:

Corymbia calophylla (Marri)
Eucalyptus wandoo (wandoo)
Eucalyptus accedens (powderbark wandoo)
Calothamnus sanguineus (pindak)
Acacia celastifolia (grey myrtle wattle)
Leptospermum erubescens (tea-tree)
Hypocalymma angustifolium (white myrtle)

Weed Control.

The following measure will be undertaken to control weeds during rehabilitation and clearing works;

Clean earth-moving equipment of soil and vegetation prior to entering and leaving the area.

No off site materials, mulch, fill or other material is brought into the site. Apart from small quantities of clean crushed brick from the factory for road construction.

Restrict the movement of machines and other vehicles to the limits of the areas to be rehabilitated.

Any weed infestations in remaining vegetated areas to be controlled with the use of herbicides. The rehabilitated areas will be weeded using manual and chemical control for two years post the tree planting.



6. References

Cyndi Mulders, 2011. Assessment of Proposed Clearing, Wunda-Y, Hoodys Well Toodyay, WA



7. Plans

Hoddys Well EIL, Oct 2013

27



MEMORANDUM OF UNDERSTANDING

2024 -2027

FOR: AVON VALLEY TOURISM REGION

BETWEEN: SHIRE OF BEVERLEY
SHIRE OF GOOMALLING
SHIRE OF NORTHAM
SHIRE OF TOODYAY
SHIRE OF YORK



1. PARTIES TO THE AGREEMENT

This document represents an agreement between the following parties (to be known as Member Councils):

- SHIRE OF BEVERLEY
- SHIRE OF GOOMALLING
- SHIRE OF NORTHAM
- SHIRE OF TOODYAY
- SHIRE OF YORK

2. PREAMBLE

- 2.1 Memorandum of Understanding (MOU) covering the period of 1 July 2024 – 30 June 2027, in place to provide funding to continue to collaboratively develop tourism in the region through the development, promotion and marketing of the Avon Valley as a sub region of Destination Perth.
- 2.2 The alliance between the five (5) partner organisations are all Local Government Authorities under the Local Government Act 1995 (as amended). Governed by the RTA Constitution, adopted on 15 October 2018.
- 2.3 The parties of this MOU understand and acknowledge the strategic nature of this MOU.
- 2.4 This MOU may be renegotiated or renewed by further agreement between the parties to this MOU.
- 2.5 The parties to this MOU have recorded their understandings and obligations and as signatories to this document agree to the following as outlined in this document.

3. AVON VALLEY REGION MEMBER COUNCIL REPRESENTATIVES

- 3.1 To be an independent advisory body for the Member Councils served by the Avon Valley Region.
- 3.2 To maximise the economic return from the visitor economy through promoting and developing the tourism industry of the region.
- 3.3 To implement Strategic Plans and Marketing Plans for the region.

4. AVON VALLEY REGION MEMBER COUNCIL REPRESENTATIVES' ROLE

- 4.1 The role of the Avon Valley Region Representatives for the duration of this MOU will be to:
 - I. Develop and oversee a Strategic Plan.
 - II. Develop and oversee the delivery of the yearly activity and Marketing Plan for the Avon Valley Region.
 - III. Ensure that industry relationships are nurtured and developed through communication channels, activities, events, professional development, and other appropriate mechanisms.
 - IV. Ensure regular and formal communication with key stakeholders including Member Councils, Local Tourism Associations, peak industry bodies and relevant government agencies.

5. MEMBER COUNCILS

- 5.1 The role of the Member Council for the duration of the MOU will be to
- I. Acknowledge the role of the representatives and actively promote the Avon Valley Region
 - II. Annually nominate a staff member to be Member Council Representative
 - III. Work collaboratively on projects.
 - IV. Support the involvement of representatives in projects and promotions.
 - V. Work with stakeholders to develop tourism at a local level.

6. FINANCIAL CONTRIBUTIONS

- 6.1 Member Councils are required to make financial contributions that are equal between each Shire with the intention of the contribution to be towards specified projects or initiatives for the group.
- 6.2 External Funding may be sought for the group.
- 6.3 Annual financial contribution information is to be communicated to Member Councils in March each year for budgetary considerations.
- 6.4 In the event there is employment of an officer to coordinate and manage the marketing and development of the group there will be a revision of this MOU to include annual salary contributions.

7. WITHDRAWAL OF MEMBER COUNCILS

- 7.1 A member Council may at any time withdraw from the MOU upon giving twelve (12) months' written notice of its intention to withdraw.
- 7.2 The withdrawal of a Member Council shall take effect from the end of the financial year, in which the notice of withdrawal under 7.1 is given.
- 7.3 The Member Council shall still be liable for its financial contribution to full membership costs for the duration of the notice period.

8. ADMITTING NEW MEMBERS

- 8.1 Section 3.65 of the Local Government Act 1995 is to apply if a Regional Local Government is established.
- 8.2 Prospective new Member Councils shall be required to submit an application in writing to the alliance for full membership.
- 8.3 Prospective new Member Councils may be admitted to join, subject to unanimous agreement of the current members.
- 8.4 If a new member Council applies to join, the partner Member Councils shall determine and consider any additional 'entry' costs incurred for updating website, alterations to MOU, printing of promotional materials and any other associated costs.
- 8.5 On entry, a new Member Council shall be liable to pay the determined 'entry' cost, in addition to the annual Full member fee.

9. COMMUNICATION AND EXCHANGE OF INFORMATION

- 9.1 Information dissemination is largely via email. Records are to be retained as per the record keeping plan of the respective local government. Agendas and minutes are to be retained by each local government.
- 9.2 All member councils recognise the importance of regular communication – both formal and informal to the success of the tourism region and commit to open and regular dialogue.
- 9.3 Member councils will ensure that delegates attend all meetings or nominate a proxy as necessary.

10. INTELLECTUAL PROPERTY

- 10.1 Rights of the intellectual property produced will be retained by the group.

11. DISPUTE RESOLUTION

- 11.1 If any dispute arises between the parties carrying out the principles of the MOU, the parties will seek genuine resolution to resolve the difference or dispute between them.

12. TERMS OF THE MOU

- 12.1 The Memorandum of Understanding lapses on the 30 June 2027.
- 12.2 The agreement may be extended upon mutual agreement of all signatories.

The Parties to this Memorandum of Understanding are:

SHIRE OF BEVERLEY

Chief Executive Officer _____
 Print Full Name of Authorised Person Signature

Shire President _____
 Print Full Name of Authorised Person Signature

SHIRE OF GOOMALLING

Chief Executive Officer _____
 Print Full Name of Authorised Person Signature

Shire President _____
 Print Full Name of Authorised Person Signature

SHIRE OF NORTHAM

Chief Executive Officer _____
 Print Full Name of Authorised Person Signature

Shire President _____
 Print Full Name of Authorised Person Signature

SHIRE OF TOODYAY

Chief Executive Officer _____
 Print Full Name of Authorised Person Signature

Shire President _____
 Print Full Name of Authorised Person Signature

SHIRE OF YORK

Chief Executive Officer _____
 Print Full Name of Authorised Person Signature

Shire President _____
 Print Full Name of Authorised Person Signature

SCHEDULE A: 2024- 2027 PERFORMANCE INDICATORS

Areas of priority for the Avon Valley Region for the life of this MOU are:

- Developing and maintaining a website
- Developing tourism products
- Marketing our region and products

The strategic priorities will be outlined in further detail in the proposed Strategic Plan.

SCHEDULE B: MEMBER COUNCIL INVESTMENT

The annual investment by Member Councils for the life of this MOU is set out below. It is noted that all amounts are exclusive of GST.

- The Financial commitment of \$2,500 per annum is the maximum requested on any given year unless unanimously agreed upon by parties. Investment will be contributed on a per project basis, with no monies held on account.
- Any changes to the expected financial commitment are to be communicated by March each year to allow budgetary considerations at Member Councils.

SCHEDULE C: IN KIND SUPPORT

- Meeting space and catering as required.
- Support for the delivery of key activities through communication channels, utilising existing staffing, participation in meetings and appropriate activities.
- Assistance with staffing regional tourism promotions and events i.e. annual Caravan & Camping Expo.

Additional in-kind support may be sought over the life of the MOU. Requests can be accepted or rejected by member councils.

SCHEDULE D: TERMS OF REFERENCE, MEMBER COUNCIL REPRESENTATIVES

Member Council Representative will commit to:

- Attend all meetings, and if necessary, nominate a proxy to attend.
- Share all communications with all representatives, in an open and honest manner.
- Make timely decisions and undertake required actions accurately and meaningfully to not hold up the implementation of activities.
- Any financial decisions that exceed or are beyond the agreed Member council investment are to be taken back to Member Councils for approval before proceeding.
- Notify Members as soon as practical, if any matter arises which may be deemed to affect the alliance and the projects outlined in this MOU.
- A meeting quorum will be three (3) member representatives. Decisions will be made by consensus.
- There will be a minimum of 3 meetings per year for 2 hours hosted on rotation by each member council.
- The host of the meeting will provide the Agenda and provide minutes post meeting to all members in a timely manner.
- Additional meetings may be called during project planning and implementation. The arranged time will be convenient to all members.
- Order of meetings:
 - I. Goomalling
 - II. Northam
 - III. Toodyay
 - IV. York
 - V. Beverley



AVON VALLEY TOURISM REGION

15th February, 2024

11am

Create 298, 298 Fitzgerald Street, Northam

Meeting called by: Jacinta Murray

Attendees: Jaime Hawkins, , Rebecca Atkinson, Jacinta Murray, Natalie Bird

Apologies: Kimberley Hardie

Meeting Notes:

11.00am

MOU

- The history of this working group is hard for new staff. The group started in 2019 with the folding of Avon Valley Inc. An informal group worked together on projects until the formation of the partnership with DP. This MOU will help with the continuation of advocating for tourism in the region.
- Goomalling happy with the content of MOU, will be tabled at February Council Meeting. Only issues to foreseen would be the ability to fund an administration role.
- York happy with the MOU – although the CEO had not had a proper look. Hoping to present to Council this month.
- Beverley has MOU in the Council agenda for 28th February meeting.
- Northam- Jaime cannot see any issues with the MOU, it will not be presented at this month's Council meeting. Hopefully next month
- Toodyay – Kim had communicated that she didn't see any issues and that she would present to CEO after our meeting today to include any potential changes
- One MOU will be signed once approved by all Shires (scan and send onto to each Shire)
- Everyone agreed that moving forward the partnership is important to continue (in a RTO such as DP that is hard to compete with)

Strategic Planning

- Agreed that any progress in Strategic Planning or finding an appropriate facilitator should wait until the MOU is endorsed by Councils and signed.

Website Planning

- Agreed to hold off on any website planning as well.
-



AVON VALLEY TOURISM REGION

- Jaime had not had any luck locating login details for the Facebook and Instagram pages for the Avon Valley
- Kate – previous Northam Officer was the last to use the platforms. Jaime to try again
- Nat suggested that maybe new accounts be set up in line with the new branding and website instead of trying to recover these, there could be security issues with the current ones?
- Beverley tries to post a regional 'Avon Valley' post on socials every now and then. Each Shire to use their own platforms to market the Avon Valley branding in the meantime.

Caravan & Camping

- Have we filled all time slots? Jacinta to contact Laura to see if we need to cover some more days.

2024/25

- Planning for next financial year. Each Shire to think about what our campaign or focus will be with Destination Perth
- Beverley suggested trails? We would need to consider the need for product development in maybe creating a new trail between each Shire?
- Agreed that the Caravan & Camping is great to be organized by DP
- Each Shire does not see any issues about funding for the continued corporate partnership with DP in 2024/25
- The presence of Opportunity Shops and second-hand shops maybe a marketing opportunity??

Destination Perth

- Rebecca was hoping to attend the DP member mingle at Crown this evening. It is a great opportunity to meet the DP board and represent the AV when we can. There will be a member mingle in the AV later in the year.
- Jacinta to forward the TDMP (Tourism Development Management Plan) to everyone. Jacinta had forwarded concerns to Renata of the lack of the Avon Valley representation in the Plan. Jacinta to follow up when the final plan is out with Laura

Other

- Tourism Development remains a key concern for the region with attracting funding and having staff to drive
-



AVON VALLEY TOURISM REGION

- Jacinta to forward the Avon Central Coast 2050 Cycling Strategy to Rebecca
- Rebecca said the presence of York Business Association helps with communication between businesses and coordinating open times etc. This is an ongoing/key issue in all Shires with Sunday through to Tuesday trade being unreliable.
- Goomalling currently have no pub, which is a big issue but the grocery store will be reopening soon. There are new caretakers in the Caravan Park. Slater Homestead - in the process of finding a solution to opening. Will it be for private functions hired out. New playground is great.
-

Summary & Close



Corporate Membership Report Avon Valley FY23

WESTERN
AUSTRALIA
WALKING ON A DREAM

DESTINATION
PERTH

Corporate Membership Activity FY23

1. Photo Shoot
2. Destination Guide
3. Caravan & Camping Show
4. Dark Sky Campaign
5. Advert on the back of Hello Perth Map 2023

DESTINATION
PERTH



Corporate Membership Activity FY23

DESTINATION
PERTH

1. Photo Shoot

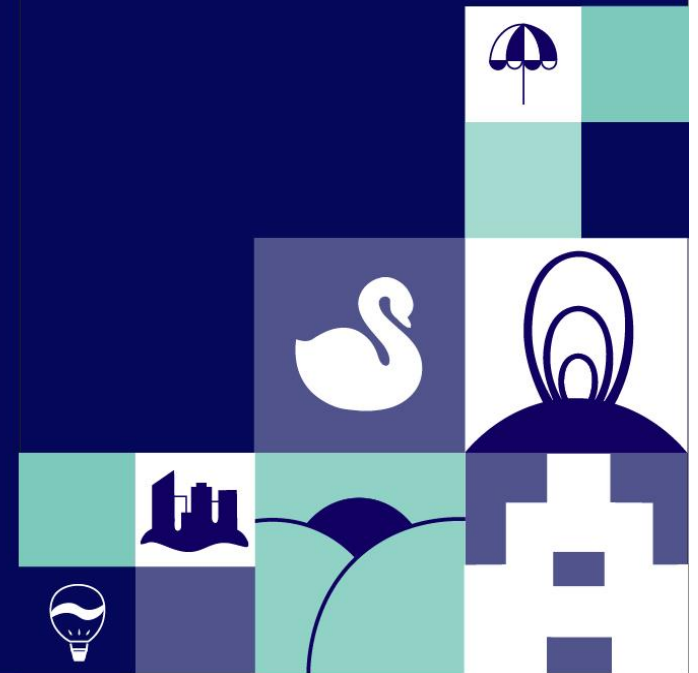


PHOTO SHOOT – SEP 2022

DESTINATION
PERTH

CAPTURE OF HERO PRODUCT, EXPERIENCES AND LOCATIONS ACROSS THE AVON VALLEY – \$17,500 INC GST

- We organised a 5-day shoot in September with [Chad Gerber Photography](#)
- LGA's were requested to support with the organisation by contacting operators they wished to feature.
- Talent was provided by Chad Gerber, Shire of Beverley and Destination Perth at no cost
- **TOTAL SPEND: \$17,500**
- **Photographer: \$15,125**
- **Expenses: \$1,875**

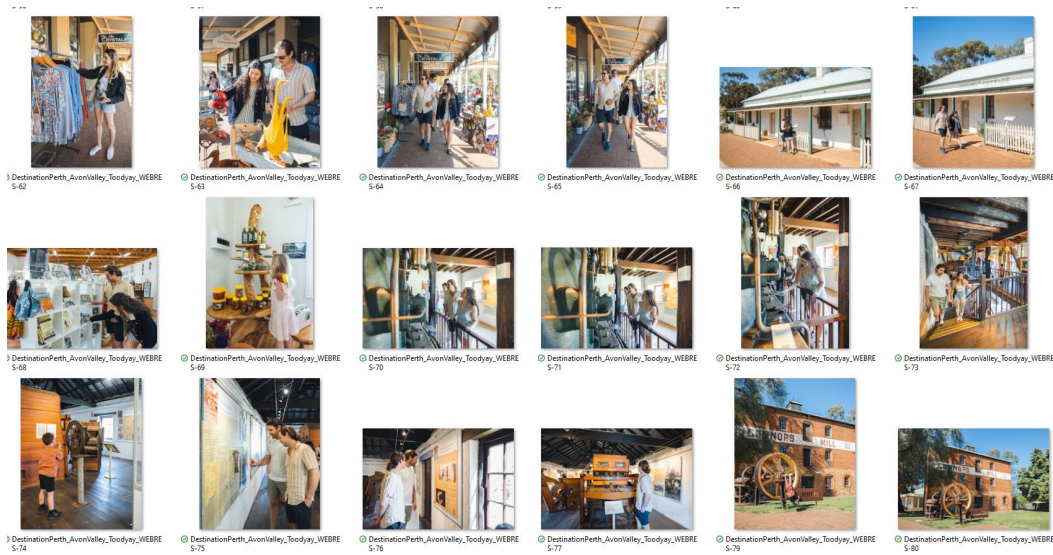


PHOTO SHOOT

DESTINATION
PERTH

SUITE OF 671 HIGH AND LO RES IMAGES FOR UNLIMITED USE BY THE SHIRES,
THE AVON VALLEY ALLIANCE AND DESTINATION PERTH

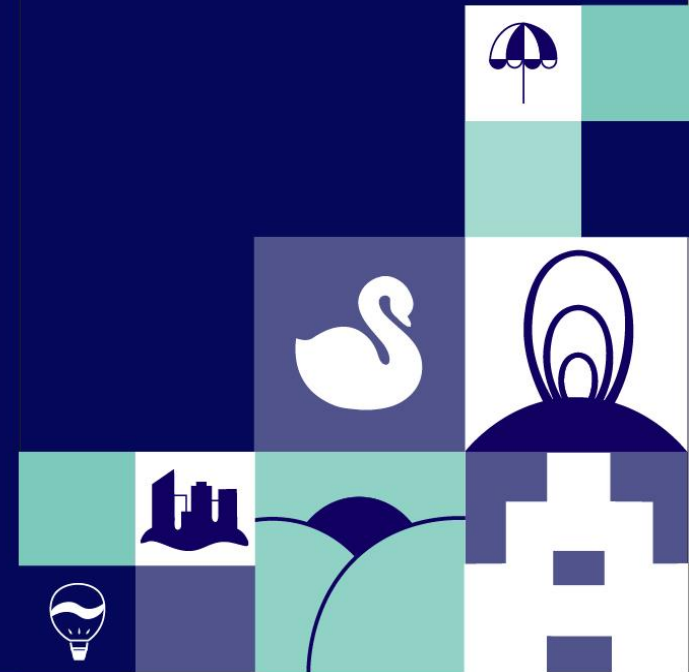
Images were provided to the Avon Valley via Dropbox link



Corporate Membership Activity FY23

DESTINATION
PERTH

2. Destination Guide



DESTINATION GUIDE OF AVON VALLEY

DESTINATION
PERTH

24 PAGE DESTINATION GUIDE OF THE AVON VALLEY (DESIGN AND DISTRIBUTION) \$15,244 INC. GST

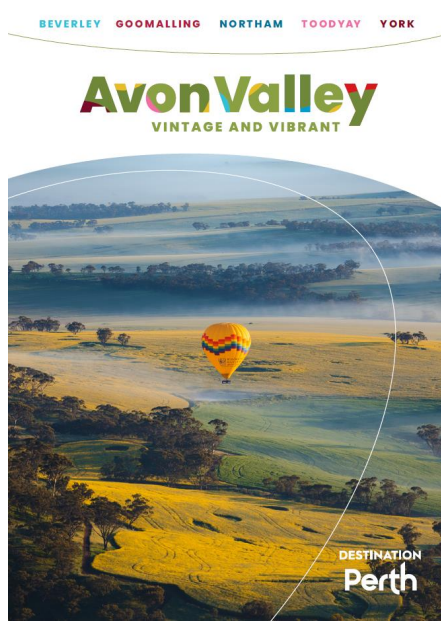
- **After going to RFP, Scamper Design were chosen to produce the destination guide for us, the first for the Avon Valley since 2019**
- **Scamper were briefed with the Avon Valley brand book and Chad Gerber images.**
- **Destination Perth wrote the copy for the guide (a double page spread per LGA) plus a 3-4 day itinerary, must do's page and events guide.**
- **The project ran from November to March, with 7,500 printed copies distributed across Visitor Centres and at the Caravan & Camping Show March 2023.**



DESTINATION GUIDE OF THE AVON VALLEY

DESTINATION PERTH

SAMPLE PAGES



AVON VALLEY ROAD TRIP

Hit the road for a self-drive that oozes authentic country vibes

DAY 1 PERTH TO TOODYAY

Agnes, Toodyay & York

As you leave Perth, head north on the Toodyay Valley Road to reach the town of Toodyay. The road is a beautiful drive with scenic views of the Avon Valley. Toodyay is a charming town with a rich history and a vibrant community. It is a great starting point for your road trip.

Toodyay Valley Road is a scenic drive that takes you through the heart of the Avon Valley. The road is well-maintained and offers stunning views of the valley floor and the surrounding hills. It is a must-do for anyone visiting the region.

DAY 3 TOODYAY TO NORTHAM VIA GOOMALLING

Agnes, Toodyay & York

On your way from Toodyay to Northam, take a detour to the town of Goomalling. Goomalling is a small town with a big heart, known for its beautiful scenery and friendly people. It is a great place to stop for a meal and to stretch your legs.

Goomalling is a charming town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs. The town is surrounded by beautiful scenery and offers a peaceful atmosphere.

DAY 5 NORTHAM TO YORK

Agnes, Toodyay & York

On your way from Northam to York, take a detour to the town of Beverley. Beverley is a beautiful town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs.

Beverley is a charming town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs. The town is surrounded by beautiful scenery and offers a peaceful atmosphere.

DAY 6 YORK TO PERTH VIA BEVERLEY

Agnes, Toodyay & York

On your way from York to Perth, take a detour to the town of Beverley. Beverley is a beautiful town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs.

Beverley is a charming town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs. The town is surrounded by beautiful scenery and offers a peaceful atmosphere.

EVENTS & USEFUL INFORMATION

An eventful excursions to explore Antiques fairs, bush poetry events, racing days, sporting events, a Medieval Faire, vintage car rallies, flower shows, farmers markets, and the famous Avon Descent bring the charming region to life. Check out visit.perth.gov.au/events for the latest events in the region.



Beverley

Beverley is a beautiful town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs. The town is surrounded by beautiful scenery and offers a peaceful atmosphere.

York

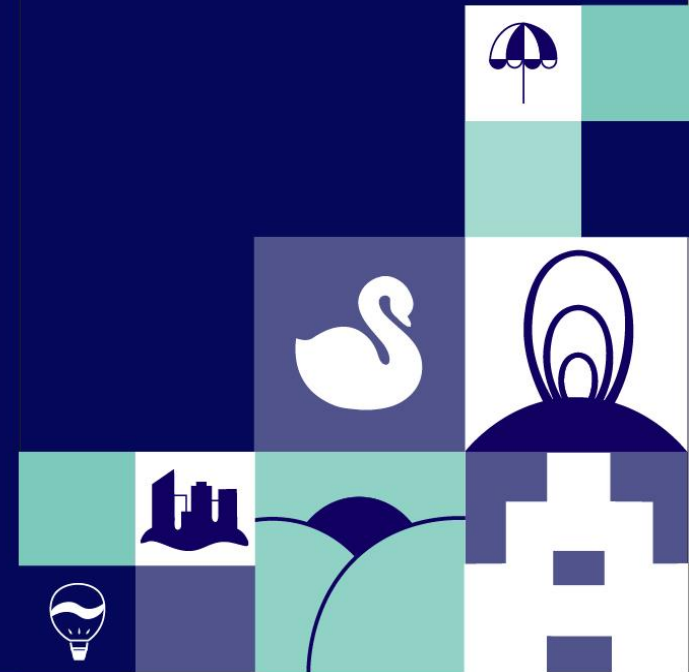
York is a beautiful town with a rich history and a vibrant community. It is a great place to stop for a meal and to stretch your legs. The town is surrounded by beautiful scenery and offers a peaceful atmosphere.



Corporate Membership Activity FY23

DESTINATION
PERTH

2. Caravan & Camping Show



CARAVAN & CAMPING SHOW - 22-26 MAR 2023 DESTINATION PERTH

A STAND WAS TAKEN OUT IN THE JIM WEBSTER TOURISM PAVILLION AND MANNED BY AVON VALLEY AND DESTINATION PERTH STAFF



A 4 X 2m squared stand was booked at the entrance to the pavilion to ensure maximum footfall to our stand. Props (a water tank and some drapes and plants) were borrowed from TWA to make the stand eye catching.



The stand allowed all Shires to share their print collateral with consumers and showcased the assets we have created together over the past two financial years including the brand, the Hello Perth map and the destination planner.



CARAVAN & CAMPING SHOW

DESTINATION
PERTH

TOTAL SPEND WAS \$5,870.55 INC. GST



SPEND BREAKDOWN

• Stand Hire	\$2,575.93
• Exhibitor passes	\$225.00
• Furniture and back wall banner	\$2,699.62
• Stand dressing	\$370.00

RESULTS

7,500 people were believed to have attended the show, although I have not received any official statistics from CIAWA.

The stand had strong attendance on all five mornings, with afternoon traffic dying down. The stand was very well received and many took away our new destination planner to read.

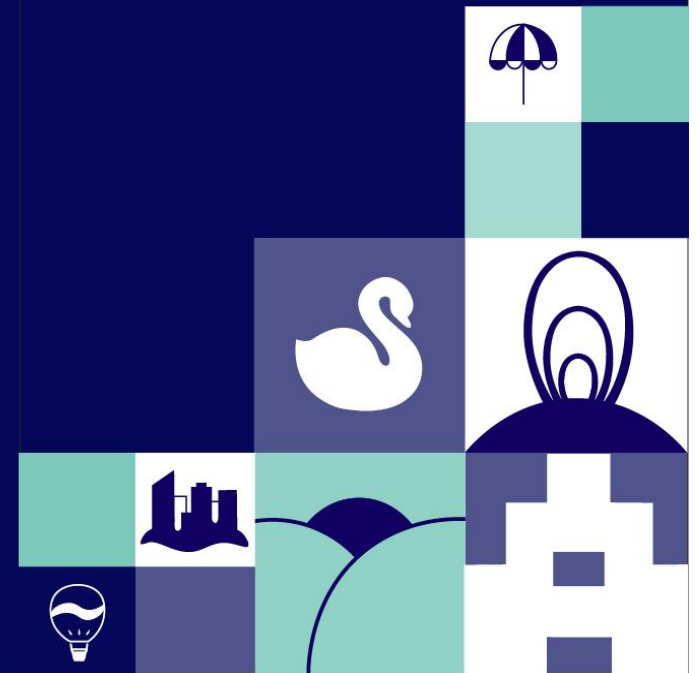
I would recommend printing an **Upcoming Events flyer** for the Avon Valley region to distribute if exhibiting next year.



Corporate Membership Activity FY23

DESTINATION
PERTH

4. Dark Sky Digital Campaign



4. DARK SKY DIGITAL CAMPAIGN

DESTINATION
PERTH

SPONSORED META ADVERTS – IN MARKET FROM 1 MAR – 31 MAY 2023
\$8,410 inc. GST

Primary objectives

- Awareness: Present the Avon Valley brand to the Perth Metro audience, in particular introducing the Avon Valley as a fantastic place to view the night sky.
- Conversion: Drive visitation to the Avon Valley during autumn by creating day trip and overnight itineraries

Secondary objective

- Education/information
- Send traffic to Avon Valley landing pages on Destination Perth website



SPONSORED ADS - ASSETS

DESTINATION
PERTH

VARIOUS AD SETS WERE CREATED AND MANAGED THROUGH META WITH A 5,000 inc. GST MEDIA SPEND



SPEND BREAKDOWN

18 Stargazing spots in the Avon Valley – blog	\$250.00
Graphic Design	\$150.00
Animation of graphics for a sponsored ad	\$1,034.00
Virat Shah images	\$750.00
Media spend	\$5,000.00
Trilogy agency fee	\$1,226.50

SPONSORED ADS - ASSETS

DESTINATION
PERTH

2 x BLOG ITINERARIES WERE CREATED TO SUPPORT THE ADVERTS

- **18 Stargazing Hotspots in the Avon Valley - \$250**

<https://www.destinationperth.com.au/blog/18-stargazing-hotspots-avon-valley>

- **Weekend Getaway to the Avon Valley - \$0 (already written)**

<https://www.destinationperth.com.au/ultimate-winter-getaway-avon-valley-itinerary>

(note this has now been changed for our winter campaign)

A specially created landing page was also designed using the stargazing graphics

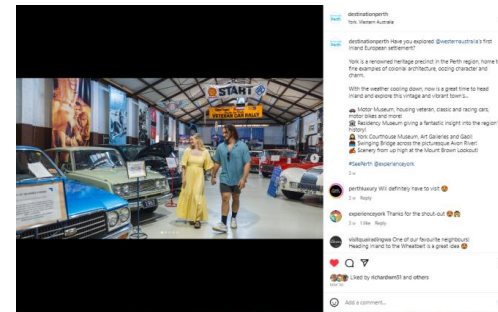
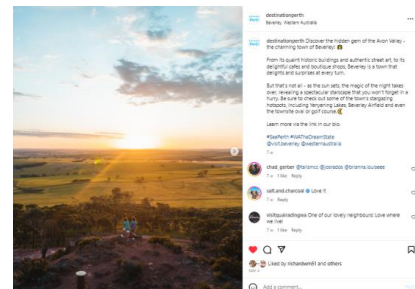
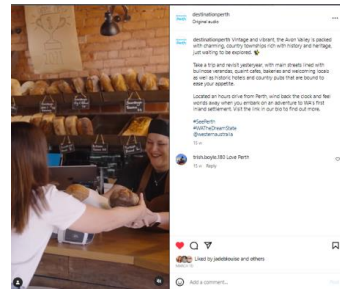
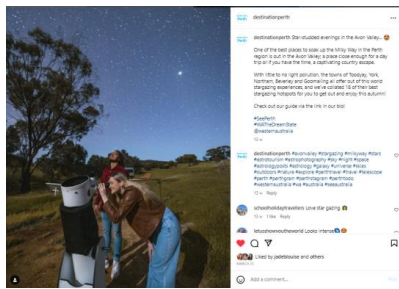
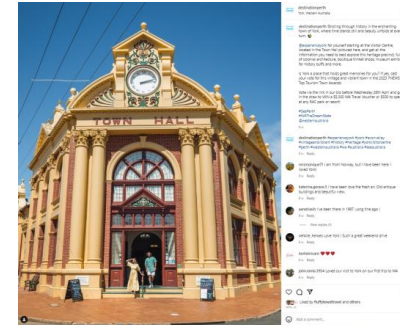
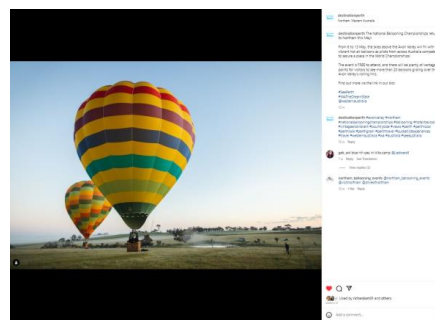
<https://www.destinationperth.com.au/destination/avon-valley>



SPONSORED ADS - ASSETS

DESTINATION PERTH

DESTINATION PERTH SUPPORTED WITH 8 X ORGANIC POSTS ON OUR SOCIAL MEDIA ACCOUNTS AROUND THE AVON VALLEY DURING THE CAMPAIGN PERIOD



SPONSORED ADS - RESULTS

DESTINATION PERTH

Social Media Platform Metrics

Social Media Advertising Brand Awareness	Social Media Advertising Traffic	Social Media Advertising TOTAL
Impressions 476.6K	Impressions 913.5K	Impressions 1.4M
Reach 187.9K	Reach 218.1K	Reach 332.2K
Clicks (all) 3,381	Clicks (all) 25,945	Clicks (all) 29,326
Link clicks 890	Link clicks 9,081	Link clicks 9,971
Amount spent \$500	Amount spent \$3,500	Amount spent \$4,000

While Destination Perth started to manage this campaign in house, we experienced a data breach so had to outsource the management of the campaign to Trilogy from 5 April to 31 May. The following slides of campaign results are supplied by Trilogy.

Note that our data sources are cross-platform and multi-dimensional. This may result in slight variations on attribution between Facebook Business Manager, Google Analytics and other third-party data handling products. We have applied human analysis to cross verify results but there may still be minor discrepancies out of our control.



SPONSORED ADS - RESULTS

DESTINATION PERTH

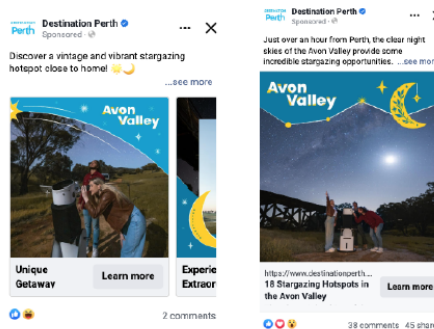
Traffic Campaign TOTAL	Impressions	Reach	Clicks	CPC	LPV	CPLPV
Traffic Campaign TOTAL	913.5K	218.1K	25,945	\$0.13	6,825	\$0.51
Warm Audience	658.7K	189.0K	20,130	\$0.14	5,253	\$0.54
Cold Audience	254.8K	104.9K	5,815	\$0.11	1,572	\$0.41

To attract the eye, we branded some of our photography and add Astro graphics created by our in-house design hub.

The Cold Traffic audience performed best in terms of achieving the lowest Cost Per Landing Page View (CPLPV) of \$0.41. The best performing creative from this audience was the carousel, with an individual CPLPV of \$0.23.

The Warm Traffic audience did have the highest Reach and largest volume of Clicks and LPVs. The best performing creative in this audience group was the Stargazing Blog.

Overall this was a very successful Traffic campaign at driving people to find out more about the Avon Valley as an Astro destination on the website, building awareness, and creating a robust re-targeting audience on this topic.



Best performing creative in the cold audience targeting was this carousel.

Best performing creative in the warm audience targeting was this creative pointing to the Stargazing blog post.

We held two workshops in the Avon Valley to present the campaign and advise operators and visitor centre representatives of the campaign and how to use the graphics by providing a media kit.



SPONSORED ADS - RESULTS

DESTINATION PERTH

Awareness Campaign TOTAL	Impressions	Reach	CPM	Frequency	LPV	CPLPV
Awareness Campaign TOTAL	476.6K	187.9K	\$1.05	2.54	506	\$0.99
Warm Audience	Impressions	Reach	CPM	Frequency	LPV	CPLPV
Warm Audience	62,557	27,113	\$1.01	2.31	80	\$0.79
Cold Audience	Impressions	Reach	CPM	Frequency	LPV	CPLPV
Cold Audience	414.0K	179.3K	\$1.06	2.31	426	\$1.03

We invested in some professional astrophotography (Virat Shah) for campaign use that the Avon Valley and Destination Perth owns for its own use.

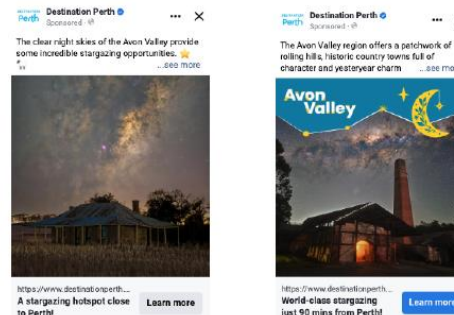
Our most popular adverts were those with his imagery.

Awareness campaign success is judged on overall Reach and CPM. The Warm audience targeting achieved the lowest CPM, but also spent much less than the Cold audience targeting, which resulted in a much higher Reach.

The best performing creative from this audience was the Hero Static Stargazing Image Only creative, with an individual CPM of \$1.01.

The Cold audience did have the highest Reach and only a slightly higher CPM of \$1.06. The best performing creative in this audience group was the Hero Static.

Overall this was a very successful Awareness campaign with a solid Reach, which prioritised the Cold audience and also produced low CPLPVs considering this wasn't the priority of the campaign.



Best performing creative in the Warm audience targeting was this non-branded static.

Best performing creative in the Cold audience targeting was this creative.



SPONSORED ADS – LANDING PAGE RESULTS



Avon Valley: 1 Mar – 31 May

<https://www.destinationperth.com.au/blog/18-stargazing-hotspots-avon-valley>

Page Views: 5,413

Unique Page Views: 5,149

Sessions: 4,873

Average Time on Page: 2.48mins

<https://www.destinationperth.com.au/destination/avon-valley>

Page Views: 4,449

Unique Page Views: 4,246

Sessions: 4,034

Average Time on Page: 1.59mins

Top clicks from landing page:

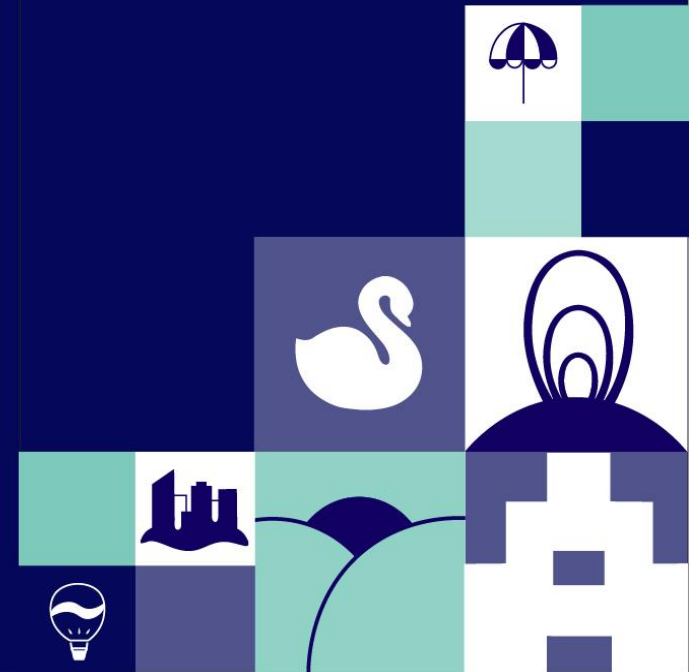
1. Hell Perth Map, 242
2. Beverley Destination Page, 103
3. Avon Valley Business Listing directory, 52
4. Goomalling Destination Page, 40
5. 18 Stargazing Hotspot Blog, 38
6. Toodyay Destination Page, 30
7. Avon Valley Self Drive Itinerary, 26
8. York Destination Page, 22
9. Northam Destination Page, 16
10. Toodyay Walking Tours Page, 16



Corporate Membership Activity FY23

DESTINATION
PERTH

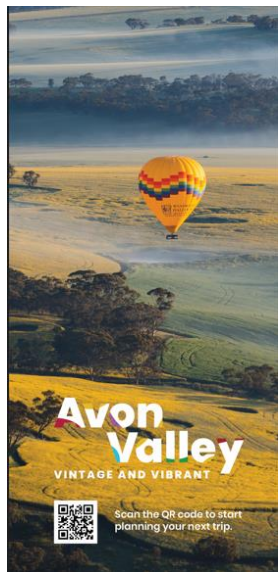
5. Hello Perth Map – back page advert



HELLO PERTH BACK PAGE ADVERT

DESTINATION
PERTH

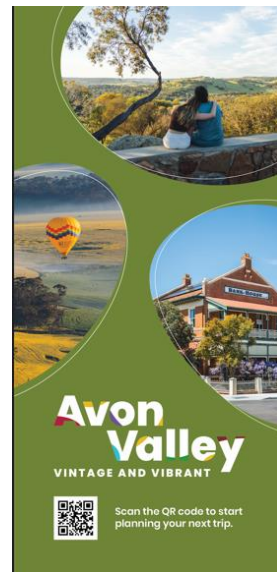
TO SUPPORT THE LAUNCH OF THE NEW HELLO PERTH MAP FOR THE AVON VALLEY, WE BOOKED THE BACK PAGE ADVERT



Concept 1



Concept 2



Concept 3

Three concept designs have been presented to the Avon Valley Alliance.

At the time of issuing this report, a design hasn't been chosen, but the Shire of Beverley and Destination Perth prefer concept 3.

COST

INSERTION OF ADVERT: \$1,331 INC. GST
DESIGN (DESTINATION PERTH IN HOUSE)
DESIGN HUB: \$150 INC. GST



SUMMARY

DESTINATION PERTH

Our corporate Membership funds have allowed us to pool resources and funds to not only build marketing assets for the Avon Valley, but also create awareness. We have a solid platform upon which to continue building awareness and interest in the Avon Valley.

DESTINATION PERTH MEMBERSHIP FEE ASIDE, THE TOTAL INVESTMENT BY EACH LGA FOR MARKETING WITH DESTINATION PERTH THIS FY23 WAS \$5,000 INC. GST.

THIS IS THE BREAKDOWN OF THE INVESTMENT PER LGA:

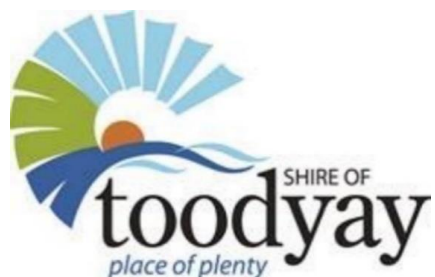
1. Photo Shoot- \$1,750 inc. GST
2. Destination Planner- \$1,524 inc. GST
3. Caravan & Camping- \$587 inc. GST
4. Dark Sky digital campaign – \$840 inc. GST
5. Hello Perth back page advert – \$148 inc. GST

= \$4,849 inc. GST.

Avon Valley Alliance has a balance of \$762 in cooperative funding that we will roll over to FY 2024







SHIRE OF TOODYAY

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 29 FEBRUARY 2024

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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Note 2 Statement of Financial Activity Information	6
Note 3 Explanation of Material Variances	7

SHIRE OF TOODYAY

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

SHIRE OF TOODYAY
STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE
FOR THE PERIOD ENDED 29 FEBRUARY 2024

	2023/24	2023/24	2023/24	2022/23	Var.\$	Var.%
	Actual(a)	Budget	YTD Budget(b)	Actual	(b)-(a)	(b)-(a)/(a)
Rates	7,597,127	7,580,930	7,580,930	7,068,483	16,197	0%
Operating Grants, subsidies and contributions	984,202	711,860	363,650	3,376,535	620,552	171%
Fees and charges	1,396,856	1,445,030	1,247,400	1,427,209	149,456	12%
Interest revenue	133,809	165,000	96,620	178,229	37,189	38%
Other revenue	250,228	352,098	205,152	384,975	45,076	22%
	10,362,222	10,254,918	9,493,752	12,435,431	868,470	9%
Expenses						
Employee costs	(2,862,470)	(4,107,947)	(2,536,300)	(4,191,693)	(326,170)	13%
Materials and contracts	(3,411,069)	(4,427,628)	(2,986,250)	(4,068,860)	(424,819)	14%
Utility charges	(255,456)	(437,903)	(258,740)	(447,625)	3,284	(1%)
Depreciation	0	(4,436,148)	(2,464,550)	(3,542,172)	2,464,550	(100%)
Finance costs	(83,770)	(144,447)	(80,300)	(165,717)	(3,470)	4%
Insurance	(402,921)	(414,597)	(315,103)	(381,835)	(87,818)	28%
Other expenditure	(164,720)	(272,593)	(178,990)	(266,734)	14,270	(8%)
	(7,180,406)	(14,241,263)	(8,820,233)	(13,064,635)	1,639,827	(19%)
	3,181,816	(3,986,345)	673,519	(629,204)	2,508,297	372%
Non Operating Grants, subsidies and contributions	974,615	3,502,542	2,381,400	2,523,972	(1,406,785)	(59%)
Profit on asset disposals		0	0	84000	0	0%
Loss on asset disposals	0	0	0	(182,240)	0	0%
Fair value adjustments to financial assets at fair value through profit or loss	0	0	0	2764	0	0%
	974,615	3,502,542	2,381,400	2,428,496	(1,406,785)	(59%)
Net result for the period	4,156,430	(483,803)	3,054,919	1,799,293	1,101,511	36%
Other comprehensive income						
<i>Items that will not be reclassified subsequently to profit or loss</i>						
Changes in asset revaluation surplus	2,445,794	0		2,445,794	2,445,794	0%
Total other comprehensive income for the period	2,445,794	0	0	2,445,794	2,445,794	0%
Total comprehensive income for the period	6,602,224	(483,803)	3,054,919	4,245,087	3,547,305	116%

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY

	2023/24	2023/24	2023/24	Var.\$	Var.%	2022/2023
	Actual(a)	Budget	YTD Budget(b)	(a)-(c)	(a)-(b)/(b)	Actual
OPERATING ACTIVITIES						
Revenue from Operating Activities		215,098				\$
Rates	7,597,127	7,580,930	7,580,930	16,197	(0%)	7,068,483
Operating Grants, subsidies and contributions	984,202	711,860	363,650	620,552	(63%)	3,376,535
Fees and charges	1,396,856	1,445,030	1,247,400	149,456	(11%)	1,427,209
Interest revenue	133,809	165,000	96,620	37,189	(28%)	178,229
Other revenue	250,228	284,426	205,152	45,076	(18%)	384,975
Profit on asset disposals	0	0	0	0	0%	84,000
Fair value adjustments to financial assets at fair value through profit or loss	0	0	0	0	0%	2,764
	10,362,222	10,187,246	9,493,752	868,470	(8%)	12,522,195
Expenditure from Operating Activities						
Employee costs	(2,862,470)	(4,107,947)	(2,536,300)	(326,170)	(11%)	(4,191,693)
Materials and contracts	(3,411,069)	(4,427,628)	(2,986,250)	(424,819)	(12%)	(4,068,860)
Utility charges	(255,456)	(437,903)	(258,740)	3,284	1%	(447,625)
Depreciation	0	(4,436,148)	(2,464,550)	2,464,550	0%	(3,542,172)
Finance costs	(83,770)	(144,447)	(80,300)	(3,470)	(4%)	(165,717)
Insurance	(402,921)	(414,597)	(315,103)	(87,816)	(22%)	(381,835)
Other expenditure	(164,720)	(272,593)	(178,990)	14,270	9%	(266,734)
Loss on asset disposals	0	0	0	0	0%	(182,240)
	(7,180,406)	(14,241,263)	(8,820,233)	1,639,827	23%	(13,246,875)
Non-cash amounts excluded from operating activities	0	4,436,148	2,587,753	(2,587,753)	0%	3,642,371
Amount attributable to operating activities	3,181,816	382,131	3,261,272	(79,456)	2%	2,917,691
Cash Flows from Investing Activities						
Non Operating Grants, subsidies and contributions	974,615	3,502,542	2,381,400	(1,406,785)	144%	2,523,972
Proceeds from disposal of Assets	60,094	240,000	180,000	(99,906)	166%	394,293
	1,034,708	3,742,542	2,541,400	(1,506,692)	146%	2,918,265
Outflows from investing activities						
Payments for Property, Plant and equipment	(172,023)	(766,034)	(510,689)	338,666	197%	(356,766)
Payments for Land and Buildings	(17,226)	(501,539)	(334,359)	317,134	1841%	0
Payment for construction/purchase of Infrastructure	(2,386,019)	(5,486,923)	(3,657,949)	1,271,929	53%	(3,609,711)
	(2,575,268)	(6,754,496)	(4,502,997)	1,927,730	75%	(3,966,477)
Amount attributable to investing activities	(1,540,559)	(3,011,954)	(1,961,597)	421,038	27%	(1,048,212)
FINANCING ACTIVITIES						
Inflows from financing activities						
Transfer from Reserves	0	361,440	240,960	(240,960)	0%	20,000
	0	(73,149,282)	240,960	(240,960)	0%	20,000
Outflows from financing activities						
Principal elements of finance lease payments - separate from Capex	(46,059)	(237,528)	(158,352)	112,293	244%	(139,662)
Repayment of Borrowings	(152,980)	(329,051)	(219,368)	66,388	43%	(317,686)
Transfer to Reserves	0	(345,000)	(230,000)	230,000	0%	(699,665)
	(199,039)	(911,579)	(607,720)	408,681	205%	(1,157,013)
Amount attributable to financing activities	(199,039)	(237,528)	(366,760)	167,721	84%	(1,137,013)
MOVEMENT IN SURPLUS OR DEFICIT						
Surplus or deficit at the start of the financial year	3,716,584	3,117,000	2,078,000	1,638,584	(44%)	2,984,118
Amount attributable to operating activities	3,181,816	382,131	2,174,181	1,007,635	(32%)	2,917,690
Amount attributable to investing activities	(1,540,559)	(3,011,954)	(1,307,732)	(232,828)	(15%)	(1,048,212)
Amount attributable to financing activities	(199,039)	(237,528)	(244,506)	45,468	0%	(1,137,013)
Net current assets at end of financial year - surplus/(deficit)	5,158,802	249,649	2,699,943	2,458,858	(48%)	3,716,584

This statement is to be read in conjunction with the accompanying notes.

**SHIRE OF TOODYAY
STATEMENT OF FINANCIAL POSITION
AS AT 29 FEBRUARY 2024**

	2024	2023
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	3,404,328	3,154,372
Trade and other receivables	3,246,620	1,663,193
Other financial assets	2,531,146	2,463,541
Inventories	215,098	178,620
Other assets	409,020	409,020
TOTAL CURRENT ASSETS	9,806,212	7,868,746
NON-CURRENT ASSETS		
Trade and other receivables	284,426	342,861
Other financial assets	61,117	61,117
Property, plant and equipment	40,361,789	40,361,789
Infrastructure	156,642,214	156,642,214
Right-of-use assets	144,447	144,447
TOTAL NON-CURRENT ASSETS	197,493,993	197,552,428
TOTAL ASSETS	207,300,205	205,421,174
CURRENT LIABILITIES		
Trade and other payables	1,489,879	645,016
Other liabilities	612,441	612,441
Lease liabilities	135,428	135,428
Borrowings	329,051	329,051
Employee related provisions	533,038	687,283
TOTAL CURRENT LIABILITIES	3,099,837	2,409,219
NON-CURRENT LIABILITIES		
Lease liabilities	14,070	14,070
Borrowings	4,790,953	4,943,933
Employee related provisions	87,740	87,740
TOTAL NON-CURRENT LIABILITIES	4,892,763	5,045,743
TOTAL LIABILITIES	7,992,600	7,454,962
NET ASSETS	199,307,605	197,966,212
EQUITY		
Retained surplus	(73,149,282)	(71,816,688)
Reserve accounts	(2,472,340)	(2,463,541)
Revaluation surplus	(123,685,983)	(123,685,983)
TOTAL EQUITY	(199,307,604)	(197,966,212)

This statement is to be read in conjunction with the accompanying notes.

**SHIRE OF TOODYAY
MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

PREPARATION TIMING AND REVIEW

Prepared by: Finance Coordinator

Reviewed by: Acting Chief Executive Officer

Composition of estimated net current assets

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the Local Government Act 1995 and accompanying regulations Local Government Act 1995 requirements

Section 6.4(2) of the Local Government Act 1995 read with the Local Government (Financial Management) Regulations 1996 prescribe that the financial report be prepared in accordance with the Local Government Act 1995 and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The Local Government (Financial Management) Regulations 1996 specify that vested land is a right-of-use asset to be measured at cost,

and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed

to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996

regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 15 to these financial statements

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses

The estimates and associated assumptions are based on historical

experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates

The balances, transactions and disclosures impacted by accounting estimates are as follows

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure

and investment property

- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget.

Please refer to the adopted budget document for details of these policies.

SHIRE OF TOODYAY
NET CURRENT ASSET REPORT
FOR THE PERIOD ENDED 29 FEBRUARY 2024

	Last Years Closing 30/06/2023	This Time last Year 29/02/2023	Year to Date Actual 29/02/2024
Composition of estimated net current assets	\$	\$	\$
Current assets			
Cash Restricted-Reserves	3,154,372	4,121,654	3,404,328
Cash Restricted -Term Deposits	2,463,541	1,783,876	2,531,146
Cash Restricted - Trust	1,212,267	1,180,136	1,212,267
Trade and other receivables	163,226	1,365,563	163,226
Other assets	1,663,193	3,511,750	2,508,825
Inventories	409,020	207,204	600,182
	178,620	161,333	215,098
	9,244,240	12,331,516	10,635,073
Less: current liabilities			
Trade and other payables	(645,016)	(1,268,147)	(1,489,879)
Lease liabilities	(135,428)	(139,662)	(135,428)
Long term borrowings	(329,051)	(317,686)	(329,051)
Employee provisions	(687,283)	(661,488)	(533,038)
	(1,796,778)	(2,386,983)	(2,487,396)
Net current assets	7,447,462	9,944,533	8,147,677
Less: Total adjustments to net current assets	(1,751,370)	(1,078,836)	(1,769,237)
Net current assets used in the Statement of Financial Activity	14,940,331	21,197,212	17,013,513
Non-cash amounts excluded from operating activities			
The following non-cash revenue or expenditure has been excluded from amounts attributable to operating activities within the Statement of Financial Activity in accordance with <i>Financial Management Regulation 32</i> .			
	Last Years Closing 30/06/2023	This Time last Year 29/02/2023	Year to Date Actual 29/02/2024
	\$		\$
Adjustments to operating activities			
Add: Loss on asset disposals	182,240	149,491	182,240
Add: Depreciation	3,542,172	113,033	0
Movement in current employee provisions associated with restricted cash	(31,004)	(25,263)	(31,004)
- Pensioner deferred rates	342,861	286,914	273,433
Non cash amounts excluded from operating activities	4,036,269	524,175	424,669
Current assets and liabilities excluded from budgeted deficiency			
The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with <i>Financial Management Regulation 32</i> to agree to the surplus/(deficit) after imposition of general rates.			
Adjustments to net current assets			
-73149281.63	(2,463,541)	(1,783,876)	(2,531,146)
Add: Current liabilities not expected to be cleared at end of year			
- Current portion of borrowings	329,051	317,686	329,051
- Current portion of lease liabilities	135,428	139,662	135,428
- Current portion of employee benefit provisions held in reserve	247,692	247,692	297,430
Total adjustments to net current assets	(1,751,370)	(1,078,836)	(1,769,237)

**SHIRE OF TOODYAY
VARIANCE REPORT**

FOR THE PERIOD ENDED 29 FEBRUARY 2024

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the the material variance adopted by Council for the current year is an Actual Variance exceeding 10% and a value greater than \$5,000.

Reporting Nature and Type

Explanation of Variance	YTD	YTD ACTUALS	VAR TO YTD	VAR TO YTD
	BUDGET		BUDGET	BUDGET
Revenue			\$	%
Rates	7,580,930	7,597,127	16,197	0.00%
There is no variance to report, however, Rates revenue is over budget by \$16,197 due to instalment interest.				
Fees and charges	1,247,400	1,396,856	149,456	11.98%
The favourable variance of Fees and Charges by \$149,456, is mainly due to (\$881,526) Waste collection fees, and Bins charges raised, rental/lease properties income of \$114,832 and accumulative income from various income sources such as lease/rent, Visitors centre, building services levy and building application fees				
Operating grants, subsidies and contributions	363,650	984,202	620,552	170.65%
Favourable variance is mainly attributable to DFES Grant of \$68,721, RRG(WBN) Direct Grant for 2023/2024 for \$173,727, CRC Grants for \$166,422, MAF grant received for \$122,493 and ESL grants of \$308,647 received.				
Interest earnings	96,620	133,809	37,189	38.49%
The favourable variance is mainly due to higher rates penalty interest earnings and higher interest income received on term deposits.				
Other Revenue	205,152	250,228	45,076	21.97%
A favourable variance is mainly due to Christmas Party 2023 Sponsorship donations received at CRC and standpipe water usage higher than anticipated.				
Expenses	YTD	YTD ACTUALS	VAR TO YTD	VAR TO YTD
	BUDGET		BUDGET	BUDGET
			\$	%
Employee costs	(2,536,300)	(2,862,470)	(326,170)	12.86%
Permanent /Timing variances relating to employment costs as a result of payroll costing allocations.				
Materials and contracts	(2,986,250)	(3,411,069)	(424,819)	14.23%
The unfavourable variance is mainly due to cost allocations of Plant and equipment and maintenance costs. A journal of \$19,132 for finance leasing, is yet to be posted to Finance costs due to misposting				
Utility charges	(258,740)	(255,456)	3,284	-1.27%
No Material variance to report				
Depreciation on non-current assets	(2,464,550)	0	2,464,550	-100.00%
YTD depreciation for assets not raised due to Financials for June 2023 not yet been finalised. Depreciation is non-cash and does not affect net surplus				
Interest expenses	(80,300)	(83,770)	(3,470)	4.32%
No Material variance to report				
Insurance expenses	(315,103)	(402,921)	(87,818)	27.87%
There is unfavourable variance in Insurance Expenses due to increase in premiums and non Scheme premiums(Income protection)paid to LGIS insurance.				

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
Expenses			\$	%
Other expenditure	(178,990)	(164,720)	14,270	-7.97%
The unfavourable variance is mainly due Overheads allocations.				
Non-operating grants	2,381,400	974,615	(1,406,785)	-59.07%
There is unfavourable variance in non-operating grants and contributions of \$1,406,785 mainly due to the timing of works on Various roads capital projects. Some Projects are yet to be completed				
Capital Activities	YTD BUDGET	-73149281.63	VAR TO YTD BUDGET	VAR TO YTD BUDGET
Land and Buildings	(334,359)	(17,226)	317,134	-94.85%
The total Capital Expenditure on Land and Building is under budget due to timing of construction work. To be reviewed at mid Year Budget review				
Infrastructure - Roads	(2,935,985)	(1,824,448)	1,111,536	-37.86%
The total Capital Expenditure on Infrastructure Assets-Roads is under budget. This is predominantly due to timing issue with Construction work. To be reviewed at Mid Year Budget review.				
Infrastructure - Bridges & Drainage	(386,671)	(323,527)	63,144	-16.33%
The total Capital Expenditure on Drainage and Bridges is tracking well.				
Infrastructure - Other	(111,960)	(213,188)	(101,228)	90.41%
The total Capital Expenditure on Infrastructure Assets-Others is tracking well.				
Plant and Equipment	(510,689)	(172,023)	338,666	-66.32%
Plant and equipment budget is under budget due to timing issues. To be reviewed at mid Year Budget review.				
Loans				
Loan Repayments	(80,300)	(83,770)	(3,470)	4.32%
Principal and interest repayments for the period ending 29 February 2024 in accordance with WATC schedule.				
Reserves				
Transfer from Reserves	240,960	0	(240,960)	-100.00%
No transfers from reserves required as yet.				
Transfer to Reserves	(230,000)	0	230,000	-100.00%
No transfers to reserves required as yet.				

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
 For the Period Ended 29 FEBRUARY 2024

OPERATING ACTIVITIES
CASH AND FINANCIAL ASSETS

Description	Interest	Unrestricted	Restricted	Trust	Total	Institution	Maturity
	Rate				Cash		Date
Cash Deposits							
Municipal		3,404,328.18			3,404,328.18	Bendigo Bank	
Trust-633 000 110 482 783				163,226.12	163,226.12	Bendigo Bank	
Reserve Account	0.42%		2,531,145.57		2,531,145.57	Bendigo Bank	
633 000 137 945 127	0.35%			145,931.34	145,931.34	Bendigo Bank	
633 000 152 237 145	0.35%			50,983.04	50,983.04	Bendigo Bank	
633 000 152 238 135	0.35%			128,905.24	128,905.24	Bendigo Bank	
633 000 152 238 176	0.35%			214,743.09	214,743.09	Bendigo Bank	
633 000 152 238 218	0.35%			465,568.04	465,568.04	Bendigo Bank	
633 000 152 240 834	0.35%			33,888.38	33,888.38	Bendigo Bank	
633 000 158 622 795	0.35%			25,104.38	25,104.38	Bendigo Bank	
633 000 165 467 309	0.35%			127,174.91	127,174.91	Bendigo Bank	
633 000 173 945 890	0.35%			9,748.67	9,748.67	Bendigo Bank	
633 000 184 647 550	0.35%			10,220.32	10,220.32	Bendigo Bank	
SHIRE OF TOODYAY							
Total		3,404,328.18	2,531,145.57	1,375,493.53	7,310,967.28		
Comprising							
Cash and cash equivalents		3,404,328.18	2,531,145.57	1,375,493.53	7,310,967.28		
		3,404,328.18	2,531,145.57	1,375,493.53	7,310,967.28		

KEY INFORMATION

with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

**SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION**

Debtors Account Reconciliation As At 29 FEBRUARY2024					
Description	Current	31-59 Days	60-89 Days	Over 90 Days	Balance
Debtor Control-Miscellaneous Debtors	574,145.95	4,909.52	6,632.60	10,386.85	596,074.92
Debtor Control-Infringements	182.25	0.00	0.00	0.00	182.25
Debtor Control-Community Services	504.90	0.00	671.00	272.80	1,448.70
Debtor Control-Waste Management	293.16	97.72	0.00	190.00	580.88
Cemetry Fees	0.00	0.00	0.00	1675.5	1,675.50
Dog Registration	20.00	120.00	0.00	80.00	220.00
Total	575,146.26	5,127.24	7,303.60	12,605.15	600,182.25

Account Reconciliation	
Debtors Accounts Total	600,182.25
Debtors Control Accounts Total	600,182.25
Variance	0.00

Comments/Notes-Receiveable General

This aged debtors reflects Sundry debtors only. It does not include other debtors such as GST due from ATO and Pensioner Rebates due from the State

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION

Rates Account Reconciliation As At 29 FEBRUARY 2024							
	Current Overdue	Arrears-Year 1	Arrears-Year 2	Arrears-Year 3 and over	Deferments	Total Balance	Variance
Rates Control	1,873,782.01	293,094.19	104,735.85	113,670.24	0.00	2,385,282.29	0.00
Rates Deferment	0.00	0.00	0.00	0.00	284,426.12	284,426.12	0.00
Rates PrePayment	-160,882.94	0.00	0.00	0.00	0.00	-160,882.94	0.00
Total	1,712,899.07	293,094.19	104,735.85	113,670.24	284,426.12	2,508,825.47	0.00

Account Reconciliation	
Rates Accounts Total	2,508,825.47
Rates Control Accounts Total	2,508,825.47
Variance	0.00

NOTE
 Rates Control account is a summary account presenting the balances of all rates payers transactions for the period.
 Deferment of the payment of Shire rates means that the pensioner does not have to pay their Council rates each year (Deferment only applies to Rates, Water Rates and Emergency Service Levy only, all other charges must be paid in full).
 Rates Prepayment is when rates payers makes excess payment for their rates, resulting in the Shire owing the rates payers.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE MONTH ENDED 29 FEBRUARY 2024

RESERVE ACCOUNTS

Reserve Accounts - Movement

	2023/24 Actual Opening Balance	2023/24 Actual Transfer to	2023/24 Actual Transfer (from)	2023/24 Actual Closing Balance	2023/24 Budget Opening Balance	2023/24 Budget Transfer to	2023/24 Budget Transfer (from)	2023/24 Budget Closing Balance	2022/23 Actual Opening Balance	2022/23 Actual Transfer to	2022/23 Actual Transfer (from)	2022/23 Actual Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by council												
(a) Employee Entitlement Reserve	278,697	7,648	0	286,345	272,430	0	0	272,430	247,692	31,005	0	278,697
(b) Asset Development Reserve	612,919	16,820	0	629,739	604,608	0	(145,000)	459,608	328,417	284,502	0	612,919
(c) CCTV Reserve	27,802	763	0	28,565	27,116	0	0	27,116	27,144	658	0	27,802
(d) Emergency Management Reserve	77,258	2,120	0	79,378	75,350	0	0	75,350	75,429	1,829	0	77,258
(e) Newcastle Footbridge & Pedestrian Overpass Reserve	44,470	1,220	0	45,691	43,494	0	0	43,494	38,536	5,934	0	44,470
(f) Heritage Reserve	11,449	314	0	11,763	11,166	0	(10,000)	1,166	11,178	271	0	11,449
(g) Plant Reserve	155,855	4,277	0	160,132	152,005	0	0	152,005	152,166	3,689	0	155,855
(h) Recreation Development Reserve	261,628	7,179	0	268,806	255,411	10,000	0	265,411	245,672	15,956	0	261,628
(i) Refuse Reserve	118,301	3,247	0	121,548	115,379	0	0	115,379	115,301	2,800	0	118,301
(j) Road Contribution Reserve	381,346	10,465	0	391,812	376,345	150,000	(50,000)	476,345	197,676	203,670	(20,000)	381,346
(k) Strategic Access & Egress Reserve	340,255	9,338	0	349,592	334,319	50,000	(156,440)	227,879	234,568	105,687	0	340,255
(l) Drainage and Sewerage Reserve	132,561	3,637	0	136,198	129,780	20,000	0	149,780	109,897	22,664	0	132,561
(m) Biosecurity Reserve	1,000	27	0	1,027	1,000	5,000	0	6,000	0	1,000	0	1,000
(n) Roads Reserve	20,000	550	0	20,550	20,000	25,000	0	45,000	0	20,000	0	20,000
(o) Buildings Reserve	0	0	0	0	0	5,000	0	5,000	0	0	0	0
(p) Plus interest to be allocated	0	0	0	0	0	80,000	0	80,000	0	0	0	0
	2,463,540	67,605.20	0	2,531,145.57	2,418,403	345,000	(361,440)	2,401,963	1,783,876	699,664	(20,000)	2,463,540

(b) Reserve Accounts - Purposes

In accordance with Council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Reserve name	Anticipated date of use	Purpose of the reserve
(a) Employee Entitlement Reserve	Ongoing	Funds set aside to provide payments for Employee Entitlement liabilities
(b) Asset Development Reserve	Ongoing	Funds set aside for the future purchase and/or development of assets
(c) CCTV Reserve	Ongoing	Funds set aside for the replacement, expansion and maintenance of CCTV
(d) Emergency Management Reserve	Ongoing	Funds set aside to assist in emergency management and recovery
(e) Newcastle Footbridge & Pedestrian Overpass Reserve	Ongoing	Funds set aside for the maintenance and upkeep of the Newcastle Footbridge and the Duke Street Pedestrian Overpass
(f) Heritage Reserve	Ongoing	Funds set aside for the preservation and/or purchase of Built Heritage assets of significance within the Shire of Toodyay
(g) Plant Reserve	Ongoing	Funds set aside for the ongoing upgrade and replacement of Council owned fleet
(h) Recreation Development Reserve	Ongoing	Funds set aside for the development of recreational facilities
(i) Refuse Reserve	Ongoing	Funds set aside for the development and maintenance of the Shire of Toodyay Waste Transfer Station
(j) Road Contribution Reserve	Ongoing	Funds set aside from contributions given towards particular roads to assist in the ongoing maintenance and preservation of these roads. These funds cannot be used on roads other than those identified in the contribution.
(k) Strategic Access & Egress Reserve	Ongoing	Funds set aside for the implementation and maintenance of strategic access and egress tracts
(l) Drainage and Sewerage Reserve	Ongoing	Funds set aside for drainage improvements
(m) Biosecurity Reserve	Ongoing	Funds set aside for the management of invasive plants and pests
(n) Roads Reserve	Ongoing	Funds set aside for future road maintenance, renewals and upgrades
(o) Buildings Reserve	Ongoing	Funds set aside for future building maintenance, renewals and upgrades

SHIRE OF TOODYAY
 SUPPLEMENTARY INFORMATION
 FOR THE MONTH ENDED 29 FEBRUARY 2024

BORROWINGS

Purpose	Loan Number	Institution	Interest Rate	Actual	2023/2024	2023/2024	Actual	2023/2024	Budget	2023/2024	2023/2024	Budget	2023/2024	Actual	2022/2023	2022/2023	Actual	2022/2023
				Principal 1 July 2023	Actual New Loans	Actual Principal Repayments	Principal outstanding 2023/2024	Actual Interest Repayments	Principal 2023/2024	Budget New Loans	Budget Principal Repayments	Principal outstanding 2023/2024	Budget Interest Repayments	Actual Principal 1 July 2022	Actual New Loans	Actual Principal Repayments	Principal outstanding 2022/2023	Actual Interest Repayments
Loan 67 - Library Upgrade	67	WATC	6.6%	50,504	0	(21,817)	28,687	(4,692)	97,833	0	(50,504)	47,329	(2,513)	97,833	0	(47,329)	50,504	5,689
Loan 72 - Land - Rec Precinct	72	WATC	4.5%	608,288	0	(22,915)	585,373	(15,098)	655,659	0	(49,503)	606,156	(26,524)	655,659	0	(47,371)	608,288	28,656
Loan 75B - Recreation Precinct	75B	WATC	2.31%	4,137,043	0	(89,185)	4,047,858	(51,874)	4,320,601	0	(187,815)	4,132,787	(94,303)	4,320,601	0	(183,558)	4,137,043	98,560
Loan 71 - Depot - Stage 2	71	WATC	4.52%	477,150	0	(19,063)	458,088	(12,105)	516,577	0	(41,230)	475,347	(21,108)	516,578	0	(39,427)	477,150	22,909
				5,272,985	0	(152,980)	5,120,008	(83,770)	5,990,671	0	(320,552)	5,281,619	(144,448)	5,580,671	0	(317,686)	5,272,985	156,813

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE MONTH ENDED 29 FEBRUARY 2024

LEASE LIABILITIES

Purpose	Institution	Lease Interest Rate	Lease Term	Actual	2023/24	Actual	2023/24	Budget	2023/24	Budget	2022/23	Actual	2022/23	
				Principal	Actual	Lease	Actual	Lease	Principal	Lease	Principal	Lease	Principal	Lease
				1 July 2023	30 June 2023	30 June 2024	30 June 2024	1 July 2023	Repayments	30 June 2024	1 July 2022	30 June 2023	30 June 2023	
				repayments	repayments	repayments	repayments	repayments	repayments	repayments	repayments	repayments	repayments	
ESRI Mapping Software	Commonwealth Bank	1.70%	36 months	\$ 875	\$ 0	\$ 875	\$ 0	\$ 0	\$ 0	\$ 0	\$ 9,548	\$ (8,673)	\$ 875	\$ (895)
Drum Roller	Gear Select	1.50%	60 months	44,620	(14,617)	30,003	0	42,208	(25,056)	17,152	69,472	(24,852)	44,620	(2,311)
IVECO Truck	CNIH Capital	4.30%	60 months	2,270	(2,916)	(646)	0	0	(50,000)	(50,000)	26,017	(23,747)	2,270	(1,626)
Front Wheel Loader	Komatsu	1.50%	60 months	92,517	(26,735)	65,782	0	87,758	(53,472)	34,286	141,921	(49,404)	92,517	(1,581)
Grader	Komatsu	2.10%	60 months	2,936	0	2,936	0	0	(59,000)	(59,000)	30,973	(28,037)	2,936	(2,965)
Photocopier	WOBM	2.10%	60 months	1	0	1	0	0	0	0	1	0	1	(119)
Solar Proposal Library/Depot	All Leasing	2.20%	84 months	6,279	(1,791)	4,488	0	5,462	0	5,462	11,228	(4,949)	6,279	(405)
Hino Truck				0	0	0	0	0	(50,000)	(50,000)	0	0	0	0
				149,498	(46,059)	103,439	0	135,428	(237,528)	(102,100)	289,160	(139,662)	149,498	(9,904)

MATERIAL ACCOUNTING POLICIES

LEASES

At the inception of a contract, the Shire assesses whether the contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

At the commencement date, a right-of-use asset is recognised at cost and a lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

LEASE LIABILITIES

The present value of future lease payments not paid at the reporting date discounted using the incremental borrowing rate where the implicit interest rate in the lease is not readily determined.

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
For the Period Ended 29 FEBRUARY 2024

CAPITAL ACQUISITIONS	CAPITAL ACQUISITIONS			Variance
	2023/24 Adopted Budget	YTD Budget	YTD Actual Total	(Under)/Over (F)-(E)
	\$	\$	\$	\$
Land and Buildings	(501,539)	(334,359)	(17,226)	(317,134)
Plant and Equipment	(766,034)	(510,689)	(172,023)	(338,666)
Infrastructure Assets - Roads	(4,403,977)	(2,935,985)	(1,824,448)	(1,111,536)
Infrastructure Assets - Footpaths	(335,000)	(223,333)	(24,856)	(198,478)
Infrastructure Assets - Drainage & Bridges	(580,006)	(386,671)	(323,527)	(63,144)
Infrastructure Assets - Other	(167,940)	(111,960)	(213,188)	101,228
	(6,754,496)	(4,502,997)	(2,575,268)	(1,927,730)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Initial recognition and measurement for assets held at cost Plant and equipment including furniture and equipment is Management Regulation 17A. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction,

SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

CAPITAL ACQUISITIONS

	2023/24 Adopted Budget	YTD Budget	YTD Actual Total
LAND AND BUILDINGS	501,539	334,359	17,226
Non-Crown Land Mitigation	275,539	183,693	0
Bejoording Fire Station	135,000	90,000	0
Butterly House - Veranda Repairs	10,000	6,667	0
Butterly House - Replacement of Front Fence	0	0	9,044
Morangup Hall - Commercial Kitchen and Floor Sealing	5,000	3,333	0
Donegans Cottage - Structural Repair	30,000	20,000	0
Library Drainage & Brickwork Repair and Painting	25,000	16,667	0
Parkers Cottage - Structural Repair	6,000	4,000	0
Clinton Street Duplex - Seal Roof	10,000	6,667	8,182
Visitors Centre - Security/Duress Alarms	5,000	3,333	0
PLANT AND EQUIPMENT	766,034	319,181	172,023
HEAVY VEHICLE/PLANT REPLACEMENT SCHEDULE	716,769	298,654	16,936
John Deere 670GP	400,000	266,667	0
Side Tip Trailer - 1	100,000	66,667	16,936
Cherry Picker	55,000	36,667	0
Skid Steer Broom	7,000	4,667	0
Evac Centre Generator	154,769	103,179	0
LIGHT VEHICLE REPLACEMENT SCHEDULE	49,265	0	155,087
Isuzu MUX - T0000	49,265	0	49,755
Isuzu D-Max Space Cab Chassis-T0001	0	0	50,685
New Isuzu D-Max 4x4 Dual Cab utility-T0023	0	0	54,647
INFRASTRUCTURE	5,486,923	2,286,218	2,386,019
ROADS	4,403,977	1,834,990	1,824,448
Bejoording Road - Widening - SLK 9.34 - 12.30	50,000	33,333	0
Telegraph Rd - Bindi Bindi Toodyay Road(From Connor St)SLK 0.00-3.00 -30000189(Federal Black Sport Fundir	0	0	3,850
Bindi Bindi Toodyay Road - SLK 2.86 - 6.56 - Wheel Path Pavement Repairs	180,000	120,000	0
Bindi Bindi Toodyay Road - Reseal & Linemarking - SLK 11.08 - 13.45	229,976	153,317	3,324
Julimar Road Rehabilitation - RRG - SLK 17.56 - 19.81(Regional Roads group)	649,746	433,164	617,073
Julimar Road Rehabilitation -RRG Black Spot - SLK 14.11 - 15.96(Regional Roads group)	1,031,716	687,811	503,519
Chitty Road Upgrade - R2R SLK 4.34 - 6.75(Roads to Recovery)	180,000	120,000	218,640
Julimar Road - RRG-SLK 19.81 - 22.52 (Regional Roads Groups)	819,759	546,506	259,528
Clackline Toodyay Road - Reseal & Linemarking -SLK 5.55- SLK 10.55	473,500	315,667	754
Asphalt Repairs - Hamersley, Clinton, Fiennes & Anzac	73,650	49,100	0
Maintenance of Roadside Vegetation - Contract Works	70,000	46,667	70,000
WSFN Project Development - Bindoon Dewars Pool Road	180,000	120,000	0
Nottingham Road - Section 2 - SLK 0.29 - 0.50	166,976	111,317	0
Julimar Road Edge Break Repairs	152,751	101,834	147,760
North Street - Road Upgrade - SLK 0.44 - 0.60	145,903	97,269	0
BRIDGES	580,006	386,671	323,527
Bridge No. 0698 - Bindi Bindi Toodyay Road - Picnic Hill - Bridge Repair	20,000	13,333	0
Bridge No. 0697 - Bindi Bindi Toodyay Road - Waters Brook - Bridge Repairs	20,000	13,333	0
Bridge No. 4080 - Julimar Road - West Toodyay	181,836	121,224	170,407
Bridge No. 4085 - Slaughterhouse Bridge	79,123	52,749	71,930
Bridge No. 0702 - Bindi Bindi Toodyay Road - Connor Road	17,000	11,333	0
Bridge No. 0708 - Bindoon Dewars Pool Road	20,000	13,333	10,750
Bridge No. 4085 - Slaughterhouse Bridge - MRWA Design	90,000	60,000	0
Bridge No. 9025 - Newcastle Pedestrian Footbridge - Pile Replacement	93,445	62,297	12,000
Bridge No. 4084 - Dumbarton Bridge	58,602	39,068	58,440
FOOTPATHS	335,000	223,333	24,856
Stirling Terrace & Goomalling Toodyay Road Kerb & Pram Ramp replacement	15,000	10,000	18,810
Townsite - Heavy Haulage - Footpath Corrective Action	40,000	26,667	4,651
Toodyay Street - Shared Pathway	98,000	65,333	0
Jubilee Street - Shared Pathway	182,000	121,333	1,395
OTHER INFRASTRUCTURE	167,940	105,293	213,188
Fire Water tanks various (DFES funded 21/22 c/fwd)	24,340	16,227	14,443
Installation of Water Tanks - Recreation Centre	105,600	70,400	0
Charcoal Lane Lighting	20,000	13,333	17,923
Depot Material Bunkers	8,000	5,333	0
Newcastle Park - Upgrade	0	0	179,694
Community Standpipe Shade structure	10,000	6,667	1,128
TOTAL CAPITAL EXPENDITURE	6,754,496	2,939,758	2,575,268

SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

**SHIRE OF TOODYAY
SUPPLEMENTARY INFORMATION
FOR THE MONTH ENDED 29 FEBRUARY 2024**

FIXED ASSETS

The following assets are budgeted to be acquired and/or disposed of during the year.

	2023/24 Actual Additions	2023/24 Disposals - Net Book Value	2023/234 Actual Disposals - Sale Proceeds	2023/24 Actual Disposals - Profit or Loss	2023/24 Budget Additions	2023/24 Budget Disposals - Net Book Value	2023/24 Budget Disposals - Sale Proceeds	2022/23 Actual Additions	2022/23 Disposals - Net Book Value	2022/23 Actual Disposals - Sale Proceeds	2022/23 Actual Disposals - Profit or Loss
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
(a) Property, Plant and Equipment											
Land - freehold land	0	0	0	0	275,539	0	0	0	368,080	276,540	(91,540)
Buildings - non-specialised	0	0	0	0	226,000	0	0	0	0	0	0
Buildings - specialised	17,226	0	0	0	0	0	0	0	0	0	0
Furniture and equipment	0	0	0	0	0	0	0	24,894	0	0	0
Plant and equipment	0	0	0	0	766,034	240,000	240,000	0	277,393	117,752	(159,641)
Total	17,226	0	0	0	1,267,573	240,000	240,000	24,894	645,473	394,292	(251,181)
(b) Infrastructure											
Infrastructure - roads	1,824,448	0	0	0	4,403,977	0	0	3,603,407	0	0	0
Other infrastructure Bridges	323,527	0	0	0	580,006	0	0	0	0	0	0
Other infrastructure Drainage	0	0	0	0	0	0	0	0	0	0	0
Other infrastructure Footpaths	24,856	0	0	0	335,000	0	0	0	0	0	0
Other infrastructure	213,188	0	0	0	167,940	0	0	0	0	0	0
Total	2,386,019	0	0	0	5,486,923	0	0	3,603,407	0	0	0
(c) Right of Use Assets											
Right of use - plant and equipment	172,023	0	0	0	237,528	0	0	0	0	0	0
Total	172,023	0	0	0	475,056	0	0	0	0	0	0

MATERIAL ACCOUNTING POLICIES

RECOGNITION OF ASSETS

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with Financial Management Regulation 17A (5). These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

GAINS AND LOSSES ON DISPOSAL

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.



MID YEAR BUDGET REVIEW 2023/24
SUMMARY OF PROPOSED BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Description	Comments	Adopted Budget	Proposed Budget	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running
					\$	\$	\$
	Budget Adoption 28 August 2023	Opening surplus -	4,710				4,710
	Net current assets at end of financial year 2023	Net current assets at end of financial year - surplus	599,583				599,583
031.010.10	Rates - Gross Rental Value	Higher interim rates on gross rental values than projected	(4,500,690)	(4,510,331)	9,641	0	613,934
031.015.10	Rates - Unimproved Value	Higher interim rates on unimproved values than projected	(3,092,170)	(3,094,452)	2,282	0	616,216
031.100.10	Rates Search / Certificate Fee	Increased property search and rates information requests than projected.	(20,000)	(28,456)	8,456	0	624,672
031.151.10	Rates- Interest Penalty	Interest raised on outstanding rates higher than projected.	(70,000)	(76,000)	6,000	0	630,672
032.157.10	Interest on investments	Interest earned on investments higher than expected.	(95,000)	(144,000)	49,000	0	679,672
041.447.10	Members of Council - Other Materials and Contracts	Contribution to AROC initiated shared project-Regional housing strategy.	1,500	10,000	0	(8,500)	671,172
043.300.10	Office of the CEO - Salaries & Wages	Additional funds required for engagement of temporary CEO	380,830	410,830	0	(30,000)	641,172
043.339.10	Professional Services - Consultants, Survey, Design and Audits	Additional funds required for recruitment of new CEO	72,090	92,090	0	(20,000)	621,172
044.393.10	Corporate Services - Computer Software and Licences	Funds required for purchase and implementation of records management system.	221,762	317,920	0	(96,158)	525,014
044.414.10	Corporate Services - Public Liability Insurance	Insurance premiums increased higher than budget projections.	47,065	54,835	0	(7,770)	517,244
053.300.10	Salaries & Wages	Additional funds required for recruitment due to recent staff resignations and payout of leave.	152,109	190,000	0	(37,891)	479,353
054.420.10	Emergency Management - Motor Vehicle Insurance	Increased insurance premiums than projected	25,554	30,554	0	(5,000)	474,353
054.595.51	Emergency Services - Transfer from Asset Development Reserve	Bejoording Fire Station Construction has not been approved. Transfer from Reserve not required this Financial Year.	(135,000)	0	0	(135,000)	339,353
054.733.50	Emergency Management - Fixed Assets – Buildings - Specialised	Bejoording Fire Station Construction has not been approved. Application to be lodged for 2024/2025.	135,000	0	135,000	0	474,353
056.131.10	Fire and Land Management - Other Grants	Final instalment payment received (\$14,993) of MAF 2022/2023 Round 2 and First 50% instalment (\$107,500) of MAF 2023/2024	(74,380)	(122,493)	48,113	0	522,466
087.131.10	Other Welfare - Other Grants	Additional unbudgeted funds received for the CRC Regional Traineeship Program Grant 2023-2024 (\$38000) and Get online grant 2023 (\$1000).	(108,640)	(149,422)	40,782	0	563,248
087.178.10	Other Welfare - Other Income	Toodyay Christmas Street Party 2023 Sponsorship (\$5605) and various donations received.	(100)	(10,460)	10,360	0	573,608
106.336.10	Town Planning/Regional Development - Contractors	Funds allocated for Gazette Project will not be spent prior to 30 June 2024.	39,950	35,000	4,950	0	578,558

GL Account Code	Description	Comments	Adopted Budget	Proposed Budget	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running
107.131.10	Other Community Amenities - Other Grants	Funds for Community Centre Upgrade received; carry over from FY 2022/2023 (\$9,000).	0	(9,000)	9,000	0	587,558
113.133.50	Recreation & Sport -Evac Centre Generator	Request carry over-delay in grant agreement approval. Not expected prior to June 2024.	(77,381)	0	0	(77,381)	510,177
113.739.50	Recreation & Sport -Evac Centre Generator	Request carry over-delay in grant agreement approval. Not expected prior to June 2024.	154,769	0	154,769	0	664,946
113.595.51	Specialised Buildings - Transfer From Reserve	Additional funds allocated from reserve for Toodyay Racecourse. Renewals of roof sheeting and gutter of the building , the Tote area and Horseshoe Bar.	0	(200,000)	200,000	0	864,946
113.756.50	Racecourse Buildings	Works to be carried at Toodyay Racecourse, renewals of roof sheeting, gutter of the building, the Tote area and Horseshoe Bar.	0	200,000	0	(200,000)	664,946
113.756.50	Timber deck repairs-unbudgeted.	Unbudgeted Item: Funding for decking repairs to the pool.	105,600	124,600	0	(19,000)	645,946
116.130.10	Heritage- State Grants	Heritage Grant approved.Any unspent grant to be carried over to 2024/25 FY	(420)	(20,000)	19,580	0	665,526
116.336.10	Heritage - Contractors	Heritage Survey project -Any unspent component to be carried over to 2024/25 FY	71,320	101,320	0	(30,000)	635,526
117.438.10	Community Sponsorship - Donations Paid	Toodyay Fibre Festival (2024) cancelled this year: allocation from funding pool not required- \$8 000.00	0	(8,000)	8,000	0	643,526
121.133.50	Bejoording Road - Widening - SLK 9.34 - 12.30	Bejoording Road widening-Design was undertaken in 2022/23. Funds to be allocated to Chitty Road upgrade-R2R SLK 4.34-6.75	(50,000)	0	0	(50,000)	593,526
121.133.50	Chitty Road Upgrade - R2R SLK 4.34 - 6.75 (Roads to Recovery)	Funds to be transferred from Bejoording Road widening SLK 9.34-12.30.	(180,000)	(230,000)	50,000	0	643,526
121.741.50	Bejoording Road - Widening - SLK 9.34 - 12.30	Bejoording Road widening-Design was undertaken in 2022/23. Funds to be allocated to Chitty Road upgrade-R2R SLK 4.34-6.75	50,000	0	50,000	0	693,526
121.741.50	Chitty Road Upgrade - R2R SLK 4.34 - 6.75(Roads to Recovery)	Funds to be transferred from Bejoording Road widening SLK 9.34-12.30.	180,000	230,000	0	(50,000)	643,526
121.133.50	Bridge No. 9025 - Footbridge-Pile Replacement-Solar lighting	Funds to be transferred from bridge No.0697 and bridge No. 0968, subject to approval from LRCI	(93,445)	(113,445)	20,000	0	663,526
121.133.50	Bridge No. 0698 - Bindi Bindi Toodyay Road - Picnic Hill - Bridge Repair	Funds to be transferred to Solar lighting project, ending approval from LRCI	(20,000)	(10,000)	0	(10,000)	653,526
121.133.50	Bridge No. 0697 - Bindi Bindi Toodyay Road - Waters Brook - Bridge Repairs	Funds to be transferred to Solar lighting project, subject to approval from LRCI	(20,000)	(10,000)	0	(10,000)	643,526
121.133.50	Nottingham Road - Section 2 - SLK 0.29 - 0.51	Unsuccessful grant application. Officers to reapply in 2024/25	(83,488)	0	0	(83,488)	560,038
121.133.50	North Street - Road Upgrade - SLK 0.44 - 0.61	Unsuccessful grant application. Officers to reapply in 2024/25	(72,952)	0	0	(72,952)	487,086
121.595.51	Nottingham Road - Section 2 - SLK 0.29 - 0.50	Unsuccessful grant application this Year. Transfers from Reserves to be deferred	(83,488)	0	0	(83,488)	403,598
121.595.51	North Street - Road Upgrade - SLK 0.44 - 0.60	Unsuccessful grant application this Year. Transfers from Reserves to be deferred	(72,952)	0	0	(72,952)	330,646
121.741.50	Nottingham Road - Section 2 - SLK 0.29 - 0.51	Carry-over to FY2024/2025 due to unsuccessful grant application.	166,976	0	166,976	0	497,622

GL Account Code	Description	Comments	Adopted Budget	Proposed Budget	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running
121.741.50	North Street - Road Upgrade - SLK 0.44 - 0.61	Carry-over to FY2024/2025 due to unsuccessful grant application.	145,903	0	145,903	0	643,525
121.746.10	Bridge No. 9025 - Footbridge-Pile Replacement-Solar lighting	Additional funds to be transferred from bridge No.0697 and bridge No. 0968 subject to approval by LRCI	93,445	113,445	0	(20,000)	623,525
121.746.10	Bridge No. 0698 - Bindi Bindi Toodyay Road - Picnic Hill - Bridge Repair	Funds to be transferred to Solar lighting project subject to approval from LRCI	20,000	10,000	10,000	0	633,525
121.746.10	Bridge No. 0697 - Bindi Bindi Toodyay Road - Waters Brook - Bridge Repairs	Funds to be transferred to Solar lighting project subject to approval from LRCI	20,000	10,000	10,000	0	643,525
144.420.10	Plant Operations - Motor Vehicle Insurance	Increase in Insurance premiums than projected	34,848	51,348	0	(16,500)	627,025
144.739.50	John Deere 670GP-Grader	Additional funds required to cover cost of grader acquisition due to price increase post budget approval.	400,000	470,000	0	(70,000)	557,025
144.739.50	Purchase of Side Tip Trailer - 1	Carry-over - No spend in FY2023/2024 - vehicle purchase has deferred to FY2024/2025	100,000	0	100,000	0	657,025
144.758.50	Proceeds on Sale of Assets - Plant and Equipment	Carry-over \$165,000 in proceeds from sale of plant and equipment deferred to FY2024/2025.	(240,000)	(75,000)	0	(165,000)	492,025
147.133.50	Shire Owned Land Mitigation	Due to delay in grant agreement approval. Project delivery is not expected prior to 30 June 2024.	(137,770)	(137,770)	0	0	492,025
147.731.50	Shire Owned Land Mitigation	Due to delay in grant agreement approval. Project delivery is not expected prior to 30 June 2024.	275,539	0	275,539	0	767,564
					1,534,351	(1,371,080)	767,564

**SHIRE OF TOODYAY STATEMENT OF FINANCIAL ACTIVITY
FOR THE YEAR ENDED 30 JUNE 2024**


MID YEAR BUDGET REVIEW

27/03/2024 10:16


	2023/24 Adopted Budget	2023/24 YTD Actual 31 Dec 2023	2023/24 Mid Year Budget review	Var.\$ (c)-(a)	Var.% (c)-(a)/(a)
	\$	\$			
Revenue from operating activities					
General rates	7,580,930	7,597,331	7,604,776	23,846	0%
Operating grants, subsidies and contributions	711,860	932,598	932,598	220,738	31%
Fees and charges	1,445,030	1,389,390	1,459,737	14,707	1%
Interest earnings	165,000	133,895	220,000	55,000	33%
Other revenue	352,098	242,509	358,458	6,360	2%
	10,254,918	10,295,722	10,575,568	320,650	3%
Expenditure from operating activities					
Employee costs	(4,107,947)	(2,685,102)	(4,175,838)	(67,891)	2%
Materials and contracts	(4,427,628)	(3,231,569)	(4,577,336)	(149,708)	3%
Utility charges	(437,903)	(255,456)	(437,903)	0	0%
Depreciation on non-current assets	(4,436,148)	0	(4,436,148)	0	0%
Interest expenses	(144,447)	(83,770)	(144,447)	0	0%
Insurance expenses	(414,597)	(443,866)	(448,380)	(33,783)	8%
Other expenditure	(272,593)	(163,720)	(264,593)	8,000	(3%)
	(14,241,263)	(6,863,482)	(14,484,646)	(243,382)	2%
Non-cash amounts excluded from operating activities	4,436,148	0	4,436,148	0	0%
Amount attributable to operating activities	449,803	3,432,240	527,071	77,268	17%
INVESTING ACTIVITIES					
Inflows from investing activities					
Capital grants, subsidies and contributions	3,502,542	974,615	3,268,721	(233,821)	(7%)
Proceeds from disposal of assets	240,000	0	165,000	(75,000)	(31%)
	3,742,542	974,615	3,433,721	(308,821)	(8%)
Outflows from investing activities					
Payments for Land and Buildings	(501,539)	(17,226)	(291,000)	210,539	(42%)
Payments for property, plant and equipment	(766,034)	(172,023)	(231,950)	534,084	(70%)
Payments for construction of infrastructure	(5,486,923)	(1,690,450)	(5,566,722)	(79,799)	1%
Amount attributable to investing activities	(6,754,496)	(1,879,699)	(6,089,672)	664,824	(10%)
Amount attributable to investing activities	(3,011,954)	(905,084)	(2,655,951)	356,003	(12%)
FINANCING ACTIVITIES					
Inflows from financing activities					
Transfers from reserve accounts	361,440	0	91,440	(270,000)	(75%)
	361,440	0	91,440	(270,000)	(75%)
Outflows from financing activities					
Repayment of borrowings	(329,051)	(163,075)	(329,051)	0	0%
Payments for principal portion of lease liabilities	(237,528)	(160,473)	(237,528)	0	0%
Transfers to reserve accounts	(345,000)	0	(345,000)	0	0%
	(911,579)	(323,548)	(911,579)	0	0%
Amount attributable to financing activities	(550,139)	(323,548)	(820,139)	(270,000)	49%
MOVEMENT IN SURPLUS OR DEFICIT					
Surplus or deficit at the start of the financial year	3,117,000	3,117,000	3,716,583	(599,583)	19%
Amount attributable to operating activities	449,803	3,432,240	527,071	(77,268)	17%
Amount attributable to investing activities	(3,011,954)	(905,084)	(2,655,951)	(356,003)	(12%)
Amount attributable to financing activities	(550,139)	(323,548)	(820,139)	270,000	49%
Net current assets at end of financial year - surplus/	4,710	5,320,608	767,564	(762,854)	16196%

This statement is to be read in conjunction with the accompanying notes.

| 1

		CAPITAL EXPENDITURE 2023/2024 Mid Year Budget Review		
Asset Class	Adopted BUDGET	YTD ACTUAL 31/12/2023	MYBR 2023/24	CARRY FORWARDS
LAND AND BUILDINGS	501,539	17,226	291,000	410,539
Bejoording Fire Station	135,000		-	135,000
Butterly House - Veranda Repairs	10,000		10,000	-
Butterly House - Replacement of Front Fence	-	9,044		
Donegans Cottage - Structural Repair	30,000		30,000	-
Library Drainage & Brickwork Repair and Painting	25,000		25,000	-
Parkers Cottage - Structural Repair	6,000		6,000	-
Morangup Hall - Commercial Kitchen and Floor Sealing	5,000		5,000	-
19B Clinton Street Duplex - Seal Roof	10,000	8,182	10,000	-
Visitors Centre - Security/Duress Alarms	5,000		5,000	-
Non-Crown Land Mitigation	275,539			275,539
Racecourse Buildings	-		200,000	-
PLANT AND EQUIPMENT	766,034	172,023	231,950	654,769
HEAVY VEHICLE/PLANT REPLACEMENT SCHEDULE				
Graders				
John Deere 670GP	400,000		70,000	400,000
Trucks				
Cherry Picker	55,000		55,000	-
Trailers & Dollies				
Side Tip Trailer - 1	100,000	-	-	100,000
1 trailer with hydraulic lift kit and tail ramp.		16,936		-
Rollers & Brooms				
Skid Steer Broom	7,000		7,000	
Evac Centre Generator	154,769		-	154,769
Ride On Mowers/Mulchers				
Isuzu MUX - T0000	49,265	49,755	49,265	-
Isuzu D-Max Space Cab Chassis-T0001	-	50,685	50,685	-
New Isuzu D-Max 4x4 Dual Cab utility-T0023	-	54,647		-
INFRASTRUCTURE	5,486,923	1,690,450	5,566,722	312,879
ROADS	4,403,977	1,144,198	4,285,082	312,879
Telegraph Rd - Bindi Bindi Toodyay Road(From Connor St)SLK 0.00-3.00 -30000189(Federal)	-	3,850		-
Julimar Road Rehabilitation - RRG - SLK 17.56 - 19.81(Regional Roads group)	649,746	609,947	649,746	-
Julimar Road Rehabilitation -RRG Black Spot - SLK 14.11 - 15.96(Regional Roads group)	1,031,716	99,884	1,031,716	-
Chitty Road Upgrade - R2R SLK 4.34 - 6.75(Roads to Recovery)	180,000	68,150	180,000	-
Julimar Road Edge Break Repairs-Council Funded	-	143,984	143,984	-
Maintenance of Roadside Vegetation - Contract Works - Pruning	70,000	70,000	70,000	-
Bejoording Road - Widening - SLK 9.34 - 12.30	50,000		50,000	-
Bindi Bindi Toodyay Road - SLK 2.86 - 6.56 - Wheel Path Pavement Repairs	180,000		230,000	-
Bindi Bindi Toodyay Road - Reseal & Linemarking - SLK 11.08 - 13.45	229,976	3,324	229,976	-
Julimar Road - RRG-SLK 19.81 - 22.52 (Regional Roads Groups)	819,759	144,873	819,759	-
Clackline Toodyay Road - Reseal & Linemarking -SLK 5.55- SLK 10.55	473,500	185	473,500	-
Asphalt Repairs - Hamersley, Clinton, Fiennes & Anzac	73,650		73,650	-
WSFN Project Development - Bindoon Dewars Pool Road	180,000		180,000	-
Nottingham Road - Section 2 - SLK 0.29 - 0.50	166,976		-	166,976
Budget for significant edgebreaks - profiling	152,751		152,751	-
North Street - Road Upgrade - SLK 0.44 - 0.60	145,903		-	145,903
BRIDGES	580,006	319,270	580,006	-
Bridge No. 9025 - Footbridge	93,445	12,000	113,445	-
Bridge No. 4080 - Julimar Road	181,836	166,150	181,836	-
Bridge No. 0698 - Bindi Bindi Toodyay Road - Picnic Hill - Bridge Repair	20,000		10,000	-
Bridge No. 0697 - Bindi Bindi Toodyay Road - Waters Brook - Bridge Repairs	20,000		10,000	-

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 CAPITAL EXPENDITURE 2023/2024 Mid Year Budget Review				
Asset Class	Adopted BUDGET	YTD ACTUAL 31/12/2023	MYBR 2023/24	CARRY FORWARDS
Bridge No. 4085 - Slaughterhouse Bridge	79,123	71,930	79,123	-
Bridge No. 0702 - Bindi Bindi Toodyay Road - Connor Road	17,000		17,000	-
Bridge No. 0708 - Bindoon Dewars Pool Road	20,000	10,750	20,000	-
Bridge No. 4085 - Slaughterhouse Bridge - MRWA Design	90,000		90,000	-
Bridge No. 4084 - Dumbarton Bridge	58,602	58,440	58,602	-
FOOTPATHS	335,000	23,461	335,000	-
Stirling Terrace & Goomalling Toodyay Road Kerb & Pram Ramp replacement	15,000	18,810	15,000	-
Townsite - Heavy Haulage - Footpath Corrective Action	40,000	4,651	40,000	-
Toodyay Street - Shared Pathway	98,000		98,000	-
Jubilee Street - Shared Pathway	182,000		182,000	-
OTHER INFRASTRUCTURE	167,940	203,522	366,634	-
Dudgee Park - Pendulum Swing	-		-	-
Newcastle Park - Upgrade	-	179,694	179,694	-
Community Standpipe Controller - Capital Works Infrastructure Other	10,000	81	10,000	-
TRC Water Meters	-			-
Medical Centre Server& Hardware - Computer Network Assets	-			-
Fire Water tanks various (DFES funded 21/22 c/fwd)	24,340	10,025	24,340	-
Installation of Water Tanks - Recreation Centre	105,600		105,600	-
Charcoal Lane-Solar Lighting	20,000	13,722	20,000	-
Depot Material Bunkers	8,000		8,000	-
Timber Deck required for the Pool	-		19,000	-
TOTAL CAPITAL EXPENDITURE	6,754,496	1,879,699	6,089,672	1,378,187



Mid Year Budget Review

CASH BACKED RESERVES

	2023/24 Budget Opening Balance	2023/24 Proposed Budget Opening Balance	2023/24 Budget Transfer to	2023/24 Proposed Budget Transfer (to)	2023/24 Budget Transfer (from)	2023/24 Proposed Budget Transfer (from)	2023/24 Budget Closing Balance	2023/24 Mid Year Review
	\$	\$	\$	\$	\$	\$	\$	\$
Employee Entitlement Reserve	272,430	256,118	0	0	0	0	272,430	256,118
Asset Development Reserve	604,608	612,919	0	0	(145,000)	(210,000)	459,608	402,919
CCTV Reserve	27,116	27,803	0	0	0	0	27,116	27,803
Emergency Management Reserve	75,350	77,259	0	0	0	0	75,350	77,259
Heritage Asset Reserve	43,494	11,448	0	0	0	0	43,494	11,448
Information Technology Reserve	11,166	22,578	0	0	(10,000)	(10,000)	1,166	12,578
Newcastle Footbridge & Pedestrian Overpass Reserve	0	44,469	0	0	0	0	0	44,469
Plant Reserve	152,005	155,855	0	0	0	0	152,005	155,855
Community Bus Reserve	0	0	0	0	0	0	0	0
Recreation Development Reserve	255,411	261,629	10,000	10,000	0	0	265,411	271,629
Refuse Reserve	115,379	118,301	0	0	0	0	115,379	118,301
Road Contribution Reserve	376,345	382,081	150,000	150,000	(50,000)	(50,000)	476,345	482,081
Strategic Access & Fire Egress Track Reserve	334,319	339,521	50,000	50,000	(156,440)	0	227,879	389,521
Morangup Community Centre Reserve	0	0	0	0	0	0	0	0
Asset Replacement Reserve	0	(1)	0	0	0	0	0	(1)
Drainage and Sewerage Reserve	129,780	132,561	20,000	20,000	0	0	149,780	152,561
Biosecurity Reserve **New**	1,000	1,000	5,000	5,000	0	0	6,000	6,000
Roads Reserve **New**	20,000	20,000	25,000	25,000	0	0	45,000	45,000
Buildings Reserve	0	0	5,000	5,000	0	0	5,000	5,000
Plus interest to be allocated	0	0	80,000	80,000	0	0	80,000	80,000
	2,418,403	2,463,541	345,000	345,000	(361,440)	(270,000)	2,401,963	2,538,541

SHIRE OF TOODYAY

NOTES TO AND FORMING PART OF THE BUDGET
FOR THE YEAR ENDED 30 JUNE 2022

Reserve name

Employee Entitlement Reserve
 Asset Development Reserve
 CCTV Reserve
 Emergency Management Reserve
 Heritage Asset Reserve
 Information Technology Reserve
 Newcastle Footbridge & Pedestrian Overpass Reserve
 Plant Reserve
 Community Bus Reserve
 Recreation Development Reserve
 Refuse Reserve
 Road Contribution Reserve

Strategic Access & Fire Egress Track Reserve
 Morangup Community Centre Reserve
 Asset Replacement Reserve
 Drainage and Sewerage Reserve
 Biosecurity Reserve **New**
 Roads Reserve **New**
 Mining Industry Reserve **New**

Purpose of Reserve

Funds set aside to provide payments for Employee Entitlement liabilities
 Funds set aside for the future purchase and/or development of assets
 Funds set aside for the replacement, expansion and maintenance of CCTV
 Funds set aside to assist in emergency management and recovery
 Funds set aside for the preservation and/or purchase of Built Heritage assets of significance within the Shire of Toodyay
 Funds set aside for the replacement and maintenance of computer hardware
 Funds set aside for the maintenance and upkeep of the Newcastle Footbridge and the Duke Street Pedestrian Overpass
 Funds set aside for the ongoing upgrade and replacement of Council owned fleet
 Funds set aside for the purchase of a new Shire of Toodyay Community Bus
 Funds set aside for the development of recreational facilities
 Funds set aside for the development and maintenance of the Shire of Toodyay Waste Transfer Station
 Funds set aside from contributions given towards particular roads to assist in the ongoing maintenance and preservation of these roads.
 These funds cannot be used on roads other than those identified in the contribution
 Funds set aside for the implementation and maintenance of strategic access and egress tracks
 Funds set aside for the development of the Morangup Community Centre
 Funds set aside for the replacement of playing surfaces at the recreation precinct.
 Funds set aside for drainage improvements
 Funds set aside for the management of invasive plants and pests
 Funds set aside for future road renewals and upgrades
 Funds set aside to assist in managing the impacts of mining activities within the community



Creditor Payment Report

01 February 2024 to 29 February 2024

Ref#	Cheque Payments						
Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
1	28-02-2024	13037	190	T0024 Nov 2024-2025	DEPARTMENT OF TRANSPORT	T0024 12 Months vehicle registration renewal	415.70
2	28-02-2024	13037	190	1TTD353 March 2024-2025	DEPARTMENT OF TRANSPORT	1TTD353 12 Months vehicle registration renewal	25.30
3	28-02-2024	13037	190	1TDY961 March 2024 -2025	DEPARTMENT OF TRANSPORT	1TDY961 12 Months vehicle registration renewal	25.30
4	28-02-2024	13037	190	T0017 March 2024-2025	DEPARTMENT OF TRANSPORT	T0017 12 Months vehicle registration renewal	269.40
5	28-02-2024	13037	190	1TQU555	DEPARTMENT OF TRANSPORT	1TQU555 12 Months vehicle registration renewal	25.30
						Cheque Total	761.00
Ref#	Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
6	05-02-2024	EFT	680	1619	AURAVEDA PTY LTD	Organic Insect Repellant to sell in the Visitors Centre	299.00
7	05-02-2024	EFT	1132	#SOT041	AVON YARD & MAINTENANCE SERVICES	Gabidine Brook Reserve - Fire break clearing. 12.07.23	1,000.00
8	05-02-2024	EFT	1358	290124-1	C.J.BOASE & K.A.BOASE & C.JENKS	Chitty Road SLK 4.34 - 6.30 - Water Supply - Late Fee	121.00
9							
10	05-02-2024	EFT	1432	00046651	CARRINGTON'S (WA) PTY LTD	Julimar Road Capital Works SLK 19.81 - 22.56 - Traffic Management	3,146.00
11							
12	05-02-2024	EFT	1432	00046559	CARRINGTON'S (WA) PTY LTD	Julimar Road SLK 17.56 - 19.81 - Traffic Management	1,646.98
13	05-02-2024	EFT	1432	00046732	CARRINGTON'S (WA) PTY LTD	Julimar Rd - SLK 14.11 - 15.96 - Traffic Management	6,825.50
14							
15	05-02-2024	EFT	1432	000046650	CARRINGTON'S (WA) PTY LTD	Julimar Rd - SLK 14.11 - 15.96 - Traffic Management	9,880.75
16	05-02-2024	EFT	227	601148590C	FLICK ANTICIMEX PTY LTD	Annual in advance - 4 weekly supply/service of in-cubicle servicing 23/24	10,889.31
17							
18	05-02-2024	EFT	316	52061844	HAYS SPECIALIST RECRUITMENT (AUST) PTY LTD	Finance Officer-Payroll Temp for 20 weeks W/E 14 January 2024	1,558.55
19	05-02-2024	EFT	359	33303	JASON SIGNMAKERS	DFES Shield Stickers & windscreen name	94.77
20							
21	05-02-2024	EFT	359	33867	JASON SIGNMAKERS	Signage	2,616.26
22	05-02-2024	EFT	378	00089164	KLEEN WEST DISTRIBUTERS	Admin consumables - Toilet roll	117.98
23	05-02-2024	EFT	1283	Reimbursement for 2023 Toodyay Christmas Street Party	Kyla BROWNE	2023 Toodyay Christmas Street Party - decorations, lollies & bin bags	241.96
24	05-02-2024	EFT	1283	Reimbursement - WBN CRC Cluster meeting at the Merredin	Kyla BROWNE	WBN CRC Cluster meeting at the Merredin - Travel expenses	380.00
25	05-02-2024	EFT	895	Councillor Attendance allowance January 2024	Michael Vincent MCKEOWN	Councillor Attendance allowance January 2024	4,841.42
26	05-02-2024	EFT	1452	Councillor attendance allowance January 2024	Michelle Louise DIVAL	Councillor attendance & quarterly telecomm allowance January 2024	2,076.22
27	05-02-2024	EFT	464	6912	MINUTEMAN PRESS - EAST PERTH	Invoice 6912.4 A5 NCR Books (148 x 210mm) -- Black & Red Ink -- Triplicates 50's -- Red Numbers Starting at D251 -- Artwork Supplied Print Ready (Dog Caution)	313.50
28	05-02-2024	EFT	1327	INV-0096	NORTH STREET MUSIC	Flute Quartet 1.5 hour performance - Australia Day 2024	4,215.75
29	05-02-2024	EFT	518	611105886	OFFICEWORKS	Stationery - CRC	53.95
30	05-02-2024	EFT	1251	Reimbursement for Community Sundowner - Council Plan 2023-33 launch	Paul Wesley Jones SUTTON	Community Sundowner - Council Plan 2023-33 launch - Ica	12.00
31	05-02-2024	EFT	1251	Reimbursement BeConnected Get Online Week 2023	Paul Wesley Jones SUTTON	BeConnected Get Online Week 2023 - food & consumables	160.68
32	05-02-2024	EFT	117	77 30.01.24	THE COLA CAFE	Refreshments as per Council Policy - Payments to Employees - J Bear	140.00
33	05-02-2024	EFT	1291	Consignment November 2023	TORY'S POTS	Consignment November 2023	35.00

Electronic Funds Transfer Payments							
Ref#	Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Inclusive Amount
	34	05-02-2024	EFT	717	26018	TRAINING SERVICES AUSTRALIA	330.00
	35	05-02-2024	EFT	829	INV-14852 & INV-15118	WEST WIDE AUTO ELECTRICS	799.80
	36	05-02-2024	EFT	829	INV-16276	WEST WIDE AUTO ELECTRICS	880.00
	37	05-02-2024	EFT	829	INV-15560	WEST WIDE AUTO ELECTRICS	4,703.08
	38	05-02-2024	EFT	829	INV-15843	WEST WIDE AUTO ELECTRICS	1,741.60
	39	05-02-2024	EFT	829	INV-15345	WEST WIDE AUTO ELECTRICS	2,902.80
	40	05-02-2024	EFT	829	INV-16454	WEST WIDE AUTO ELECTRICS	3,402.30
	41	08-02-2024	EFT	695	554053	TOODYAY TRADERS	74.50
	42	08-02-2024	EFT	695	549109	TOODYAY TRADERS	615.00
	43	08-02-2024	EFT	695	548157	TOODYAY TRADERS	88.00
	44	08-02-2024	EFT	695	548182	TOODYAY TRADERS	95.00
	45	08-02-2024	EFT	695	552203	TOODYAY TRADERS	64.50
	46	08-02-2024	EFT	695	552199	TOODYAY TRADERS	12.45
	47	08-02-2024	EFT	695	550876	TOODYAY TRADERS	10.00
	48	08-02-2024	EFT	695	552570	TOODYAY TRADERS	26.00
	49	08-02-2024	EFT	695	550963	TOODYAY TRADERS	14.45
	50	08-02-2024	EFT	695	552791	TOODYAY TRADERS	42.90
	51	08-02-2024	EFT	695	551341	TOODYAY TRADERS	49.50
	52	08-02-2024	EFT	695	552204	TOODYAY TRADERS	65.60
	53	08-02-2024	EFT	695	552869	TOODYAY TRADERS	10.25
	54	08-02-2024	EFT	695	550899	TOODYAY TRADERS	20.00
	55	08-02-2024	EFT	695	552098	TOODYAY TRADERS	3.85
	56	15-02-2024	EFT	26	107820	ADVANCED AUTOLOGIC	532.00
	57	15-02-2024	EFT	55	2800882	AFGR EQUIPMENT AUSTRALIA PTY LTD	400.92
	58	15-02-2024	EFT	1381	Consignment December 23	ALEXANDRA JEAN HURLEY	176.00
	59	15-02-2024	EFT	1381	Consignment January 2024	ALEXANDRA JEAN HURLEY	44.00
	60	15-02-2024	EFT	1401	Consignment December 2023	ALLEVARE THE LABEL	37.00
	61	15-02-2024	EFT	35	0001542	ALLSTRONG OUTDOOR GARAGE DOORS	1,144.00
	62	15-02-2024	EFT	23	002806	ART BEAT	134.10
	63	15-02-2024	EFT	1	1013008631	AUSTRALIA POST	1,358.86
	64	15-02-2024	EFT	6	1106761	AUTOPRO NORTHAM	20.35
	65	15-02-2024	EFT	6	1105304	AUTOPRO NORTHAM	98.90
	66	15-02-2024	EFT	5	13673	AVON SKIP BINS	350.00
	67	15-02-2024	EFT	5	13681	AVON SKIP BINS	180.00
	68	15-02-2024	EFT	5	13678	AVON SKIP BINS	300.00
	69	15-02-2024	EFT	5	13677	AVON SKIP BINS	60.00
	70	15-02-2024	EFT	53	JC14012111	AVON VALLEY TOYOTA	4,300.00
	71	15-02-2024	EFT	53	JC14012112	AVON VALLEY TOYOTA	4,359.99
	72	15-02-2024	EFT	53	JC14012113	AVON VALLEY TOYOTA	4,305.99
	73	15-02-2024	EFT	19	00060257	AVON WASTE - STONDON PTY LTD	17,221.08
	74	15-02-2024	EFT	19	00060557	AVON WASTE - STONDON PTY LTD	17,167.18
	75	15-02-2024	EFT	19	00060601	AVON WASTE - STONDON PTY LTD	16,811.64
	76	15-02-2024	EFT	1132	SOT042	AVON YARD & MAINTENANCE SERVICES	1,000.00
	77	15-02-2024	EFT	1009	1109	BELINGARNI FABRICATION HOME & PROPERTY SERVICE	495.00
	78	15-02-2024	EFT	1009	1108	BELINGARNI FABRICATION HOME & PROPERTY SERVICE	2,145.00
	79	15-02-2024	EFT	892	4035544846	BOC LIMITED	101.87
	80	15-02-2024	EFT	892	4035762120	BOC LIMITED	101.87
	81	15-02-2024	EFT	892	4035902472	BOC LIMITED	38.50
	82	15-02-2024	EFT	892	4035487411	BOC LIMITED	101.87
	83	15-02-2024	EFT	892	4035566566	BOC LIMITED	101.87
	84	15-02-2024	EFT	62	412	BRODERICK WASTE SOLUTIONS	6,862.68
	85	15-02-2024	EFT	62	413	BRODERICK WASTE SOLUTIONS	5,610.00

Ref#	Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
86	15-02-2024	EFT	75	2182/99827833	BUNNINGS - MIDLAND	1 x D-Line 30 x 10mm 1.8m Black And High Visibility Yellow Medium Duty Floor Cover	52.25
87	15-02-2024	EFT	151	INV-4759	C & F BUILDING APPROVALS	Bulk PO to contract building surveyor services provided by C & F Building Approvals Picnic Hill Road, West Toodyay B2024-8	275.00
88	15-02-2024	EFT	996	24-00000513	CADDS FASHIONS SPORTFIRST NORTHAM	Mack Terrapro Zip Boots - Black - Size 9.5 - R Lloyd	206.99
89	15-02-2024	EFT	161	Consignment December 2023	CAPTURE THE LIGHT PHOTOGRAPHIC TOURS	Consignment December 2023	11.55
90	15-02-2024	EFT	154	00036540	CHARLES SERVICE COMPANY	Cleaning of Shire Facilities 18.12.23 - 19.01.24	11,215.39
91	15-02-2024	EFT	154	00036571	CHARLES SERVICE COMPANY	Cleaning of Administration Building 18/12/23 to 19/1/24	1,548.80
92	15-02-2024	EFT	154	00036570	CHARLES SERVICE COMPANY	Cleaning of Big Meeting Room, Little Office & Computer Room - CRC - 18/12/23 to 19/1/24	1,452.00
93	15-02-2024	EFT	154	00036569	CHARLES SERVICE COMPANY	Cleaning of Youth Hall - 18/12/23 to 19/1/24	580.80
94	15-02-2024	EFT	135	2023248	CHRISTMAS 360 - SEAN BYRON	Christmas craft activity for library members 2023	600.00
95	15-02-2024	EFT	119	00081779	CORSIGN (WA) PTY LTD	Safety Sign "frequently stopping vehicle" for T6782	116.60
96	15-02-2024	EFT	119	00081572	CORSIGN (WA) PTY LTD	Custom Sign and Quad Stands x 2 for road works	539.00
97	15-02-2024	EFT	100	219071	COUNTRY COPIERS	CRC Printer - Meter Reading 09/01/24 - 05/02/24	328.89
98	15-02-2024	EFT	1472	00001162	DARREN LONG CONSULTING	Financial consultancy support AFR 2023 - December 2023	5,225.00
99	15-02-2024	EFT	182	INV1466240	DATAKOM SOLUTIONS (AU) PTY LTD	Datascape monthly SaaS fee January 2024	3,711.11
100	15-02-2024	EFT	1468	1205	David Stewart MALONE	Art rail installation at Community Centre for community art display grant 2023	572.00
101	15-02-2024	EFT	1262	791838	DOWNER EDI WORKS LIMITED	Contractors - Other BN4080 Julimar Road, Toodyay	4,682.81
102	15-02-2024	EFT	162	01012261	DUNNING INVESTMENTS PTY LTD	23,000 Ltr of Diesel - Depot	42,352.20
103	15-02-2024	EFT	683	4091	EAG ELECTRICAL AIR-CONDITIONING & GAS	Repairs to Air Con - Bendigo Bank - vandalism	148.50
104	15-02-2024	EFT	683	9194	EAG ELECTRICAL AIR-CONDITIONING & GAS	Replace and check switches at the Medical Centre	267.30
105	15-02-2024	EFT	683	4184	EAG ELECTRICAL AIR-CONDITIONING & GAS	Repair lights in server room and hot water system at Medical Centre	703.45
106	15-02-2024	EFT	683	4177	EAG ELECTRICAL AIR-CONDITIONING & GAS	Deep clean Air conditioner in Dr's office at Medical Centre	458.70
107	15-02-2024	EFT	221	PPE 19.12.2024	EASIFLEET	Hugo De Vos payroll salary deductions PPE 19/12/2023	498.10
108	15-02-2024	EFT	221	PPE 2/1/2024	EASIFLEET	Hugo De Vos payroll salary deductions PPE 2/1/2024	498.10
109	15-02-2024	EFT	221	PPE 16/1/2024	EASIFLEET	Hugo De Vos payroll salary deductions PPE 16/1/2024	498.10
110	15-02-2024	EFT	221	PPE 30/1/2024	EASIFLEET	Hugo De Vos payroll salary deductions PPE 30/1/2024	498.10
111	15-02-2024	EFT	1481	100	Emma PETTEMERIDES	Toodyay Christmas Street Party Stage Performance	350.00
112	15-02-2024	EFT	1466	Consignment January 2024	ERIC OWEN TOLHOPF	Consignment January 2024	32.00
113	15-02-2024	EFT	219	Consignment December 2023	ESSELMONT ESTATE	Consignment December 2023	20.69
114	15-02-2024	EFT	208	31 part two of two	EZI-FIX WELDING & HANDYMAN SERVICES	Reconstruct and Repair Decking at Aquatic Facility	4,100.00
115	15-02-2024	EFT	230	80744	FRONTLINE FIRE & RESCUE EQUIPMENT	Sumane Stickers (CREUSOT, MADDELL, MILLETT, APPLEBY-JONES) Boots and Kestral	755.90
116	15-02-2024	EFT	230	80980	FRONTLINE FIRE & RESCUE EQUIPMENT	1 x 62463 - 1 x Size 14.5 (Millet)	243.41
117	15-02-2024	EFT	230	80743	FRONTLINE FIRE & RESCUE EQUIPMENT	2 x 62463 Boots (Size 10.5) & Kestral	955.31
118	15-02-2024	EFT	230	80933	FRONTLINE FIRE & RESCUE EQUIPMENT	Repairs at Coondle, Julimar and Central	1,556.07
119	15-02-2024	EFT	972	Consignment December 2023	GLENORAN LEATHER	Consignment December 2023	19.23
120	15-02-2024	EFT	972	Consignment January 2024	GLENORAN LEATHER	Consignment January 2024	38.50
121	15-02-2024	EFT	1364	Consignment June 2023	JESSIE SPRING WATERCOLOUR ARTIST	Consignment June 2023	30.80
122	15-02-2024	EFT	1364	Consignment January 2024	JESSIE SPRING WATERCOLOUR ARTIST	Consignment January 2024	15.40
123	15-02-2024	EFT	1364	Consignment December 2023	JESSIE SPRING WATERCOLOUR ARTIST	Consignment December 2023	16.20
124	15-02-2024	EFT	228	Consignment December 2023	June FOOTIE	Consignment December 2023	15.35
125	15-02-2024	EFT	142	Consignment December 2023	Leah Imelda CARVELL	Consignment December 2023	56.00
126	15-02-2024	EFT	881	Consignment January 2024	Lindsay BURKE	Consignment January 2024	11.53
127	15-02-2024	EFT	1155	INV-7929	LYNDLE STOKES DESIGN	2022-2023 Annual Report	3,300.00
128							
129	15-02-2024	EFT	1440	Consignment January 2024	MACDONALD, INGRID CATHERINE C	Consignment January 2024	27.00
130	15-02-2024	EFT	1440	Consignment December 2023	MACDONALD, INGRID CATHERINE C	Consignment December 2023	84.00
131	15-02-2024	EFT	992	Consignment December 2023	Margaret BRADFORD SEELE	Consignment December 2023	27.70
132	15-02-2024	EFT	439	1696780	MARKETFORCE	West Australian Advert - 16 December 2023 - Clearing Tender	696.60
133	15-02-2024	EFT	880	INV-5583	METROPOLITAN CASH REGISTER COMPANY	IdealPos Annual Support Plan.	495.00
134	15-02-2024	EFT	465	INV-3727	MORRIS PEST AND WEED CONTROL	Treating Wasp Nests in Connors Mill - Safety Concerns for the public	242.00
135	15-02-2024	EFT	1240	00021817	NATURAL AREA CONSULTING MANAGEMENT SERVICES	Chmy Road Upgrade - SLK 4.34-6.34 - Tree Inspection, Revegetation & Monitoring - Year 1 Rvmy 2 of 12 Events	374.00
136	15-02-2024	EFT	1416	Consignment January 2024	NATURAL INTENTIONS BEAUTY RANGE	Consignment January 2024	28.50
137	15-02-2024	EFT	1416	Consignment December 2023	NATURAL INTENTIONS BEAUTY RANGE	Consignment December 2023	53.35

Ref#	Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
138	15-02-2024	EFT	3	424538	ONE MUSIC AUSTRALIA - AUSTRALASIAN PERFORMING RIGHT ASSOC LTD	One Music Invoice to play music in the VC 1 January - 31 March 2024	172.24
139	15-02-2024	EFT	1375	Consignment December 2023	OZTROLOGY PTY LTD	Consignment December 2023	27.50
140	15-02-2024	EFT	1375	Consignment January 2024	OZTROLOGY PTY LTD	Consignment January 2024	42.50
141	15-02-2024	EFT	536	INV-28368	PROFESSIONAL PC SUPPORT PTY LTD (XL2)	Managed ITC agreement 2023 - 2024 - January 2024	11,261.43
142	15-02-2024	EFT	536	INV-28369M	PROFESSIONAL PC SUPPORT PTY LTD (XL2)	Managed phone agreement 2023-2024 January 24	1,244.04
143	15-02-2024	EFT	570	Consignment December 2023	QUILTS BY ROBYN	Consignment December 2023	105.00
144	15-02-2024	EFT	258	00001279	S F FITZGERALD PLUMBING & GAS	Installation and connection of Water Fountain - Newcastle Park	1,989.78
145	15-02-2024	EFT	258	00001277	S F FITZGERALD PLUMBING & GAS	Relocate tap in depot wash down bay	420.70
146	15-02-2024	EFT	258	00001278	S F FITZGERALD PLUMBING & GAS	Repairs to Northam Toodyay Road Standpipe	242.00
147	15-02-2024	EFT	258	00001289	S F FITZGERALD PLUMBING & GAS	Installation of Storm Water Pipe at Shire Depot for Fire Storage Tanks	7,309.50
148	15-02-2024	EFT	1199	Consignment January 2024	Sara Louise WHINCUP	Consignment January 2024	20.00
149	15-02-2024	EFT	660	700341901	SEEK LTD	Advertisement of CRC Traineeship & Communications Officer	726.00
150	15-02-2024	EFT	660	700339976	SEEK LTD	Advertisement of Coordinator Infrastructure and Cultural Heritage Officer	682.00
151	15-02-2024	EFT	689	Consignment December 2023	SIX SEASONS CONNECT	Consignment December 2023	50.00
152	15-02-2024	EFT	1337	3140986	SONIC HEALTHPLUS PTY LTD	Audiometry Testing for Peter Wlazowski	77.00
153	15-02-2024	EFT	1001	Consignment December 2023	SOUTHERN SHARPENING SERVICES	Consignment December 2023	69.22
154	15-02-2024	EFT	621	FAINV01139217	ST JOHN AMBULANCE WA	Restock First Aid Kit at the Memorial Hall.	180.40
155	15-02-2024	EFT	637	SIN-3808265	STEWART & HEATON CLOTHING CO PTY LTD	Various items clothing with embroidery	3,614.07
156	15-02-2024	EFT	637	SIN-3852024603	STEWART & HEATON CLOTHING CO PTY LTD	H461-NVY-WABFB1 Floppy Hat. Sizes: x 2	36.30
157	15-02-2024	EFT	637	SIN-3846646	STEWART & HEATON CLOTHING CO PTY LTD	J795-GLD2-TDY1 (1 x 122) (received the name badge too (\$8.40 inc, but not charged on invoice)	232.16
158	15-02-2024	EFT	944	Consignment January 2024	SWAN GENEALOGY	Consignment January 2024	21.15
159	15-02-2024	EFT	815	2070026173	SYNERGY	Account 321395980 2 December 23 - 5 February 24 775 Bindi Bindi Toodyay Rd	710.87
160	15-02-2024	EFT	704	Consignment December 2023	TAMMAR PUBLICATIONS	Consignment December 2023	27.95
161	15-02-2024	EFT	688	Consignment December 2023	Tanya Michelle STUART	Consignment December 2023	34.61
162	15-02-2024	EFT	1363	0564-S587470	TEAM GLOBAL EXPRESS PTY LTD	BFB & SES- Stewart & Heaton + Frontline/ Works & Services - Corsign + AFGRI + Total Tools	361.83
163	15-02-2024	EFT	1363	0568-S587470	TEAM GLOBAL EXPRESS PTY LTD	17.01.24 Frontline parcel	32.80
164	15-02-2024	EFT	1363	0565-S587470	TEAM GLOBAL EXPRESS PTY LTD	BFB & SES Frontline 22.12.23	55.41
165	15-02-2024	EFT	721	Consignment December 2023	THE TOODYAY HISTORICAL SOCIETY INC	Consignment December 2023	30.00
166	15-02-2024	EFT	303	10657972	TOODYAY HARDWARE & FARM	Various fencing materials for Malkup Brook Reserve Fire Recovery	1,826.25
167	15-02-2024	EFT	303	10657457	TOODYAY HARDWARE & FARM	2 x Gas Bottle Exchanges 9kg	68.50
168	15-02-2024	EFT	303	10656332	TOODYAY HARDWARE & FARM	INV: 10656332 - Thread tape red x 10, Anchor spot yellow, spray and mark fluoro	50.40
169	15-02-2024	EFT	695	553207	TOODYAY TRADERS	STIHL Electric Blower Vac BGA 86 Skin Only	449.00
170	15-02-2024	EFT	695	554081	TOODYAY TRADERS	Brush cutter Monthly Hardware Purchases - December 2023	20.00
171	15-02-2024	EFT	695	554242	TOODYAY TRADERS	Barley 25kg x 3 Monthly Hardware Purchases - December 2023	64.35
172	15-02-2024	EFT	695	554971	TOODYAY TRADERS	Barley 25kg Monthly Hardware Purchases - December 2023	64.35
173	15-02-2024	EFT	695	554728	TOODYAY TRADERS	Steel Wool Monthly Hardware Purchases - December 2023	5.95
174	15-02-2024	EFT	695	553829	TOODYAY TRADERS	Barley 25 Kg Monthly Hardware Purchases - December 2023	64.35
175	15-02-2024	EFT	695	555183	TOODYAY TRADERS	Key Cutting Monthly Hardware Purchases - December 2023 -	45.00
176	15-02-2024	EFT	695	554069	TOODYAY TRADERS	supply new cutting head for brush cutter.	72.00
177	15-02-2024	EFT	695	552750	TOODYAY TRADERS	Farm gate and strainer assembly.	338.50
178	15-02-2024	EFT	695	548302	TOODYAY TRADERS	3.6mtr Hard Wood - for seating at oval	76.00
179	15-02-2024	EFT	695	550125	TOODYAY TRADERS	PPE - Safety Helmets for P&G and Maintenance	592.00
180	15-02-2024	EFT	695	552981	TOODYAY TRADERS	Monthly Hardware Purchases - November 2023	28.95
181	15-02-2024	EFT	695	550124	TOODYAY TRADERS	PPE - Chaps for Depot Staff (M)	398.00
182	15-02-2024	EFT	695	557992	TOODYAY TRADERS	2 x roll 4 mm Brush cutter cord	179.50
183	15-02-2024	EFT	695	556976	TOODYAY TRADERS	Monthly Hardware Purchases - January 20 PVC Cement & Priming Fluid	28.00
184	15-02-2024	EFT	695	557386	TOODYAY TRADERS	Monthly Hardware Purchases - January 2024 - Domestic Rectangle Valve	59.00
185	15-02-2024	EFT	695	557397	TOODYAY TRADERS	Monthly Hardware Purchases - January 2024 - Metal Shield Multi Purpose	44.05
186	15-02-2024	EFT	695	557398	TOODYAY TRADERS	Monthly Hardware Purchases - January 2024 - Metal Shield Multipurpose x 2	29.90
187	15-02-2024	EFT	695	557423	TOODYAY TRADERS	Monthly Hardware Purchases - January 2024 -Bucket 10L x 1	2.15
188	15-02-2024	EFT	695	557995	TOODYAY TRADERS	Monthly Hardware Purchases - January 2024 - Pail 10L x 2	29.00
189	15-02-2024	EFT	695	558123	TOODYAY TRADERS	Monthly Hardware Purchases - January 2024 - Extension lead x 1 (Australia Day BBQ)	42.25

Ref#	Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
190	15-02-2024	EFT	751	INV-8296	TOODYAY TYRE & EXHAUST	INV 8296 - 2 x Michelin Works HLZ super single tyres, 1 x disposal	2,954.00
191	15-02-2024	EFT	751	INV-8311	TOODYAY TYRE & EXHAUST	Puncture Repair - Yearly Purchase Order 110 Radial repair and fitted new valve	40.00
192	15-02-2024	EFT	751	INV-8290	TOODYAY TYRE & EXHAUST	Puncture Repair - Yearly Purchase Order 125 Radial repair on steer	277.00
193	15-02-2024	EFT	751	INV-8288	TOODYAY TYRE & EXHAUST	Puncture Repair - Yearly Purchase Order Mplug repair on T0023	35.00
194	15-02-2024	EFT	751	INV-8274	TOODYAY TYRE & EXHAUST	Disposal of Tyres dumped at Plunkett Road	640.00
195	15-02-2024	EFT	751	INV-8270	TOODYAY TYRE & EXHAUST	Puncture Repair - Yearly Purchase Order - BF Vehicle - Craig Stewart	40.00
196	15-02-2024	EFT	751	INV-8253	TOODYAY TYRE & EXHAUST	Puncture Repair - Yearly Purchase Order Radial repair	40.00
197	15-02-2024	EFT	751	INV-8240	TOODYAY TYRE & EXHAUST	1 x 315/80R22.5 - Bejoording 4.4 + Callout	1,355.50
198	15-02-2024	EFT	751	INV-8234	TOODYAY TYRE & EXHAUST	Replace 2 x 12.5/80 18 Tyres plus disposal - Backhoe	1,483.00
199	15-02-2024	EFT	751	INV-8187	TOODYAY TYRE & EXHAUST	Puncture Repair - Yearly Purchase Order - m/plug repair to Wayne's ute	70.00
200	15-02-2024	EFT	751	INV-8149	TOODYAY TYRE & EXHAUST	Toodyay Central 1.4 Truck puncture repair	35.00
201	15-02-2024	EFT	770	INV14832	TOTAL GREEN RECYCLING	Waste Transfer Station - E/Waste Recycling 2023/2024	779.80
202	15-02-2024	EFT	730	362389	TOTAL TOOLS MIDLAND	supply strapping tools to strap items to pellets	626.71
203	15-02-2024	EFT	884	84726	URL NETWORKS PTY LTD	URL Networks - SIP Trunks 07.02.24 - 06.03.24	80.00
204	15-02-2024	EFT	1267	INV-0739	VAPOUR PLUMBING AND GAS	Empty Porta Loo for Construction	234.30
205	15-02-2024	EFT	787	9449	VERNICE PTY LTD	Towing of Julimar 2.4 - 17/01/2024 & Towing of Julimar 1.4 - 14/01/2024	825.00
206	15-02-2024	EFT	840	00001042	WACVIL LANDSCAPING & EARTHWORKS PTY LTD	Installation of concrete paths and supply and install steps to Community Centre	9,570.00
207	15-02-2024	EFT	801	SI-008499	WALGA	Emergency Management training for a Welfare Liaison Officer - Kimberley Hardie	759.00
208	15-02-2024	EFT	1334	21332	WATFS PTY LTD	Fence hire from 4/12/2023 to 4/1/2024 show grounds old bar	177.10
209	15-02-2024	EFT	1334	21296	WATFS PTY LTD	Safety Fencing for Pool 29/11/23 - 29/12/24	127.05
210	15-02-2024	EFT	1334	21518	WATFS PTY LTD	Safety Fencing for Showgrounds 4/01/2024 - 4/02/2024	177.10
211	15-02-2024	EFT	1334	24695	WATFS PTY LTD	Safety Fencing for Showgrounds 4/02/2024 - 4/03/2024	177.10
212	15-02-2024	EFT	1334	21489	WATFS PTY LTD	Safety Fencing for Pool 29/12/23 - 29/01/23	127.05
213	15-02-2024	EFT	1334	21654	WATFS PTY LTD	Safety Fencing for Pool 29/01/24 - 29/02/24	127.05
214	15-02-2024	EFT	1295	Consignment January 2024	Wendy CRAFT	Consignment January 2024	26.92
215	15-02-2024	EFT	1295	Consignment December 2023	Wendy CRAFT	Consignment December 2023	26.92
216	15-02-2024	EFT	812	84	WRIGHT EXPRESS AUST PTY LTD	Period Ending 8/02/2024 - SES fuel card fees 2023-2024 Period Ending 8 Feb 24	23.07
217	15-02-2024	EFT	1314	INV-0868	ZONE 50 ENGINEERING SURVEYS PTY LTD	Reconstruct and Repair Decking at Aquatic Facility	2,942.50
218	28-02-2024	EFT	43	IN0041460	ALLMARK & ASSOCIATES	Interpretive plaque for Conservation Covenant	709.50
219	28-02-2024	EFT	43	IN0041545	ALLMARK & ASSOCIATES	Courier Delivery of Plaque	55.00
220	28-02-2024	EFT	27	AP3377	ALTUS PLANNING & APPEALS	Local Planning Strategy review	2,200.00
221	28-02-2024	EFT	489	7280812	APPLIED INDUSTRIAL TECHNOLOGIES PTY LTD	supply new tow hitch	496.90
222	28-02-2024	EFT	51	3399	AUSCOINWEST	Souvenir coins for sale in Toodyay Visitors Centre	291.50
223	28-02-2024	EFT	14	2036	AVON CONCRETE	Stabilisation of Road Patches - Coondle Drive & Hamersley Street	3,300.00
224	28-02-2024	EFT	5	14066	AVON SKIP BINS	Skip bin empty Memorial Hall January/2024	240.00
225	28-02-2024	EFT	5	14067	AVON SKIP BINS	Skip bin empty sportsground January/2024	180.00
226	28-02-2024	EFT	5	14068	AVON SKIP BINS	Skip bin empty Depot, January 2023/2024	60.00
227	28-02-2024	EFT	47	PO 5960	AVON WATER SOLUTIONS	Julimar Bore Blowout/Health Check	445.00
228	28-02-2024	EFT	47	PO 5714	AVON WATER SOLUTIONS	New control module and float valve & bore report Julimar Fire Emergency Water Bore	1,770.00
229	28-02-2024	EFT	77	Inv-30052	BLACKWELL PLUMBING	Morangaup & Coondle Fire Stations, Red Brook Circle x 2 as quoted	18,995.00
230	28-02-2024	EFT	151	INV-4729	C & F BUILDING APPROVALS	NCC Compliance 10B/26Alan Twine Rd, Coondle & 10a/27 Settlers Ridge, Toodyay	770.00
231	28-02-2024	EFT	151	INV-4558	C & F BUILDING APPROVALS	NCC 182 Timber Creed Crescent, 503 Parkland Dve, Julimar, 539 Nunile Rd, Nunile. Bldg Permit 447 Moranaup Rd, Moranau	1,430.00
232	28-02-2024	EFT	877	I0024816	CENTRAL REGIONAL TAFE - GERALDTON	Microchip Implantation for Cats and Dogs skill set - 29 Nov to 1st Dec - \$745.93 - Wade McMillan	745.93
233	28-02-2024	EFT	1131	Councillor Attendance Allowance February 2024	Charmeine Gail DURi	Councillor Attendance Allowance February 2024	1,206.29
234	28-02-2024	EFT	1479	INV-0019	CJ MOWING & SKID STEER SERVICES	General earthworks - Shire reserve 34308	1,330.00
235	28-02-2024	EFT	1486	PERT00058	COFFEY TESTING PTY LTD	Chitty Road Pavement Testing 09.02.24	2,020.76
236	28-02-2024	EFT	108	CINS3156078	CTI SECURITY	Alarm System Monitoring Jan to March 2024	202.92
237	28-02-2024	EFT	1137	Councillor Attendance Allowance February 2024	Danielle Kim WRENCH	Councillor Attendance Allowance February 2024	1,206.29
238	28-02-2024	EFT	182	INV1442379	DATAACOM SOLUTIONS (AU) PTY LTD	Undertake Rates End of Year Processing T & M September	1,540.00
239	28-02-2024	EFT	182	INV1438702 GST	DATAACOM SOLUTIONS (AU) PTY LTD	Milestone 18 CRM Training Sign Off - GST Component	233.69
240	28-02-2024	EFT	182	INV1452593 GST	DATAACOM SOLUTIONS (AU) PTY LTD	Datascape monthly SaaS fee for December 23 GST component	337.38
241	28-02-2024	EFT	182	INV1468095	DATAACOM SOLUTIONS (AU) PTY LTD	Datascape Fortnightly PE January 2024	438.04

Ref#	Electronic Funds Transfer Payments						
Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
242	28-02-2024	EFT	95	BSL Levies November 2023	DEPARTMENT OF MINES INDUSTRY REGULATION & SAFETY	BSL Levies 2023 November 2023	2,670.00
243	28-02-2024	EFT	95	BSL Levies December 2023	DEPARTMENT OF MINES INDUSTRY REGULATION & SAFETY	BSL Levies December 2023	381.00
244	28-02-2024	EFT	882	INV-9972	DESTINATION PERTH	Advertising in the Perth Holiday Planner Guide 2024	1,072.50
245	28-02-2024	EFT	1262	786779	DOWNER EDI WORKS LIMITED	4 days - Vegetation Clearing - Jingaling Brook Road	9,307.19
246	28-02-2024	EFT	683	4114	EAG ELECTRICAL AIR-CONDITIONING & GAS	Fit new light along Charcoal Lane.	4,554.00
247	28-02-2024	EFT	221	PPE 13.2.24	EASIFLEET	Hugo De Vos payroll salary deductions PPE 13.2.24	498.10
248	28-02-2024	EFT	216	INV-2323	EMERG SOLUTIONS PTY LTD	Shire of Toodyay BFS BART SMS Number	165.00
249	28-02-2024	EFT	1466	Consignment December 2023	ERIC OWEN TOLHOPF	Consignment December 2023	176.00
250	28-02-2024	EFT	230	81038	FRONTLINE FIRE & RESCUE EQUIPMENT	Full face respirator & surname stickers	1,302.75
251	28-02-2024	EFT	230	81037	FRONTLINE FIRE & RESCUE EQUIPMENT	Goggles, Kestral, Boots etc	3,403.74
252	28-02-2024	EFT	311	97/2024	Gary HORSFIELD	Library - Window cleaning of shire facilities February 24	560.00
253	28-02-2024	EFT	311	99/2024	Gary HORSFIELD	Connors Mill, VC & Community Centre Window Cleaning February 2024	600.00
254	28-02-2024	EFT	1474	519688	GOLDSQUARE CORPORATION PTY LTD	Reducing bush, Camlock and Coupling	150.45
255	28-02-2024	EFT	316	52105175	HAYS SPECIALIST RECRUITMENT (AUST) PTY LTD	Payment for Finance Officer-Payroll Temp for W/E 11 February 2024 as per attached invoice#52105175	1,614.18
256	28-02-2024	EFT	316	52094364	HAYS SPECIALIST RECRUITMENT (AUST) PTY LTD	Payment for Finance Officer-Payroll Temp for W/E 04 February 2024 as per attached invoice#52094364	2,245.64
257	28-02-2024	EFT	316	52115733	HAYS SPECIALIST RECRUITMENT (AUST) PTY LTD	Payment for Finance Officer-Payroll Temp for W/E 18 February 2024 as per attached invoice#52115733	2,055.93
258	28-02-2024	EFT	316	52083046	HAYS SPECIALIST RECRUITMENT (AUST) PTY LTD	Payment for Finance Officer-Payroll Temp for W/E 28 January 2024 as per attached invoice#52083046	1,122.83
259	28-02-2024	EFT	1234	9409042194	HOLCIM (AUSTRALIA) PTY LTD T/A HUMES	Drainage Pipes for Julimar Road SLK 14.11 - 15.96	8,399.45
260	28-02-2024	EFT	816	SINV-15447	INDUSTRIAL AUTOMATION GROUP	50 Standpipe cards - QTN-12355. Cost \$800 ex GST	880.00
261	28-02-2024	EFT	1382	062-215332	JLT RISK SOLUTIONS PTY LTD	Regional Risk Coordinator contribution fees for participation in the Regional Risk Coordinator program.	8,498.22
262	28-02-2024	EFT	523	Councillor Attendance Allowance February 2024	John Anthony PRATER	Councillor Attendance Allowance February 2024	1,206.29
263	28-02-2024	EFT	1042	267	LANDWORX	Clear branches and grade 2 x fire breaks River Hills.	1,870.00
264	28-02-2024	EFT	406	38135	LG PROFESSIONALS AUSTRALIA WA	LG Professionals WA Training 27/05/2024 Doreen Jones - Finance for Non-Financial People - D Jones	495.00
265	28-02-2024	EFT	406	38134	LG PROFESSIONALS AUSTRALIA WA	LG Professionals WA Training 27/05/2024 - Finance for Non-Financial People - E Jordan	495.00
266	28-02-2024	EFT	406	38133	LG PROFESSIONALS AUSTRALIA WA	LG Professionals WA Training 27/05/2024 - Finance for Non-Financial People - K Christiansen	495.00
267	28-02-2024	EFT	1217	7266	LITTLE CREEK PASTURED EGGS	#7266 - Routine Monitoring - Egg Samples - Little Creek	32.00
268	28-02-2024	EFT	1371	Reimbursement of Expenses 04/12/2023	Maria Concetta REBANE	Reimbursement of Expenses 04/12/2023	60.00
269	28-02-2024	EFT	439	1706532	MARKETFORCE	Advertisement of Tender 94-02/2024 in Friday 19/1 West Australian	436.08
270	28-02-2024	EFT	895	Councillor Attendance Allowance February 2024	Michael Vincent MCKEOWN	Councillor Attendance Allowance February 2024	4,591.42
271	28-02-2024	EFT	1452	Councillor Attendance Allowance February 2024	Michelle Louise DIVAL	Councillor Attendance Allowance February 2024	1,887.18
272	28-02-2024	EFT	473	23168	MIDLAND TROPHIES	Update Australia Day honour board	254.00
273	28-02-2024	EFT	1388	Reimbursement of Expenses 14/02/24	Miya COLEMAN	Reimbursement of Expenses 14/02/24	52.45
274	28-02-2024	EFT	438	00004321	MM MECHANICAL PTY LTD	Blown hose on main delivery. Drivers step cracked	597.99
275	28-02-2024	EFT	1256	1034	MOONDYNE MEN INC	Pack up - Australia Day 2024	500.00
276	28-02-2024	EFT	465	INV-20240204-0129	MORRIS PEST AND WEED CONTROL	Pest Control Treatment - Morangup	380.00
277	28-02-2024	EFT	518	612575532	OFFICEWORKS	Stationery Admin, Depot, CRC & Fire + freight	433.53
278	28-02-2024	EFT	1281	725847	PENTANET LIMITED	NBN business unlimited data for 15 Finnes St. 67 & 96 Stirling Tce February 2024	801.89
279	28-02-2024	EFT	541	18332	PK TECHNOLOGY PTY LTD	Quote 18147 - Supply and install PA System for 2 VHF Hi Bands (Local and 6IP)	4,934.00
280	28-02-2024	EFT	536	28913	PROFESSIONAL PC SUPPORT PTY LTD (XL2)	Managed ITC agreement 2023 - 2024 March 2024	10,305.01
281	28-02-2024	EFT	536	28920M	PROFESSIONAL PC SUPPORT PTY LTD (XL2)	Managed phone agreement 2023-2024 March 2024	1,244.03
282	28-02-2024	EFT	536	29046	PROFESSIONAL PC SUPPORT PTY LTD (XL2)	IT support for transition from AMLIB to Spydus software for the Library. Approx. 5 hours overall	371.25
283	28-02-2024	EFT	1366	81578	QBIT COMPUTERS	Medical Centre Cabling	396.64
284	28-02-2024	EFT	427	Councillor Attendance Allowance February 2024	Rosemary June MADACSI	Councillor Attendance Allowance February 2024	1,206.29
285	28-02-2024	EFT	660	700368444	SEEK LTD	Advertisement of Ranger employment vacancy	368.50

Electronic Funds Transfer Payments								
Ref#	Payment Number	Date	Cheque Number	Creditor Number	Invoice No	Creditor Name	Inclusive Amount	
	286	28-02-2024	EFT	575	715812555	SOUTHERN CROSS AUSTEREO PTY LTD	99.00	
	287	28-02-2024	EFT	690	INV-0670	SPACETOCO PTY LTD	165.00	
	288	28-02-2024	EFT	621	FAINV01140645	ST JOHN AMBULANCE WA	691.13	
	289	28-02-2024	EFT	1136	Councillor Attendance Allowance February 2024	Steven John MCCORMICK	1,206.29	
	290	28-02-2024	EFT	673	18208	SUNDOWNER SOUVENIRS & PROMOTIONS PTY LTD	775.50	
	291	28-02-2024	EFT	617	17510	SWAN MARQUEES & PARTY HIRE (SWAN EVENTS)	8,290.00	
	292	28-02-2024	EFT	815	3000213746	SYNERGY	6,408.44	
	293	28-02-2024	EFT	815	2074024173	SYNERGY	4,370.12	
	294	28-02-2024	EFT	815	2074024174	SYNERGY	4,206.09	
	295	28-02-2024	EFT	815	2074024175	SYNERGY	4,346.23	
	296	28-02-2024	EFT	1363	0570-S587470	TEAM GLOBAL EXPRESS PTY LTD	41.28	
	297	28-02-2024	EFT	1363	0566-S587470	TEAM GLOBAL EXPRESS PTY LTD	49.09	
	298	28-02-2024	EFT	1363	0567-S587470	TEAM GLOBAL EXPRESS PTY LTD	125.50	
	299	28-02-2024	EFT	1363	0569-S587470	TEAM GLOBAL EXPRESS PTY LTD	196.24	
	300	28-02-2024	EFT	1363	0572-S587470	TEAM GLOBAL EXPRESS PTY LTD	150.93	
	301	28-02-2024	EFT	729	AU-599770	TENDERLINK	203.50	
	302	28-02-2024	EFT	117	100 18.01.24	THE COLA CAFE	937.00	
	303	28-02-2024	EFT	1491	6912	THE TRUSTEE FOR THE CREAM FAMILY TRUST	313.50	
	304	28-02-2024	EFT	713	INV-6113	TOODYAY BAKERY & CAFE	550.00	
	305	28-02-2024	EFT	713	INV-6142	TOODYAY BAKERY & CAFE	178.00	
	306	28-02-2024	EFT	713	INV-6112	TOODYAY BAKERY & CAFE	124.60	
	307	28-02-2024	EFT	716	INV-0068	TOODYAY CLUB INC	3,254.00	
	308	28-02-2024	EFT	698	456	TOODYAY CRICKET CLUB	500.00	
	309	28-02-2024	EFT	303	10661325	TOODYAY HARDWARE & FARM	13.45	
	310	28-02-2024	EFT	303	10661657	TOODYAY HARDWARE & FARM	8.80	
	311	28-02-2024	EFT	303	10657706	TOODYAY HARDWARE & FARM	16.15	
	312	28-02-2024	EFT	705	Staff Amenities December 2023	TOODYAY IGA	939.63	
	313	28-02-2024	EFT	751	INV-8264	TOODYAY TYRE & EXHAUST	416.00	
	314	28-02-2024	EFT	793	VI085550	VERIS AUSTRALIA PTY LTD - CORPORATE OFFICE (HEAD OFFICE)	3,729.00	
	315	28-02-2024	EFT	787	9463	VERNICER PTY LTD	273,333.50	
	316	28-02-2024	EFT	787	9460	VERNICER PTY LTD	55,784.30	
	317	28-02-2024	EFT	787	9461	VERNICER PTY LTD	5,313.00	
	318	28-02-2024	EFT	787	9459	VERNICER PTY LTD	7,590.00	
	319	28-02-2024	EFT	840	00001044	WACWIL LANDSCAPING & EARTHWORKS PTY LTD	12,669.25	
	320	28-02-2024	EFT	1443	Consignment January 2024	WALLIS, MERYKA	45.00	
	321	28-02-2024	EFT	829	INV-16771	WEST WIDE AUTO ELECTRICS	1,054.15	
	322	28-02-2024	EFT	1314	INV-0865	ZONE 50 ENGINEERING SURVEYS PTY LTD	7,288.58	
	323	28-02-2024	EFT	1314	INV-0867	ZONE 50 ENGINEERING SURVEYS PTY LTD	3,030.50	
	EFT Total							832,561.67
Payroll Payments								
Ref #	Date	Description	Inclusive Amount					
324	06-02-2024	Payroll PPE 06.02.2024	9,059.42					
325	06-02-2024	Super PPE 06.02.2024	20,582.31					
326	08-02-2024	Super PPE 08.02.2024	21,131.14					
327	14-02-2024	Payroll PPE 14.02.2024	102,489.12					
328	21-02-2024	Payroll PPE 21.02.2024	10,837.92					

Payroll Payments			
Ref #	Date	Description	Inclusive Amount
329	23-02-2024	Payroll PPE 23.02.2024	2,724.86
330	23-02-2024	Payroll PPE 23.02.2024	845.00
331	28-02-2024	Payroll PPE 28.02.2024	99,342.96
Payroll Payments Total			\$54,342.73

Purchasing Credit Cards - FM Regulation 13A

Ref #	Date	Purchasing Cards -FM Regulation 13A	Invoice Description	Inclusive Amount
Credit Card CEO				928.81
332			Ampol fuel 5.1223	50.00
333			Ampol fuel 9.12.23	50.00
334			Kmart 20 icing bag sets	70.00
335			Kmart icing bag sets - credit	-48.00
336			Adobe service term 22.12.23 - 20.01.24	802.81
337			Card fee	4.00
Credit Card MCCS				3,493.87
338	07-02-2024		Ampol fuel 02.11.23	70.00
339			Spot3 device - Covington	773.10
340			International Transaction Fee	23.19
341			Southern Cross Australia	763.48
342			Facebook	30.00
343			Adobe	18.69
344			Facebook	30.00
345			Card fee	4.00
346			International transaction fee	.90
347			International transaction fee	.90
348			Public Sector - Managing Psycho-social safety in the work place	1,779.61
Credit Card MCCS				418.24
349	08-02-2024		Facebook	6.54
350			Spot3 device - Covington	377.49
351			Adobe	18.69
352			International transaction fee	.20
353			International transaction fee	11.32
354			Card fee	4.00
Credit Card CESM				1,935.51
359	08-02-2024		Dunnings	9.00
360			Smokey Doughs - incident 651783	196.00
361			Dunnings incident 651783	377.00
362			The cola café incident 651783	300.00
363			Dunnings - incident 652086 -gst free	21.00
364			Dunnings incident 652086	339.00
365			Victoria Hotel - incident 652086	375.00
366			Dunnings - incident 652086 gst free	14.00
367			Dunnings - incident 652086	178.30
368			Card Fee	4.00
369			Dunnings - Incident 652086	16.00
370			Dunnings - fuel - incident 652086	106.21
Credit Card MDR				746.14
371	08-02-2024		WA Police Firearms Licence - Rangers	432.00
372			ChatGPT Plus subscription	34.11
373			International Transaction Fee	1.02

Purchasing Credit Cards - FM Regulation 13A				
Ref #	Date	Purchasing Cards -FM Regulation 13A	Invoice Description	Inclusive Amount
374			Card Fee	4.00
375			BP Ballajura - Fuel	25.01
376			Australia Post - Margie farewell	250.00
Credit Card MAS				
	07-02-2024		Credit Card - MAS - C Sullivan - November 2023	570.00
381			Plate change T0000 from State Plates	18.90
382			Plate change T0000 to 1HJQ768	31.10
383			Dept Transport - remake of plate	46.50
384			Dept Transport - remake of plate	46.50
385			IPEWA membership	330.00
386			Monthly Card Fee	4.00
387			Remake of plate incorrectly processed - waiting refund	46.50
388			Remake of plate incorrectly processed - waiting refund	46.50
Credit Card MAS				
	28-02-2024		Credit Card - MAS - C Sullivan - December 2023	3,426.50
389			Victoria Hotel - Incident 652086	300.00
390			Valve Warehouse - Fire Fighting Fittings	1,164.61
391			Decking Perth	1,557.89
392			Card Fee	4.00
393			Clearing Permit Julimar Road SLK19.81-22.52	400.00
Purchasing Card Library				
			Books purchases February 2024	209.68
394			SANITY Web Store. Milperra, AUS	26.99
395			Booktopia Pty Ltd RHODES AUS	182.69
Purchasing Card Total				11,728.75
Total Payments				899,394.15



LOCAL GOVERNMENT ACT 1995

Shire of Toodyay

Cat Local Law

2024

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DECLARATION

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on, to make the following local law.

PART 1 – PRELIMINARY

1.1. Citation

This local law may be cited as the Shire of Toodyay Cat Local Law 2024.

1.2. Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

1.3. Repeal

The By-laws relating to the *CAT Act 2011* resolved by Council on September 25, 2018, and as published in the Government Gazette on 12 October 2018 (No. 155) is repealed.

1.4. Application

This local law applies throughout the district.

1.5. Definitions

(1) In this local law, unless the context otherwise requires -

Act means the Cat Act 2011;

animal establishment has the meaning given to the term in the Town Planning Scheme;

applicant means the occupier of the premises who makes an application for a permit under this local law;

application means an application for approval granted under this local law;

approved person means the person to whom an approval is granted under this local law;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

cat means an animal of the species *felis catus* or a hybrid of that species;

cat management facility means–

(a) a facility operated by a local government that is, or may be, used for keeping cats;

(b) a facility for keeping cats that is operated by a person or body prescribed; or

(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

cat prohibited areas means all land identified in Schedule 3.

cattery means any premises where more than 6 cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

infringement notice means the notice referred to in clause 5.3; and

notice of withdrawal means the notice referred to in clause 5.4

keeper in relation to a cat means any of the following persons –

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- (a) The owner of the cat as defined in the Act;
- (b) A person who has or appears to have immediate custody or control of the cat;
- (c) A person who keeps the cat, or has the cat in his or her possession for the time being;
- (d) A person who occupies any premises in which a cat is ordinarily kept or permitted to live and who has care and control of the cat;
- (e) A permit holder of a permit which relates to the cat;
- (f) The holder of an exemption issued in relation to the cat.

transferee means a person who applies for the transfer of a licence to him or her under clause 4.13.

licence means a Cat Management Facility licence issued under this local law;

licensee means the holder of a licence issued under this local law;

local government means the Shire of Toodyay;

microchip has the meaning given to it in the Act;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) Interference which causes material damage to land or other property on the land affected by the interference;

Regulations means the Cat Regulations 2012;

RSPCA means the Royal Society of the Prevention of Cruelty to Animals (Inc) of Western Australia;

sterilised has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Local Planning Scheme means a scheme setting out the way land is to be used and developed, classify areas for land use, and include provisions to coordinate infrastructure and development within the local government area via scheme text and maps for the local government under the *Planning and Development Act 2005*.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

PART 2 – NUMBER OF CATS THAT MAY BE KEPT

2.1 Interpretation

In this part, a cat does not include a cat less than 6 months old.

2.2 Standard number of cats

For the purposes of the definition of standard number of cats in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than three cats may be kept on premises .

2.3 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to—
 - (a) Keep more than 3 cats on any premises; or
 - (b) Use any premises as a cattery or cat management facility.
- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (a) A refuge of the RSPCA or any other body prescribed in regulation 4 of the Cat Regulations

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2012; or

- (b) A cat management facility which has been approved by the local government;
- (c) A veterinary surgery.

2.4 Application for

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government from time to time.

2.5 Determining an application

- (1) For the purposes of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to –
 - (a) the suitability of the zoning of the premises under the local planning scheme which applies to the premises for the use;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use;
 - (h) any other factors which the local government considers to be relevant in the circumstances of the application; and
 - (i) any submissions received under subclause (2) within the time specified in subclause (2).
- (2) The local government may –
 - (a) consult with adjoining landowners; and
 - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the approval within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may –
 - (a) approve an application for a permit in which case it shall approve it subject to the conditions in clause 2.6 and may approve it subject to any other conditions it considers fit; or
 - (b) refuse to approve the application for an approval.
- (4) If the local government approves an application under subclause (3), then it shall issue to the applicant an approval in the form determined by the CEO.
- (5) If the local government refuses to approve an application under subclause (3), then it is to advise the applicant accordingly in writing.

2.6 Conditions

- (1) Every permit is issued subject to the following conditions—
 - (a) Each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) Each cat shall be contained on the premises unless under the effective control of a person;

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- (c) The permit holder will provide adequate space for the exercise of the cats;
 - (d) The premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) Those conditions contained in Schedule 2.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.
- 2.7 Renewal of an application**
- (1) An application is to be renewed if –
 - (a) the approved person has not breached the conditions of the approval;
 - (b) the approval would have been granted if a fresh application for an approval had been made; and
 - (c) the renewal fee is paid in full, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
 - (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.
- 2.8 Transfer of an approval**
- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval and is transferrable only in accordance with this clause 2.8.
 - (2) An application for the transfer of an approval from the approved person to another person must be –
 - (a) made in the form determined by the CEO;
 - (b) made by the proposed transferee;
 - (c) made with the consent of the approved person; and
 - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- 2.9 Variation or cancellation of an approval**
- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the approved person and specifying the date on which the changes will become effective.
 - (2) The local government may cancel an approval –
 - (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the Regulations, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
 - (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.
- 2.10 Objection and review rights**
- Any person who is aggrieved by the conditions imposed in relation to an approval, the cancellation of an approval, or by the refusal of the local government to grant an approval may object to or appeal against the decision under Division 1, Part 9 of the *Local Government Act 1995*.

PART 3 – CONTROL OF CATS

- 3.1 Cat not to be a nuisance**
- (1) An owner shall not allow a cat to be or create a nuisance.

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- (2) Where in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government in the notice which shall not exceed 28 days.
- (4) An owner given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) If the owner fails to comply— the owner of the cat commits an offence.

3.2 Cat prohibited areas

- (1) A cat shall not be in any cat prohibited places listed in Schedule 3.
- (2) If a cat is in a cat prohibited area in contravention of subclause (1), then:
 - (a) The owner of the cat commits an offence; and
 - (b) An authorised person may seize and impound the cat in accordance with the Act.

PART 4 – PERMITS FOR KEEPING CATS

4.1 Interpretation

In this part, *cat* does not include a cat less than 6 months old.

4.2 Prescribed premises

For the purposes of the definition of prescribed premises in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except –

- (a) A cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*; or
- (b) A cat management facility operated by the local government; or
- (c) A veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*.

4.3 Standard number of cats

For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than three (3) cats may be kept on any premises.

4.4 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to—
 - (a) Keep more than 2 cats on any premises; or
 - (b) Use any premises as a cattery or cat management facility.
- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (a) A refuge of the RSPCA or any other body prescribed in regulation 4 of the *Cat Regulations 2012*; or
 - (b) A cat management facility which has been approved by the local government;
 - (c) A veterinary surgery.

4.5 Application for permit

An application for a permit under clause 3.4 shall be—

- (a) Made in writing by an occupier of the premises in relation to those premises;
- (b) In a form approved by the local government, describing and specifying the number of cat to be kept on the premises;
- (c) Accompanied by a brief reason and justification for the request;

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- (d) Accompanied by the plans of the premises to which the application relates in the form;
- (e) determined by the local government from time to time;
- (f) Accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates; and
- (g) Accompanied by the application fee for the permit determined by the local government in accordance with section 6.16 to 6.19 of the *Local Government Act 1995*.

4.6 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.5.

4.7 Factors relevant to the determination of application

- (1) In determining an application for a permit, the local government may have regard to—
 - (a) The reasons and justification provided for the request;
 - (b) The physical suitability of the premises for the proposed use;
 - (c) The suitability of the zoning of the premises under any Scheme which applies to the premises for the proposed use;
 - (d) The environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) The structural suitability of any enclosure in which any cat is to be kept;
 - (f) The likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
 - (g) The likely effect on the amenity of the surrounding area of the proposed use;
 - (h) The likely effect on the local environment including any pollution or other environmental damage, which may be caused by the use;
 - (i) Any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) Such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) Before determining the application for the permit, the local government may—
 - (a) Consult with nearby landowners; or
 - (b) Advise nearby landowners that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice.

4.8 Decision on application

- (1) The local government may—
 - (a) Approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.9 and may approve it subject to any other conditions it sees fit;
 - (b) Approve an application but specify an alternative number of cats permitted to be housed at the address; or
 - (c) Refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the Local Government.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.
- (4) A permit may only be issued by the local government for a maximum of 6 cats on any premises other than a cattery or cat management facility or a premises specified in clause 3.4(2).

4.9 Conditions

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- (1) Every permit is issued subject to the following conditions—
- (a) Each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) Each cat shall be contained on the premises unless under the effective control of a person;
 - (c) The permit holder will provide adequate space for the exercise of the cats;
 - (d) The premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) Those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

4.10 Compliance with conditions of permit

A permit holder shall comply with each condition of a permit.

4.11 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

- (a) If it is revoked; or
- (b) The permit holder ceases to reside at the premises to which the permit relates.

4.12 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

4.13 Permit not transferable

A permit issued under clause 3.8 (1) (a) is not transferable either in relation to the permit holder or the premises.

4.14 Permit to be kept at premises and available for view

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.
- (2) In the case of a registered cattery or cat management facility, the permit shall be displayed in a prominent place within the premises.

PART 5 – MISCELLANEOUS

5.1 Giving of an infringement notice

A notice given under this local law may be given to a person—

- (a) Personally;
- (b) By postal mail addressed to the person; or
- (c) By leaving it for the person at her or his address.

PART 6 – OBJECTIONS AND APPEALS

6.1 Objections and appeal rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 7 – OFFENCES AND PENALTIES

7.1 Offences

- (1) Any person who fails to do anything required or directed to do under this local law, or who

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does anything which under this local law that person is prohibited from doing, commits an offence.

- (2) Unless otherwise specified, any person who commits an offence under this local law is liable on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

7.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 62(1) of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

7.3 Forms

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice in respect of an offence against this local law may be given under section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*

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SCHEDULE 1 – APPLICATION FOR A LICENCE FOR A DESIGNATED CAT MANAGEMENT FACILITY

[clause 4.3]

APPLICANT/S DETAILS

Name of Applicant/s (in full)			
Residential Address			
Suburb		Post Code	
Postal Address (if different from above)			
Telephone	(H)	(W)	(M)
Fax		Email	

CAT MANAGEMENT FACILITY DETAILS

I/We apply for a licence for a designated cat management facility at:			
Address of premises			
Suburb		Post Code	
For number of cats			
Person will reside (tick appropriate box) *evidence to be provided	At the premises		
	Sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare		
Name of person (if not applicant/s)			
Address of residence (if not residing at the premises)			

Prior to approval the following must be attached:

- (a) A site plan of the premises showing the location of the cages and runs and all other building and structures and fences;
- (b) Plans and specifications of the Cat Management Facility;
- (c) Proposed details of how the facility will be kept secure;
- (d) Evidence that a person will reside –
 - i. at the premises; or
 - ii. sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare; and
- (e) if the person in item (d) is not the applicant, evidence that the person is a person in charge of the cats.

Signature of applicant..... Date.....

Note: A licence, if issued, will have effect for a period of 12 months, effective from the date of issue unless and until is it revoked or it is determined by the local government non-compliance with the conditions of clause 4.6 of the Shire of Toodyay Cat Local Law 2018 justifies this.

APPLICATION FEE	
Cat Management Facility Establishment Fee	\$200.00

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Application No.	Date	Receipt No.	Amount Paid	Cashier

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**SCHEDULE 2 – MINIMUM CONDITIONS OF A DESIGNATED CAT
MANAGEMENT FACILITY**

[clause 4.6(1)]

An application for a licence within the district may be approved subject to the following conditions –

- (a) each Cat Management Facility must have a secure area where cats are housed and can exercise and must be at a distance of not less than 10 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
- (b) Adequate measures are to be in place to minimise the risk of unauthorised entry into the facility;
- (c) Where floor washing is required, washings must pass through the drains and must be piped to an approved apparatus for the treatment of sewage (as specified by the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*) and in accordance with the health requirements of the local government;
- (d) All external surfaces of each Cat Management Facility must be impervious and kept in good condition;
- (e) Sufficient ventilation to keep animal housing areas free of dampness, noxious odours and draughts, and prevent accumulation or concentrations of gases;
- (f) Supply of fresh air, or if animals are housed in a totally enclosed area where forced ventilation is the only form of air movement there should be adequate air change rate;
- (g) Located away from sources of excessive noise or pollution, and draughts that could cause injury or stress to animals;
- (h) Natural lighting or lighting that duplicates the characteristics of natural light including a simulated day/ night period;
- (i) All cages and outdoor enclosures are to have adequate shelter in the form of a roof constructed of impervious material;
- (j) Must have a mix of cages to provide for individual housing where required and cages or modules constructed of impervious, washable materials;
- (k) All cages, outdoor enclosures and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected or when so ordered by an authorised person;
- (l) All refuse, faeces and food waste must be disposed of daily to the satisfaction of an authorised person;
- (m) Noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (n) Suitable water both for cleaning and drinking must be available at the Cat Management Facility; and
- (o) The licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside –
 - i. At the premises; or
 - ii. In the opinion of the local government, sufficiently close to the premises so as to control the cats, and to ensure their health and welfare.

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SCHEDULE 3 – CAT PROHIBITED PLACES

[clause 3.2(1)]

Reserve Name	Reserve Number	Location
Moondyne Nature Reserves	RV. 30191	Moondyne
Morangup Nature Reserve	RV. 38924	Morangup
Avon Valley National Park	RV. 30192	Morangup
Julimar Conservation Park	RV. 30192	Julimar
Poison Valley Gully Nature Reserve	RV. 19900	Dewars Pool
Flat Rocks Gully	RV. 22096	Culham
Bindoon Springs Nature Reserve	RV. 3156	Dewars Pool
Coondle West Nature Reserve	RV. 19904	Coondle
Rugged Hills Nature Reserve	RV. 21429	West Toodyay
Wongamine Nature Reserve	RV. 33697	Nunile
Wattening Springs Nature Reserve	RV. 2393	Wattening
Mavis Jefferys Nature Reserve	RV. 44729	Toodyay
Nanamoolan Nature Reserve	RV. 33254	Clackline
Drummond Nature Reserve	RV. 42808	Wattening
Camerer Nature Reserve	RV. 42370	Wattening
Bewmalling Nature Reserve	RV. 30306	Culham
Millards Pool Foreshore	RV. 49736 & RV. 35394	Dumbarton
Lloyds Reserve Foreshore Reserve	RV 46827	Toodyay
Weatherall Foreshore Reserve	RV. 24865	West Toodyay
Snake Gully Reserve	RV. 4669	Coondle
Dewars Pool Reserve (Toodyay Brook)	RV. 3156	Dewars Pool
West Toodyay Bridge Reserve	RV. 4155	West Toodyay
Dumbarton Bridge Reserve	RV. 224	Dumbarton
White Lakes Reserve	RV. 44099	Dumbarton

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Reserve Name	Reserve Number	Location
Balgaling Reserve	RV. 35279 & RV. 4668	Coondle
Coondle Reserve	RV. 35406	Coondle
Horseshoe Reserve	RV. 44424	Coondle
Dudley Chitty Reserve	RV. 3204	Dewars Pool
Julimar Crown Reserve West	RV 35299	Julimar
Keating Reserve	RV. 41983	Moondyne
Dawn Atwell Reserve	RV. 5273	Julimar
Malkup Brook Reserve	RV. 34308	Julimar
Red brook Reserve	RV. 36589	Morangup
Wallaby Reserve	RV. 35789	Morangup
Grevillea Reserve	RV. 35790	Morangup
Gabidine Brook Reserve	RV. 2876	Majestic Heights
Pelham Reserve	RV. 35809	Toodyay
Majestic Heights Reserve - Hatfield Place	RV. 39803	Majestic heights
Majestic Heights Reserve - Stirlingia Dive	RV. 37786	Majestic Heights
Majestic Heights Reserve	RV. 39809	Majestic Heights
Majestic Heights Reserve - Sandplain Road	RV. 36597	Majestic Heights
Majestic Heights Reserve - Stirlingia Drive	RV - 37692	Majestic Heights

Note –

1. The list is correct at the time of publication in the Gazette.
2. Members of the public may inspect or obtain a copy of the Local Public Notice containing an up-to-date list of the specified lands and areas designated as Cat Prohibited Places in accordance with this local law, from the Shire of Toodyay's Administration Centre or public library during normal office hours.

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**SCHEDULE 4 – OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY
APPLIES**

[clause 6.2]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY
1.	2.1(1)	Cat causing a nuisance	\$200
2.	2.1(5)	Failure to abate a nuisance	\$200
3.	2.2(2)(a)	Cat in prohibited area	\$500
5.	3.4(1)(a)	Failure of a person to hold a permit when keeping more than 2 cats	\$200
6.	3.4(1)(b)	Failure of a person to hold a permit for a cattery or cat management facility	\$200
7.	3.10	Breach of a condition of a permit	\$200
8.	6.1(2)	Other offences not specified	\$200

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**LOCAL GOVERNMENT ACT 1995
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Shire of Toodyay Cat Local Law 2024**

The Shire of Toodyay proposes to make a local law relating to Cats.

The **purpose** of which is to improve the permit conditions, definitions of nuisance behaviour, modification of penalties, and to continue to provide the Shire of Toodyay with measures in addition to those under the *Cat Act 2011* to control the keeping of cats.

The **effect** of which will repeal the previous local law, and continue to control cat ownership, to limit the number of cats that can be kept and to specify the places where cats can be kept.

A **copy** of the proposed Local Law may be inspected at or obtained from the Shire's Administration Centre at 15 Fiennes Street, Toodyay between 8.30 am and 4.00 pm Monday to Friday or at the Toodyay Public Library during normal opening hours.

Written Submissions about the proposed local law may be made to the Chief Executive Officer by **4.00 pm on Friday 17 May 2024** as follows:-

- By mail to Shire of Toodyay PO Box 96, Toodyay WA 6566
- In person to Shire of Toodyay Admin Centre, 15 Fiennes Street Toodyay
- Via Email to records@toodyay.wa.gov.au

Tabitha Bateman
Acting Chief Executive Officer



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DECLARATION

Under the powers conferred by the Dog Act 1976 and under all other powers enabling it, the Council of the Shire of Toodyay resolved on, to make the following local law.

PART 1 -PRELIMINARY

1.1. Citation

This local law may be cited as the *Shire of Toodyay Dogs Local Law 2023*

1.2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3. Repeal

The By-laws relating to the *Dog Act 1976* resolved by Council on October 28, 1999, and as published in the *Government Gazette* on 5 May 2000, is repealed.

1.4. Application

This local law applies throughout the district.

1.5. Interpretation

In this local law unless the context otherwise requires -

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6 metres in width;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

district means the district of the Shire of Toodyay;

local government means the Shire of Toodyay

dog management facility has the meaning given to it in section 3(1) of the Act;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.2(2) over the age of three months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.7;

licensee means the holder of a licence granted under clause 4.7;

local government means the Shire of Toodyay;

local planning scheme means a scheme setting out the way land is to be used and developed, classify areas for land use, and include provisions to coordinate infrastructure and development within the local government area via scheme text and maps for the local government under the Planning and Development Act 2005.

notice of withdrawal means the notice referred to in clause 7.7(1);

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owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the Dog Regulations 2013;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government in accordance with clause 2.1 or clause 4.8;

thoroughfare has the meaning given to it in section 1.4 of the Local Government Act 1995;

townsite means land constituted, defined, or reserved as the site of a town or village under the Land Administration Act 1997; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2 -IMPOUNDING OF DOGS

2.1 Fees and Charges

The following are to be imposed and determined by the local government under sections 6.16 -6.19 of the Local Government Act 1995 –

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person.
- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs is dealt with by section 43 of the Act.

PART 3 – KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must –

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- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations

3.2 Limitation on the number of dogs

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

3.3 Application to keep additional dog or dogs

- (1) Subject to clause 3.5, the local government may consider an application to keep an additional dog or dogs where—
- (a) the property is deemed suitable by an authorised person—
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate;
 - (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
 - (c) sufficient reason has been provided, including—
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or

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- (v) on premises zoned as rural or rural residential under a local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.
 - (d) in the case of a tenanted property provide written consent by either the landowner or their appointed property owner
- 3.4 Determination of application**
- In determining an application for a licence, the local government is to have regard to—
- (a) the matters referred to in clause 3.3;
 - (b) the effect which approval of the application may have on the environment or amenity of the neighbourhood;
 - (c) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.
- 3.5 Where application cannot be approved**
- The local government will not approve an application to keep an additional dog or dogs where it exceeds the limit (6) referred to in the Act.
- 3.6 Conditions of approval**
- (1) The local government may approve an application to keep an additional dog or dogs subject to any conditions as considered appropriate.
 - (2) Approval of an application is not transferable to successive owners or occupiers of the premises.
 - (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.
- 3.7 Revocation of licence to keep additional dogs**
- Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4 -APPROVED KENNEL ESTABLISHMENTS

- 4.1 Application for licence for approved kennel establishment**
- An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with –
- (a) plans and specifications of the kennel establishment, including a site plan;
 - (b) copies of the notices to be given under clause 4.3;
 - (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
 - (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
 - (e) the fee for the application for a licence referred to in clause 4.8(1).
- 4.2 Notice of proposed use**
- (1) Upon receipt of an application for a licence under clause 4.1, the local government is to give notice of the proposed use of the premises as an approved kennel establishment—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.

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- (2) The notices in subclause (1) must specify that –
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
 - (b) the application and plans and specifications may be inspected at the offices of the local government.
- (3) Where –
- (a) the notices given under subclause (1) do not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,
- then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.3 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 4.6;
- (b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where –

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

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4.7 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

4.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (2) and (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the Local Government Act 1995.

4.9 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.10 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be –
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with –

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- (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
 - (3) The local government may approve, whether or not subject to such conditions as it considers appropriate or refuse to approve an application for the transfer of a valid licence.
 - (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to –

- (1) an applicant for a licence of the local government's decision on her or his application;
- (2) a transferee of the local government's decision on her and his
- (3) a licensee of any variation made under clause 4.11 (1);
- (4) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (5) a licensee when her or his licence is renewed;
- (6) a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- (7) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13 (2), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Objections and appeals

- (1) The provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to a decision where the local government makes a decision as to whether it will—
 - (a) grant an application for a licence;
 - (b) vary or cancel a licence;
 - (c) impose or amend a condition to which a licence is subject; or
 - (d) transfer of a licence.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

4.15 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5 -DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

Designation of places where dogs are prohibited absolutely is dealt with in the Act.

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

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PART 6 – MISCELLANEOUS

6.1 Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Offence to excrete

- (1) A dog must not excrete on –
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.
- (4) Notwithstanding clause 7.2, the maximum penalty for an offence under subclause (1) is \$1000.

PART 7 – ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

7.3 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.
- (3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

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7.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the Local Government (Functions and General) Regulations 1996..
- (2) A person authorized to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1 - Application for a licence for an approved kennel establishment

(clause 4.2)

I/We (full name) of
(postal address)
(telephone number)
(facsimile number)
(E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)
.....

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing in reasonably close proximity to the premises at (insert address of residence) on and from (insert date).

Attached are –

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside –
 - (i) at the premises; or
 - (ii) within reasonably close proximity to the premises; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

Signature of applicant

Date

* delete where inapplicable.

OFFICE USE ONLY

Application fee paid on [insert date].....



Gazette Date:

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Schedule 2 - Conditions of a licence for an approved kennel establishment

(clause 4.5(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions –

- (a) each kennel unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than –
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;

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- (g) all kennel floor washings must pass through the drain in item (h) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be whichever is the lesser of:
 - (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside –
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises, so as to control the dogs and to ensure their health and welfare.

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Schedule 3 - Offences in respect of which modified penalty applies

(clause 7.23 (1))

[cl. 7.3(1)]

Item	Clause	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	As per Regulations
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
3	4.7	Failure to comply with the conditions of a licence	200	200
4	6.2	Dog excreting in prohibited place	100	100

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Dated thisday of

The Common Seal of the)
Shire of Toodyay was)
affixed in the presence of:)

.....
Shire President

.....
Chief Executive Officer



**LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
Shire of Toodyay Dog Local Law 2024**

The Shire of Toodyay proposes to make a local law relating to Dogs.

The **purpose** of which is to make provisions about the transferring of dogs to another person, modification of penalties, impounding of dogs, and to control the number of dogs that can be kept on premises and the manner of keeping those dogs, including fencing measures; and to prescribe areas in which dogs are prohibited and as dog exercise areas .

The **effect** of which will repeal the previous local law, and put in measures related to dog ownership, to limit the number of dogs that can be kept and to extend the controls over dogs which exist under the *Dog Act 1976*

A **copy** of the proposed Local Law may be inspected at or obtained from the Shire's Administration Centre at 15 Fiennes Street, Toodyay between 8.30 am and 4.00 pm Monday to Friday or at the Toodyay Public Library during normal opening hours.

Written Submissions about the proposed local law may be made to the Chief Executive Officer by **4.00 pm on Friday 17 May 2024** as follows:-

- By mail to Shire of Toodyay PO Box 96, Toodyay WA 6566
- In person to Shire of Toodyay Admin Centre, 15 Fiennes Street Toodyay
- Via Email to records@toodyay.wa.gov.au

Tabitha Bateman
Acting Chief Executive Officer

Redacted Information

From: Redacted Information <[redacted]@dlgsc.wa.gov.au>
Sent: Thursday, 29 February 2024 5:51 PM
To: Redacted Information
Cc: Records Officer; Councillor Dival
Subject: ICR94680 - [External]-RE: Shire of Toodyay - outcomes regarding Temporary CEO
Attachments: Shire of Toodyay - Meeting with Shire President and Deputy Shire President 28 February 2024.docx

Afternoon Shire President Cr. McKeown,

I hope this email finds you well. Please accept my apologies for not responding sooner.

The Shire's update on the progress with the appointment of a temporary CEO is appreciated. Thank you.

Once the appointment has been made and the temporary CEO has commenced, could the Department of Local Government, Sport and Cultural Industries (DLGSC) please meet with the CEO and yourself, as the Shire President to discuss the key priorities please.

Please also find attached Minutes from our meeting on 28 February 2024.

Kind Regards

Redacted Information

Director Local Government Financial Policy and Statutory Approvals

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Redacted Information.
F Information

Web: www.dlgsc.wa.gov.au



From: Councillor McKeown <cr.mckeown@toodyay.wa.gov.au>
Sent: Thursday, February 29, 2024 9:33 AM
To: Redacted Information

Cc: Shire of Toodyay CEO Redacted Information
Subject: Shire of Toodyay - outcomes regarding Temporary CEO

Some people who received this message don't often get email from cr.mckeown@toodyay.wa.gov.au. [Learn why this is important](#)

Hello All,

At yesterday's Ordinary Council Meeting, Council adopted a Temporary CEO policy and determined the preferred candidate to be appointed as Temporary CEO. I contacted the preferred candidate last night and will begin the process of agreeing employment conditions ^{Redacted Information} today.

Redacted Information

Kind Regards

Cr Mick McKeown
President

Redacted Information

E: cr.mckeown@toodyay.wa.gov.au



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Redacted Information



	<ul style="list-style-type: none"> • Redacted Information • The Shire does not have a temporary CEO policy and is on the agenda for today's OCM to be adopted by Council. • Additionally, the other item before council is the appointment of a temporary CEO. • The Shire received a list of candidates from WALGA and have made a short list and will put to the committee today.
<p>Considerations with Appointment</p>	<ul style="list-style-type: none"> • The appointment of the CEO is entirely a matter for the Shire. DLGSC do not seek to influence that process. • Considerations – the Shire has a number of priorities of significant importance; the Compliance Audit Return, the Improvement Action Plan / Risk Management Strategy, Budget Review, the Auditors, staffing compliment, governance and compliance requirements. • Need to consider the progression of these key priorities, they cannot be put on hold while the Shire awaits permanent appointment of a CEO for June 2024. A driver for change and implementation is needed. • The Shire President and Deputy Shire President concurred with the considerations put forward. • Shire President raised a couple of names passed DLGSC for consideration but emphasised that this is ultimately a matter for the Shire.
<p>Vacancies</p>	<ul style="list-style-type: none"> • For consideration, has the Shire considered employee assistance support as part of the exit transition plan process for the CEO. • The CEO need not accept the support, but it would be beneficial to offer. • 10 out of 50 staff are vacant and another 1 position recently has been vacated.
<p>DLGSC Support</p>	<ul style="list-style-type: none"> • Advised that the Support and Engagement and Financial Policy and Statutory Approvals team is available to support if needed and as required. • The team did speak with Tabith yesterday for an update on progress. • Executive Director provided his mobile number too should the Shire President or Deputy Shire President wish to initiate contact.

Next Meeting:

E24020194



Actions Table in order of greatest priority

Action Priority	Action	Responsibility and Timeframe
1	<ul style="list-style-type: none"> At Ordinary Council Meeting of 28 February 2024, as a late item will bring to Council to resolve the CEO's termination or end of contract process. 	Shire President – 28 February 2024
2	<ul style="list-style-type: none"> Temporary CEO policy to be considered by Council and adopted at the Ordinary Council Meeting of 28 February 2024. 	Shire President – 28 February 2024
3.	<ul style="list-style-type: none"> Seek resolution and approval by Council at the Ordinary Council Meeting to appointment an interim /temporary CEO. 	Shire President – 28 February 2024

E24020194

Redacted Information

From: Redacted Information
Sent: Friday, 1 March 2024 9:18 AM
To: Redacted Information
Cc: Records Officer
Subject: ICR94683 - Fwd: [External]-Meeting Minutes - 16 February 2024
Attachments: image001.png; Shire of Toodyay Meeting Minutes - In person meeting on 16 February 2024.docx

Hi Acting CEO,

I was just reviewing the minutes from the meeting of the 16th February where we met with the DLGSC noting there were several items that were due to go to the ARC meeting this coming week 6th March, namely the Reg 17 review and the CAR. I just wanted to check that both were going to be on the agenda for the meeting? I'm mindful that the department is coordinating closely with the Shire on these items and remembering that we didn't get to finish the Reg 17 review at the last ARC meeting.

Thanks,

Redacted Information

Cr. Shelly Dival
Redacted Information

Begin forwarded message:

From: Redacted Information
Date: 29 February 2024 at 5:57:41 pm AWST
To: Redacted Information

Redacted Information

Subject: [External]-Meeting Minutes - 16 February 2024

Afternoon,

Please accept my apologies and delay in forwarding the attached minutes from 16 February 2024.

Please find attached.

Kind Regards

Redacted Information

Director Local Government Financial Policy and Statutory Approvals

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000

1



Shire of Toodyay

Meeting Date: 16 February 2024 **Venue:** Shire of Toodyay Meeting Room
Time: 11.00 a.m. to 12.10 p.m.
Attended: Redacted Information **Apologies:** Redacted Information
 Redacted Information

<ul style="list-style-type: none"> • Monthly meetings with the Shire of Toodyay’s (the Shire’s) CEO and Manager • On 16 February 2024, an in person by DLGSC to the Shire of Toodyay was undertaken to meet with the newly appointed Shire President and Deputy Shire President. 	
Progress and Opportunities	Comments
Purpose / Introduction	<ul style="list-style-type: none"> • This meeting is one of many ongoing meetings held with the Department of Local Government, Sport and Cultural Industries (DLGSC) to work through the process of improvements raised during June 2023 by DLGSC, and the initial meeting was held in August 2023. • In October 2023, the Shire had a newly elected President and Deputy President, which has prompted this meeting. • Initially when DLGSC met with the Shire, this included the former Shire President, CEO and EMC&CS to try and work through the audit findings of 2020-21, which identified a number of

E24020228



	<p>significant findings, and the Office of the Auditor General issued a disclaimer of opinion which was a concern.</p> <ul style="list-style-type: none"> • The management comments included in the report was minimal and this raised further concern. • At the initial meeting, it was agreed that the Shire would meet monthly with DLGSC to support the development and progression of the improvement action plan to the Audit Risk Committee (ARC) and the council members at an Ordinary Council Meeting. • The improvement action plan did not only address financial issues, but also governance and compliance issues and needed to consider any dependencies / interdependencies and risks associated with the development of each strategy to ensure the best outcomes, but also meet the timeframes for implementation. • Acknowledged that some significant work had been undertaken by the Shire between October to December 2023 but there is still further significant work that needs to be undertaken. • On 15 February 2024, DLGSC was advised that the Moore Australia report that had been put to the ARC. Explained that the Shire had informed that the Moore Australia report would be shared with DLGSC, and a copy provided once endorsed by Council. • A copy of the improvement action plan was also to be shared with the DLGSC and with OAG once endorsed by council and that this needed to take place at the OCM meeting scheduled for February 2024. • In relation to the format, this is a matter for the Shire to determine not the DLGSC. If the Shire wishes to utilise the Risk Management Strategy that Moore Australia has devised, the only thing that needs to be considered is all items that were identified in the original improvement action plan are now captured in the current Strategy / Improvement Action Plan. • In considering the risk, it is important for the ARC and Council to always consider the dependencies and interdependencies, as these will also invariably carry unidentified risks that if not accounted for can impact on implementation planning. • DLGSC Financial Policy team has been providing the technical support on request.
<p>Support and Engagement</p>	<ul style="list-style-type: none"> • The DLGSC Support and Engagement team provide support from a governance maturity perspective. • Compliance with the upcoming Compliance Audit Return (CAR), is a self-assessment check and a good opportunity to check how the Shire's policy and procedures are working. Review

E24020228



	<p>procurement, your general compliance requirements and check the website to ensure that Shire is managing the local government in the right way.</p> <ul style="list-style-type: none"> • Always put the CAR through ARC and then Council to adopt. Once adopted the CEO and the Shire President sign this off. • DLGSC try to get local governments to elevate themselves using the CAR. The questions have not changed for a very long time but now with some of the reform changes, DLGSC is looking to change the 2025 response for the 2024 year. • The team also operates the LG Hotline which can be utilised for further support. • Some of the reforms to consider include: <ul style="list-style-type: none"> • 1. Communications Agreement <ul style="list-style-type: none"> ○ Agreements between councils and the CEO. ○ Major expectations around information. ○ Comms – the level of communication with council members with the CEO and staff members identified. ○ Council members are inquisitive and want a lot of information and resources – the agreement will set out the parameters around that. ○ Regulations will provide a template to use and negotiate the comms into the agreement, so it works for all parties. • 2. Meeting procedures <ul style="list-style-type: none"> ○ Standardise meetings across the whole state – points of order, petitions to be standardised on how to present to council. Second half of the year have training for presiding members. ○ Community Sector Surveys and how to manage these by Council • 3. CEO KPIs – communication with council
<p>Improvement Action Plan</p>	<ul style="list-style-type: none"> • Question – Can the Moore Australia Risk Management Strategy be utilised instead of the previous improvement action plan. • Noted that the format is an issue for council to determine however; it is important to review the issues presented in the initial draft improvement action plan and ensure it is captured in the Moore Australia Risk Management Strategy. • The improvement action plan needs to be thorough, clear and concise is to ensure that all staff are clear on their role and responsibilities and any new staff are able to quickly assess and implement as required. The improvement action must continue to drive progress irrespective of who may be responsible.

E24020228



	<ul style="list-style-type: none"> • It is also important to factor dependencies into the plan even if identified as high-risk as any strategy that is contingent on another is going to carry a risk. This needs to be identified early to avoid any setbacks. • Opportunity to include dependencies into a group of themes – for example a governance framework incorporates policies and procedures; while they become secondary tasks in implementing the framework. • Focus on high level; high risk items first. • There is no expectation that all the issues will be resolved within 6 months, but the improvement action plan is to assist with working towards addressing all the issues systematically with clear structure and within set timeframes. • The Risk Management Strategy / Improvement Action Plan is 12 pages long. • Suggested that the Risk Management Strategy / Improvement Plan be put up at the same time as the Compliance Audit Return (CAR), as this will be due at the end of March. • DLGSC would view this as reasonable to present both at the same time, as this will further inform the Shire. • The Budget Review will also be required at the end of March, and this also needs to be considered by the Shire as a priority.
<p>Audit Risk Committee</p>	<ul style="list-style-type: none"> • On 7 February 2024, the Audit and Risk Committee appointed an Independent Chair to the Committee.
<p>Vacancies</p>	<ul style="list-style-type: none"> • Governance Officer has left after 9 weeks, and Shire has gone back to Hays Recruitment for review as within the period of service agreement. • Total of 10 vacancies across all areas of the Shire. There are issues with attracting and retaining staff. • There is no housing stock available. • Administrative support to the CEO is limited due to staff turnover. • Selection Panel has been established that will include all elected members and 2 X community members to which they have received 2 X expression of interest. • CEO is seeking to take Long Service Leave from 10 April 2024. WALGA has provided 10 CVs for the Shire President, Deputy Shire President and elected members to consider. • Noted it would be beneficial to consider someone, who has considerable experience in compliance and has an ability to drive change.

E24020228



<p>Auditors</p>	<ul style="list-style-type: none"> • Redacted Information was consulted to assist with balancing and preparing the draft financial statements that were resubmitted to OAG on 12 February 2024. on the auditors are due onsite on Wednesday 21 February 2024. • The draft financial statements presented to the auditor do not need to be presented to the audit committee or council for their review however, there is a requirement for the monthly financial statements to be presented to council which will include any updated balances from 30 June 2023. Note: Balances at 30 June 2023 could continue to change until the auditor issues their audit report for the year ended 30 June 2023.
<p>Aboriginal Heritage Act (AHA)</p>	<ul style="list-style-type: none"> • Under Western Australia’s newly amended heritage laws, the Shire advised a contractor hired by the Shire had been charged with breaching the Aboriginal Heritage Act (AHA) • The DLGSC understands the Department of Planning, Lands and Heritage has implemented action against the Shire and a contractor for breaching the AHA over construction work in several waterways. • Reconciliation WA is developing a website that may be able to assist, which will be a source of information. • Likely to be launched in Reconciliation week.
<p>Operational Considerations</p>	<ul style="list-style-type: none"> • Shire President and Deputy Shire President were encouraged to undertake an informal meeting with the CEO to understand what is operational and what is not; this provides clarity as to what should be shared by the CEO and when ie., possible media coverage. Shire President may need to respond.

Next Meeting is scheduled for 27 February 2024 at 3.00 p.m.

E24020228

**Actions Table in order of greatest priority**

Action Priority	Action	Responsibility and Timeframe
1	Risk Management Strategy / Improvement Action Plan to be prepared for the Audit Risk Committee's review and endorsement at the next meeting.	CEO – 6 March 2024
2	Compliance Audit Return (CAR)	CEO – 6 March 2024
3.	Risk Management Strategy / Improvement Action Plan or CAR amendments if any from the Audit Risk Committee to be presented at a special meeting for further consideration and approval.	CEO – Before 27 March 2024
4.	Present the Risk Management Strategy / Improvement action Plan and the CAR to the next Ordinary Council Meeting for approval	CEO – 27 March 2024
5.	Budget Review to be presented and approved at the next Ordinary Council Meeting	CEO – 27 March 2024
6.	Moore Australia Review to be presented and approved at the next Ordinary Council Meeting	CEO – 27 March 2024
7.	Risk Management Strategy / Improvement Action Plan to be made available to DLGSC and the Office of the Auditor General	28 March 2024
8.	Moore Australia Review Report to be made available to DLGSC	28 March 2024
9.	Interim CEO appointment – review 10 CVs provided by WALGA	Shire President and Deputy Shire President - TBA

E24020228

From: Redacted Information
Redacted Information

Subject: [External]-Request to meet with the Shire President and CEO

Date: Thursday, 21 December 2023 9:05:29 AM

Attachments: [image001.png](#)
[E23075613 Shire of Toodyay Non Compliance - Financial Reporting.PDF](#)
[FW Meeting of 1 August 2023 - DLGSC and Shire of Toodyay.msg](#)

Importance: High

Morning Suzie,

The then Shire President met with the Department of Local Government, Sport and Cultural Industries (DLGSC) on 7 August 2023, see attached. Given the recent council elections and the commencement of the newly appointed Shire President, it would be beneficial for DLGSC to reconvene and meet with the Shire President to discuss the agreed approach that included the importance of maintaining and retaining existing staff, who will finalise and implement the improvement action plan, the finalisation of the Audit Regulation 17 Review Report and the roles and responsibilities of council.

The DLGSC staff namely, the Executive Director, the Director Support and Engagement, the Director Financial Policy and Statutory Approvals and the Manager Financial Policy will attend the Shire in person in the new year.

Please could you advise of the Shire President's and your availability and provide a couple of dates and times that could be considered.

Kind Regards

Redacted Information

Director Local Government Financial Policy and Statutory Approvals

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Phone: Redacted Information

dlgsc.wa.gov.au

Web: www.dlgsc.wa.gov.au





Department of
**Local Government, Sport
and Cultural Industries**

Our ref E23075613
Enquiries Redacted Information
Phone
Email Redacted Information [@dlgsc.wa.gov.au](mailto:info@dlgsc.wa.gov.au)

Ms Suzie Haslehurst
Chief Executive Officer
Shire of Toodyay
PO Box 96
TOODYAY WA 6566

Redacted Information [@toodyay.wa.gov.au](mailto:info@toodyay.wa.gov.au)

Dear Ms Haslehurst

SHIRE OF TOODYAY – ANNUAL FINANCIAL REPORT AUDIT 2020-21 NON-COMPLIANCE

I refer to the signed Independent Auditor's Report for the Shire of Toodyay (the Shire) – 30 June 2021.

I understand that a disclaimer of opinion was issued, by the Office of the Auditor General (OAG), as the Shire was unable to provide sufficient appropriate audit evidence regarding the financial report; and the financial report submitted for audit purposes did not contain complete and/or accurate underlying records.

The OAG was unable to determine whether any adjustments were necessary to the financial report of the year ended 30 June 2021.

The Shire's management comments in the management letter, 'Noted' the findings within the Independent Auditor's Report particularly in regard to:

- Part 6 of the *Local Government Act 1995* (the Act),
- The Local Government (Financial Management) Regulations 1996 (FM Regs)
- The Australian Accounting Standards made by the Australian Accounting Standards Board (AASB); and
- The Local Government (Audit) Regulation 1996 (Audit Regs).

The proactive engagement by the Shire to resolve the following findings will represent an opportunity for positive improvement and change with meeting the requirements of the Act, associated regulations and standards:

- Section 6.5 of the Act - Proper accounts and records not being kept up to date and ready for inspection.

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PO Box 8349 Perth Business Centre, WA 6849
Telephone (08) 6552 7300
Email info@dlgsc.wa.gov.au
Web www.dlgsc.wa.gov.au

- AASB 101 Presentation of Financial Statements and FM Regs, regulation 5A - accurate comparative information for the evaluation of the Shire's performance and the results of operation.
- FM Regs 5(1) - A lack of efficient systems and procedures to ensure proper accounting for municipal and trust bank accounts.
- The Shire's Purchasing Policy was not adhered to. Purchases were not supported by authorised purchase orders, and there was a lack of sufficient number of quotations being obtained.
- FM Regs 5(2)(c) and Audit Regs (17(1) and (2) - The CEO has not reviewed the appropriateness and effectiveness of the financial management systems since May 2018.
- AASB 13 'Fair Value Measurement' and Regulation 17A(4)(b) of the FM Regs - The Shire has not performed an assessment to determine whether its infrastructure assets represent fair value for the year ended 30 June 2021.
- Concerns with employee contract letters and termination letters, and timesheet approval by management were also raised as significant concerns.

I am requesting to meet with you and the Shire President to discuss these matters. I will endeavour to have a meeting scheduled two weeks from the date the letter is issued.

Yours sincerely

Redacted Information

Redacted Information

Executive Director, Local Government

30 June 2023

From: [Redacted Information](#)
To: [Suzie Haslehurst](#)
Cc: [Redacted Information](#)
Subject: FW: Meeting of 1 August 2023 - DLGSC and Shire of Toodyay
Attachments: [image001.png](#)

Dear Suzie,

As per our discussion dated 7 August 2023, please find a revised version to the e-mail sent. The Department of Local Government, Sport and Cultural Industries is committed to continuing to assist and engage with the Shire of Toodyay.

Thank you and Cr Madasci and your staff for meeting with [Redacted Information](#) yesterday regarding the letter sent on 30 June 2023, which addressed concerns raised in the Independent Auditor's Report for the Shire of Toodyay (the Shire) – 30 June 2021. I thought I would email you to capture the key points from our discussion and agreed actions going forward.

The following information was provided by the Shire and related to the current situation:

- The transition from SynergySoft to Datascape over the last two years, in particular:
 - Errors identified that were potentially from a lack of focus on project management
 - Insufficient understanding of the Datascape capabilities
 - Opening and closing balances requiring correction
 - Gaps in the system that previously they were not aware of and now understand that the system is not compatible with WA local government financial reporting requirements but can be adapted.
- Change in Auditor from Butler Settineri to Dry Kirkness
- High staff turnover and loss of knowledge.

Although challenges with the transition of systems was acknowledged, the Department of Local Government, Sport and Cultural Industries (DLGSC) noted there being limited progress by Shire in addressing issues related to financial management at the Shire. While it was recognised that there had been staff turnover and a loss of experience, as well, as challenges associated with the integration of a new financial system, these have been ongoing for some time and there are concerns regarding the Shire's progress in tackling such issues.

The DLGSC noted that the Shire was previously supported to address all the recommendations relating to an authorised inquiry of 2020 that included rate setting, governance and financial management, amongst other issues and since this time; limited progress to the financial management reporting has been undertaken, which may impact on the public's perception of the Shire. The Shire needs to develop a clear plan for action that supports improvements to financial management reporting and within a timely manner. The Shire has been encouraged to connect with WALGA, the DLGSC Financial Policy and Statutory Approval and the Support and Engagement teams for assistance and support.

Key discussion points:

- Exit Meeting with the Office of the Auditor General (OAG) being held on 2 August 2023 and acknowledge that a further disclaimer of opinion is likely to be issued by

OAG for 2021-22 reporting period.

- The Shire is seeking to develop, implement and embed internal policies and procedures for the Datascape and acknowledge that issues with the system needs to be resolved, as they have been ongoing (2 years).
- Currently consulting with WALGA, as Datascom is a WALGA recommended service provider.
- Encouraged to connect with WALGA and seek support through James. The Shire confirmed that this level of engagement and support is currently being pursued.
- A project manager has been appointed to manage Datascape namely; Maurice Werder given his technical knowledge and financial management experience.
- Key staffing required:
 - Rates Officer will undertake maternity leave from November 2023.
 - Governance Officer position is vacant.
 - Executive Manager Assets position is vacant but will be backfilled from 21 August 2023.
- The Shire has confidence in the Manager Corporate and Community Services **Redacted Information** having 18 years' experience.
- Financial Better Practice Review was raised with the Shire and they advised subsequent to Regulation 17 and Regulation 5 reviews; self-nomination for a FBPR will be considered.
- The DLGSC suggested an independent chair be considered on the Audit Risk Committee. However the Shire informed that the Audit Risk Committee already includes independent parties.

Agreed Actions:

- Draft action plan to be developed and forwarded to DLGSC **Redacted Information** @dlgsc.wa.gov.au inbox by 18 August 2023.
 - Draft action plan to include timeframes for each milestone.
- The Shire to raise with the Office of the Auditor General, at the Exit Meeting dated 2 August 2023 the agreed approach with DLGSC.
- The DLGSC to provide feedback a week from date the draft action plan has been received.
- After the Shire receives feedback from DLGSC, the Shire is to finalise the action plan and have the action plan tabled before Council for approval.
- Once the action plan has been approved, the Shire to draft a response back to the DLGSC and attach the final approved version of the action plan.
- The DLGSC received consent from the Shire to forward an approved copy of the action plan to OAG for their consideration.
- The DLGSC will monitor the action plan and offer support upon request and where appropriate.
- The Shire to undertake a Regulation 5 and Regulation 17 review and consider self-nominating for a FBPR with DLGSC post these reviews.
- The Shire to consider the appointment of an independent chair to the Audit Risk Committee.

Kind Regards

Redacted Information

A/Director Local Government Financial Policy and Statutory Approvals

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

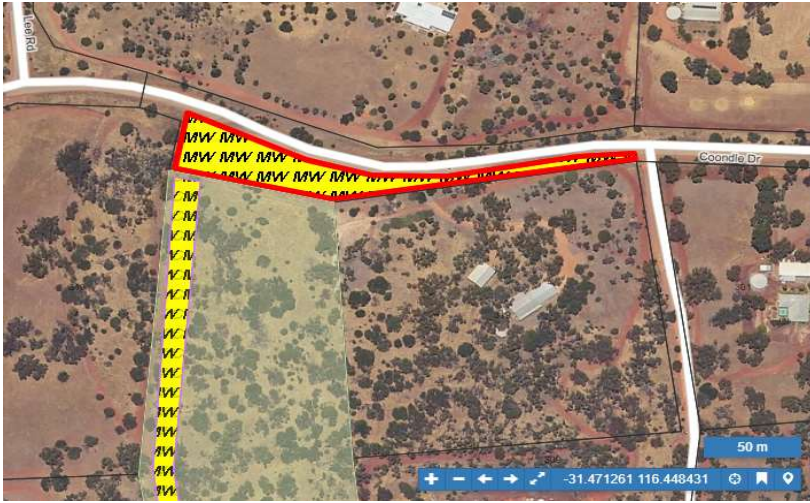


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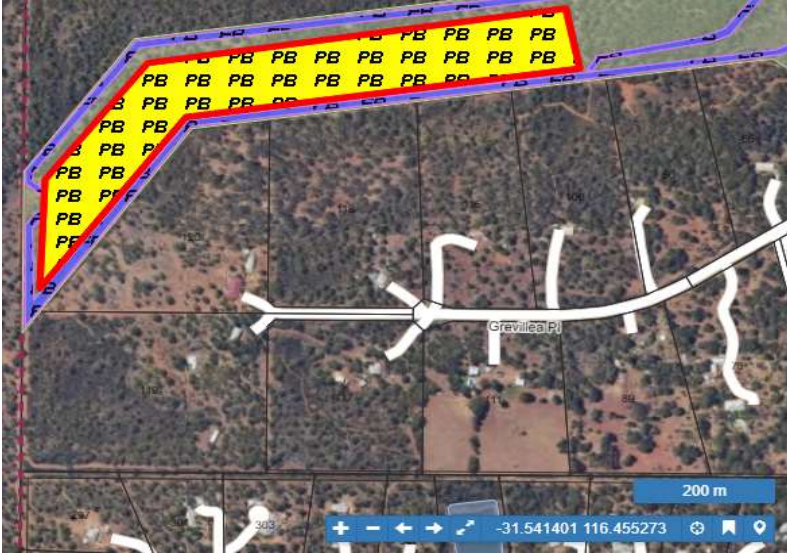

Web: www.dlgsc.wa.gov.au



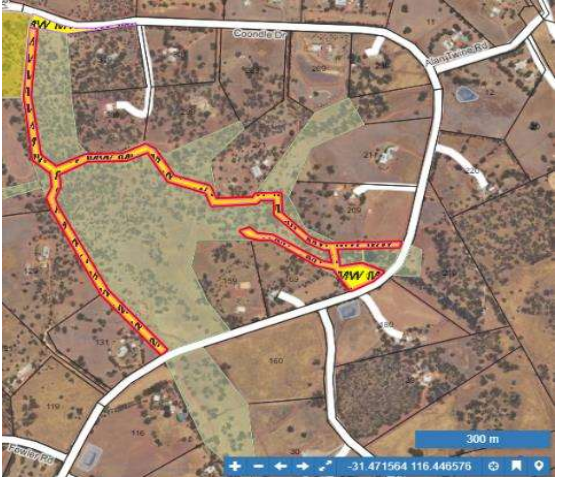





MAF GP 2023/24 R2 - Approved Tender Only Treatments




NB: In all Cases, **Red Outline** Feature indicates Subject Treatment.



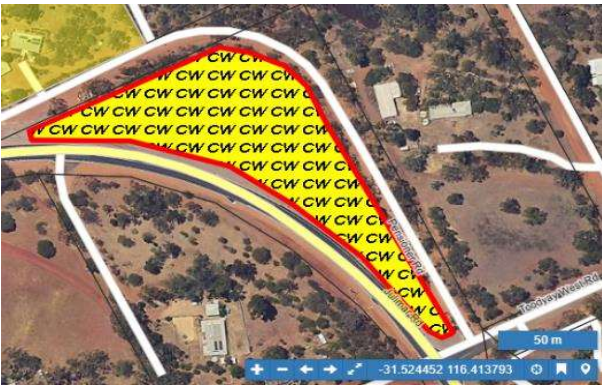
Treatment ID	Treatment Type	All Prices Quoted are to be EXCLUSIVE of GST.	Treatment Area (ha)	Treatment Length (km)	Due Date
26420	Mechanical Works	<p>26420/25698/TOOCND0473 - Coondle Valley Reserve - Manage annual grassy weeds to less than 2t/ha by slashing to less than 100mm. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Fire support ute with firefighting capabilities must be present when works are conducted grass which has cured to a flammable state.</p> 	0.297	0.511	31/10/2024
26421	Mechanical Works	<p>26421/18257/TOOTOT0049 - Drummond Street East Reserve (Main Block) - Manage annual grassy weeds to less than 2t/ha by slashing to less than 100mm. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Fire support ute with firefighting capabilities must be present when works are conducted grass which has cured to a flammable state.</p> 	2.423	0.937	31/10/2024
26422	Mechanical Works	<p>26422/23705/TOOTOC0273 - Millards Pool Reserve - Manage annual grassy weeds to less than 2t/ha by slashing to less than 100mm. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Fire support ute with firefighting capabilities must be present when works are conducted grass which has cured to a flammable state.</p> 	6.821	3.102	31/10/2024




26423	Mechanical Works	<p>26423/16560/TOOTOT0030 - Toodyay Street Linear Reserve (Mid Block) - Manage annual grassy weeds to less than 2t/ha by slashing to less than 100mm. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Fire support ute with firefighting capabilities must be present when works are conducted grass which has cured to a flammable state.</p> 	0.854	0.551	31/10/2024
26425	Planned Burning	<p>26425/21412/TOOMGP0436 - Grevillia Reserve - Reduce fuel loads to <4t/ha via hazard reduction burn. NB: Autumn/Winter only. Narrow condition window - complex burn. Monitoring and patrol.</p> 	8.185	1.999	30/09/2024
26426	Chemical Works	<p>26426/25698/TOOCND0473 - Balgalling Reserve (Upper) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	4.619	0.983	31/08/2024




26427	Chemical Works	<p>26427/25698/TOOCND0473 - Balgalling Reserve (Lower) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p>	5.33	1.013	31/08/2024	
						
26428	Chemical Works	<p>26428/25698/TOOCND0473 - Fawell-Church Gully Linear Reserve - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p>	0.205	1.371	31/08/2024	
						
26429	Chemical Works	<p>26429/25698/TOOCND0473 - Coondle Valley Reserve - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p>	2.862	4.42	31/08/2024	
						




26431	Chemical Works	<p>26431/25813/TOOCND0505 - Dudley Chitty Reserve (East Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	2.079	3.59	31/08/2024
26432	Chemical Works	<p>26432/25813/TOOCND0505 - Dudley Chitty Reserve (West Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Established regrowth or overhang to be removed by pruning/high pruning to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.005	1.449	31/08/2024
26434	Chemical Works	<p>26434/25833/TOOCND0517 - Horse Shoe Road Boundary Reserve - Manage annual grassy weeds/fire access track regrowth, on and 3m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Note: W09 Key Required.</p> 	2.883	4.308	31/08/2024




26435	Chemical Works	<p>26435/25833/TOOCND0517 - Timber Creek Crescent Boundary Reserve - Manage annual grassy weeds/fire access track regrowth, on and 3m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Note: W09 Key Required.</p> 	2.265	3.33	31/08/2024
26436	Chemical Works	<p>26436/25833/TOOCND0517 - Coondle West Road Linear Reserve - Manage annual grassy weeds/fire access track regrowth, on and 3m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Note: W09 Key Required.</p> 	0.378	1.903	31/08/2024
26437	Chemical Works	<p>26437/23869/TOOTOC0294 - Isotoma Linear Reserve - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.357	1.129	31/08/2024




26438	Chemical Works	<p>26438/25701/TOOCND0476 - Toodyay West Road South Side Reserve - Manage annual grassy weeds to less than 2t/ha by application of pre and post herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	2.851	2.29	31/08/2024
26439	Chemical Works	<p>26439/25701/TOOCND0476 - Leeder Street East Side Reserve - Manage annual grassy weeds to less than 2t/ha by application of pre and post herbicide using vehicle (site suitable for ATV). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.571	1.053	31/08/2024
26440	Chemical Works	<p>26440/25868/TOOCND0524 - Toodyay West Complex (Pensioner Block) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.876	0.567	31/08/2024




26441	Chemical Works	<p>26441/21476/TOOTOC0125 - West Toodyay Complex (Avon Block East) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.066	0.618	31/08/2024
26442	Chemical Works	<p>26442/21480/TOOTOC0127 - West Toodyay Complex (Avon Block West) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	3.658	1.326	31/08/2024
26444	Chemical Works	<p>26444/21510/TOOTOC0144 - West Toodyay Complex (Baring Block) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.81	0.599	31/08/2024

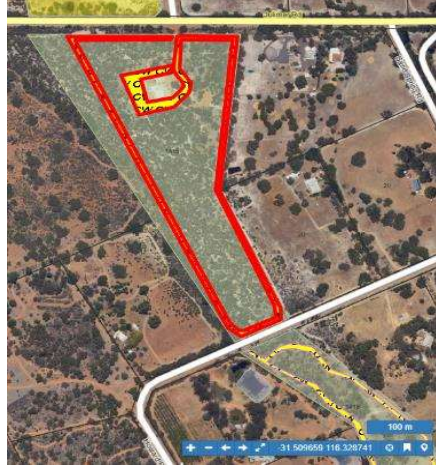


26445	Chemical Works	<p>26445/21479/TOOTOC0126 - Toodyay West Complex (Intersection Block North) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p>	0.901	0.402	31/08/2024	
	26446	Chemical Works	<p>26446/21509/TOOTOC0143 - Toodyay West Complex (Intersection Block SE) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p>	0.733	0.395	31/08/2024
	26447	Chemical Works	<p>26447/21512/TOOTOC0146 - Toodyay West Complex (Intersection Block SW) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p>	0.303	0.331	31/08/2024
						




26448	Chemical Works	<p>26448/21520/TOOTOC0149 - Weatherall Reserve - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.672	0.942	31/08/2024
26449	Chemical Works	<p>26449/25406/TOOMGP0436 - Morangup Community Facilities Fire Access Track - Manage annual grassy weeds to less than 2t/ha by application of pre and post herbicide along fire access track and around water tank assets. Some hand spraying will be required. Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.322	0.524	31/08/2024
26450	Chemical Works	<p>26450/48620/TOOCND0590 - Drummond Street East (North Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.213	0.778	31/08/2024




26451	Chemical Works	<p>26451/18257/TOOTOT0049 - Drummond Street East Reserve (Main Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.547	1.795	31/08/2024
26452	Mechanical Works	<p>26452/21564/TOOTOC0158 - Pelham Reserve - High pruning of vegetation overhanging fire-breaks to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	6.356	10.67	31/08/2024
26453	Chemical Works	<p>26453/21605/TOOTOC0163 - Folewood x Sandplain Tank Reserve - Manage annual grassy weeds to less than 2t/ha by application of pre and post herbicide. Some hand spraying will be required. Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.23	0.199	31/08/2024

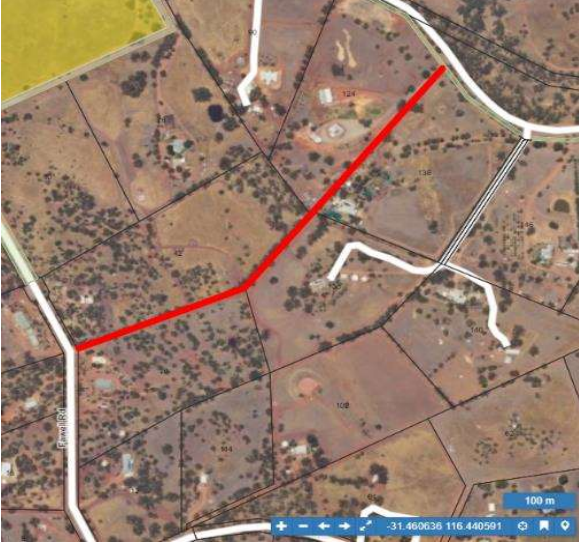


26454	Chemical Works	<p>26454/23379/TOOTOC0230 - Majestic Central Reserve - Manage fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Established regrowth or overhang to be removed by pruning/high pruning to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.263	2.237	31/08/2024
26455	Chemical Works	<p>26455/23591/TOOTOC0248 - Lloyds Reserve - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.883	1.442	31/08/2024
26457	Chemical Works	<p>26457/23705/TOOTOC0273 - Glencoe-Extracts Linear Reserve - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.809	1.458	31/08/2024




26458	Chemical Works	<p>26458/39914/TOOTOC0589 - Gabidine Brook Reserve - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	2.153	3.538	31/08/2024
26460	Chemical Works	<p>26460/16560/TOOTOT0030 - Toodyay Street Linear Reserve (South Block) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.02	0.569	31/08/2024
26461	Chemical Works	<p>26461/16560/TOOTOT0030 - Toodyay Street Linear Reserve (North Block) - Manage annual grassy weeds to less than 2t/ha by application of monocot specific herbicide (with wetting agent), utilising small vehicle (quad bike or ATV). Some manual (hand spraying) may be required. Native species seedlings (i.e. Acacia/Eucalypt) are to be protected from damage (avoided by applying vehicle). Include additional non-selective post and pre-emergent herbicide application on and 2m either side of fire access tracks. Application must occur prior to weed seed development. Application to be excluded from naturally occurring low fuel area (i.e. those areas where the environment is naturally suppressing majority of weeds). Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.891	1.21	31/08/2024

26462	Chemical Works	<p>26462/26062/TOOJUL0563 - Malkup Brook Reserve (Fire Station Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) and around assets to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	1.253	3.267	31/08/2024
26463	Chemical Works	<p>26463/26062/TOOJUL0563 - Malkup Brook Reserve (Main Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	4.065	9.926	31/08/2024
26464	Chemical Works	<p>26464/26062/TOOJUL0563 - Malkup Brook Reserve (East Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.258	0.822	31/08/2024

26465	Chemical Works	<p>26465/23036/TOOTOC0210 - Acacia Water Reserve (Dam Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access track (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.121	0.667	31/08/2024
26466	Chemical Works	<p>26466/23036/TOOTOC0210 - Acacia Water Reserve (Lower Block) - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access track (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.107	0.569	31/08/2024
26467	Chemical Works	<p>26467/23695/TOOTOC0264 - Nairn Linear Reserve - Manage annual grassy weeds/fire access track regrowth, on and 3m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Note: W09 Key Required.</p> 	3.052	5.282	31/08/2024

26498	Mechanical Works	<p>26498/25833/TOOCND0517 - Timber Creek Crescent Boundary Reserve - High pruning of vegetation overhanging fire-break to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Note: W09 Key Required.</p> 	2.266	3.33	31/10/2024
26499	Mechanical Works	<p>26499/25409/TOOMGP0437 - Cobbler Pool Reserve - Manage annual grassy weeds to less than 2t/ha by slashing to less than 100mm and removal of heaped vegetation posing a fire risk. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites. Fire support ute with firefighting capabilities must be present when works are conducted grass which has cured to a flammable state.</p> 	4.434	1.214	31/10/2024
26501	Firebreak(s)	<p>26501/25406/TOOMGP0436 - Grevillea Reserve - Grade fire-breaks to minimum 4m wide, providing cross fall and humps for drainage to prevent future erosion. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	5.341	10.53	31/10/2024

26503	Mechanical Works	<p>26503/25698/TOOCND0473 - Fawell-Church Gully Linear Reserve - High pruning of vegetation overhanging fire-breaks to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.204	1.371	31/10/2024
26505	Mechanical Works	<p>26505/25698/TOOCND0473 - Coondle Valley Reserve - High pruning of vegetation overhanging fire-breaks to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	2.862	4.42	31/10/2024
26508	Mechanical Works	<p>26508/25813/TOOCND0505 - Dudley Chitty Reserve (East Block) - High pruning of vegetation overhanging fire-breaks to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	2.079	3.59	31/10/2024

26509	Mechanical Works	<p>26509/48620/TOOCND0590 - Drummond Street East (North Block) - High pruning of vegetation overhanging fire-breaks to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.213	0.778	31/10/2024
26510	Mechanical Works	<p>26510/23591/TOOTOC0248 - Lloyds Reserve - High pruning of vegetation overhanging fire-breaks to create 4m vertical clearance. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	0.883	1.442	31/10/2024
26511	Mechanical Works	<p>26511/39914/TOOTOC0589 - Gabidine Brook Reserve - Manage annual grassy weeds/fire access track regrowth, on and 2m either side of fire access tracks (or to property boundary whichever closer) to less than 2t/ha by application of pre and post emergent herbicide using vehicle (site suitable for up to small 4WD truck). Application must occur prior to weed seed development. Vehicle(s) to be washed down prior to arrival and prior to departure from site to protect against soil or seed transfer between sites.</p> 	2.152	3.538	31/10/2024



Bushfire Advisory Committee Meeting

7 February 2024

Minutes

To: Bushfire Advisory Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Bushfire Advisory Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in black ink, appearing to read 'Charles Sullivan', is positioned above the printed name.

Charles Sullivan

ACTING CHIEF EXECUTIVE OFFICER

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

Preface


When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 27 February 2024.



Charles Sullivan
ACTING CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 1 May 2024.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

1 DECLARATION OF OPENING

Cr M McKeown, Chairperson, declared the meeting open at 6.01pm.

1.1 ANNOUNCEMENT OF VISITORS

Nil.

1.2 RECORD OF ATTENDANCE AND APOLOGIESMembers

Cr M McKeown	Shire President (Chair)
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Mr R Koch	Deputy 2 CBFCO / CESM
Mr C Stewart	Chief Bush Fire Control Officer
Mrs E Francis	Emergency Management Officer
Mr N Griggs	Deputy 1 CBFCO
Mr I MacGregor	Toodyay Volunteer Fire & Rescue
Mr L Hayward	Bejoording Brigade Representative
Mr S Tunncliffe	Coondle-Nunile Brigade Representative
D Canning	Julimar Brigade Representative

Staff

Mrs M Rebane Executive Assistant

Visitors

Nil

Apologies

Cr S McCormick	Councillor
Cr S Dival	Deputy Shire President
Mr P Hay	DFES District Officer
Mr P Brennan	Toodyay Central Bush Fire Brigade Rep
Ms S Haslehurst	Chief Executive Officer
Mr G Warburton	Reserves Management Officer

1.3 DISCLOSURE OF INTEREST

Nil.

2 MINUTES AND ADDITIONAL INFORMATION**2.1 CONFIRMATION OF MINUTES**

Minutes of Meeting held on 1 November 2023

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

OFFICER'S NO.BFAC001/02/24	RECOMMENDATION/BFAC	RESOLUTION
MOVED	Mr S Tunncliffe	
SECONDED	Mr I MacGregor	
That the Unconfirmed Minutes of the Bushfire Advisory Committee Meeting held on 1 November 2023 be confirmed.		
<u>Voted For:</u>	C Sullivan, Cr M McKeown, R Koch, C Stewart, E Francis, N Griggs, I MacGregor, L Hayward, S Tunncliffe and C Dale	
<u>Voted Against:</u>	Nil	
MOTION CARRIED 10/0		

2.2 REVIEW OF STATUS REPORT

2.2.1 Status Report

Attachments:	1. Updated Status Report. ↔
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The BFAC Status report was reviewed and updated.

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

2.3 INWARD/OUTWARD CORRESPONDENCE**2.3.1 Questions from Coondle Nunile VBFB**

The following question on notice was received from S Tunnicliffe.

Question

Preventative maintenance around the fire stations was previously raised as an agenda item, Motion/BFAC Resolution No. BFAC002/02/23. It was raised again at the November BFAC.

During the recent storms and power outages, the emergency backup generator failed to start rendering the station and ancillaries redundant; vehicle charging, radio communications etc.

Could a further request be made for confirmation; that there is now a schedule in place for items such as Insect eradication, Door maintenance, Gutter clearing, generator and water filter servicing etc

Response

A memorandum was sent out to members on 7 February 2024 (tabled on-screen at 6.08pm).

VOTING REQUIREMENTS

Simple Majority

C Sullivan provided an overview of generators within the Shire, proposed budget proposals and testing that is involved.

Clarification was sought.

I McGregor moved the Officer's Recommendation.

C Stewart seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION/BFAC RESOLUTION NO. BFAC002/02/24

MOVED Mr I MacGregor

SECONDED Mr C Stewart

That the response to the question regarding Preventative Maintenance raised by S Tunnicliffe, on behalf of the Coondle VBFB be received and noted.

Voted For: C Sullivan, Cr M McKeown, R Koch, C Stewart, E Francis, N Griggs, I MacGregor, L Hayward, S Tunnicliffe and C Dale

Voted Against: Nil

MOTION CARRIED 10/0

Attachments

1 Memo to the BFAC

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

2.3.2 TOODYAY CENTRAL VBFB**BACKGROUND**

The paragraph below relates to item 2.3.2 in the previous BFAC meeting Minutes:

- Depot Water Tanks (P Brennan) I also noted in the 02 August BFAC Minutes that the depot water tanks would be connected and available for use this fire season. It is understood that the tanks are not connected to a supply and that recent information from the CESM to Brigades is that the tank water storage is now low which may shortly require trucks to refill from other sources in the shire. When this issue first surfaced in January (where crews were denied water), it was communicated that this would be rectified prior to winter 2023. In raising this issue with the CESM I am advised that internal discussions continue however, he was unable to provide advice as to when this will be rectified. Could we please be provided with an update and timeframe for resolution.
- [Response provided by the Executive Manager Infrastructure, Assets & Services, "I am working on a solution at present. The materials and valve items should arrive at the Operations Centre at the end of this month. The field work is no more than 3 days and the connection should be completed at the end of this month or early next month."](#)

Question

Has this work now been completed and is there now sufficient water in the tanks to be available for us to use to refill trucks and to defend the Depot buildings in the event of a structural fire?

Response:

This was discussed at the November BFAC meeting and the intention was to have the pipework installed and connections in place by Christmas. It did not happen due to availability of contractors to do it and also the two significant emergency management issues to deal with. Construction work commenced early this week at the operations centre and when the ground was opened there were unusual aspects of the pipework. The original construction dates back to 2014. The construction is underway at present. The pipework will direct all roof water from depot buildings to the other side of the accessway (to three tanks) to be completed next week. and the two tanks servicing the depot buildings are full and have always been full. Had there been a fire they would have been available. By this time next week the pipework connections will be completed and the project will be completed in its entirety.

Further clarification was sought about scheme water supply and access to the two tanks servicing the depot buildings.

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

3 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

4 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE**4.1 RISK MANAGEMENT**

Nil

4.2 PRESENTATIONS OR EVENTS

Nil

4.3 INCIDENT/EXERCISE REPORTS

Brigades held local level debrief on Sunday and now await regional debrief (for the Julimar Fire)

4.4 PROJECTS AND GRANT FUNDING

Nil

4.5 STRATEGIC REVIEW / PLANNING

Nil

4.6 ROUNDTABLE DISCUSSION AND AGENCY UPDATES**4.6.1 TOODYAY CENTRAL VBFB**

P Brennan's Captains report under item 4.6 of the 7 February 2024 is as follows:

- Congratulations to our Chief Bush Fire Control Officer Craig Stewart for the award of an Australian Fire Service Medal in the 2024 Australia Day Honours List. An outstanding, highly dedicated and respected leader who is a very deserving recipient of such recognition. Well done Craig.
- Since 1 November Toodyay Central has received 32 callouts, 12 in November for 77 volunteer hours, seven in December for 576 hours and 13 in January for 220 hours. Twelve of those calls resulted in stand downs and five were for the 12.2 only which saw it deployed to Northam, Meckering, Beverley, Bindoon and Chittering. For the same period last year, we registered 29 callouts for 754 volunteer hours. Our sincere thanks goes to our CESM, Rob Koch, Chief Bush Fire Control Officer Craig Stewart, Deputy Nick Griggs and our Fire Control Officers for the leadership they displayed during incidents over this period and lastly but not least all our fire volunteers in the Shire.
- Many thanks to Rob Koch for his quick response to truck maintenance issues over the Christmas New Year period it has ensured that we were in a position to respond to all calls with all three vehicles.

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES**7 FEBRUARY 2024****4.6.2 UPDATE FROM COONDLE-NUNILE BRIGADE**

Significant events. Christmas break very busy. Gratitude to all volunteers through Coondle meetings. Since November had two new members sign up awaiting foundation training. Brigade training sessions well attended. Hot weather has increased opportunities for learning.

4.6.3 UPDATE FROM BEJOORDING BRIGADE

Good platform to work from. New enthusiasm for brigade.

4.6.4 UPDATE FROM JULIMAR BRIGADE

Dale Canning reported as follows:

Julimar incident brought best out of a lot of people including brigade. Morale improved. Good new firefighters through as well and they did very well. Lieutenants to be put up this year. Training them up. Outgoing ones staying around as white hats for further education and training. At the fire we did pick up a new member. Succession planning being done for the brigade. Heading in right direction. Thanks so much for all the crews that helped in the fire.

4.6.5 UPDATE FROM CHIEF BUSH FIRE CONTROL OFFICER

Craig Stewart provided an update as follows:

Thanks to outstanding efforts over summer period we have had so far including other agencies and the Shire for the level 2 incident; and the opening and operating of the evacuation centre. Brigades and out of shire support in response (continued mop up and patrols). Rosters and turnout was a good effort.

Incidents ran from December through to January. The level of support we had from all agencies made everyone's job easier. HVM Bans and TFB not received too many complaints. DFES do the TFBs and we manage our own. It appears with the new system we now use by all accounts not a great deal of change in recognition the AFDRS modified its input programs and we appear to be the same as we always were.

Free water tight around the district. Reliant on 12:2 bulk water and support from brigade water networks. Refill out of stations. Work CESM has done for replenishment, etc critical. As we go into permit season quite important.

Thanks for the farming brigades and private volunteers who have chipped in this year, and will endeavour to provide correspondence to them thanking them.

CESM credit card: we reached a point early in December where the limit was such that after 2 incidents there were no further funds on the card and the CESM was putting his hand in his own pocket. A number of those in senior ranks done that too. BFAC would like to see an increase in the credit limit for the CESM.

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

MOTION/BFAC RESOLUTION NO. BFAC003/02/24**MOVED** Mr C Stewart**SECONDED** Mr N Griggs

That the Bush Fire Advisory Committee recommends to Council:

That Council considers an increase in the CESM's credit card to enable an adequate limit for support during emergencies.

Voted For: C Sullivan, Cr M McKeown, R Koch, C Stewart, E Francis, N Griggs, I MacGregor, L Hayward, S Tunnicliffe and C DaleVoted Against: Nil**MOTION CARRIED 10/0****4.6.6 UPDATE FROM DEPUTY 1 CBFCO**

Nick Griggs provided an update as follows:

Thanks to all brigades. Thanks to members from different brigades turned up and were very dedicated to get trucks moving.

It is noted that the resignation of one of the Rangers left us with only a basically 9 to 5 weekday ranger services. Emergency ranger services coming from Chittering. Rangers assist in the control and management of fires in a local way, from first on scene site representatives, to traffic management, assisting with catering and logistics and firebreak inspections. Now we have lost two of them, I am concerned because they are an integral part of fire management. I encourage Council to employ two ranger positions as soon as possible.

4.7.7 UPDATE FROM EMERGENCY SERVICES OFFICER

Ebony Francis provided an update as follows:

- New volunteers.
- Thanks to Julimar.
- Volunteer organisation that supports military people has been in contact with us after the bushfire. The group has helped a number of property owners manage debris and clearing fences, the tidy up and contribution of manpower. This effort has taken care of potential risks.

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES**7 FEBRUARY 2024****4.7.8 ACKNOWLEDGEMENT AND EMERGENCY SERVICES DINNER**

Ian MacGregor acknowledged the Chief Bush Fire Control Officer, the Deputy CBFCO, the CESM and other leadership groups in the Shire. Well done by everyone.

Ian MacGregor advised that he would liaise with the CESM and the Deputy CBFCO regarding arrangement of the Emergency Services Dinner.

4.7.9 UPDATE FROM CESM

Rob Koch provided an update as follows:

Fire Emergency Water

- Coondle Station bore and facility replumbing complete. This includes pressurised training hydrant with recirculation. Instructions available on BART.
- Julimar Station bore health check has led to some maintenance items/system configuration changes. Tested at 75ltr/min at the pump.
- Red Brook Circle overhead stand pipe (last in Shire) has been removed and replaced with standard bottom fill setup. Water Points document updated and available on BART.
- A big thanks to volunteers from Toodyay Central BFB who volunteer their time to refill water tanks pre summer which saving money which in part funded the above upgrades.

Events

- Bejoording 4.4B handover completed at Bejoording in December. DFES Commissioner and politician Darren West attended. The event was held in conjunction with Shire of Goomalling who received their Jennacubbine 4.4.
- Local level debrief held last Sunday for Julimar fire. Largely positive with some items where improvements can be considered.

Other Projects

- Julimar Crossover and Apron - This is now moving forward with contributions from Chalice, Julimar BFB and the Shire. The Shire will contribute and fund the crossover in hot mix as part of the current Julimar Road works. Concrete apron works have commenced with pour scheduled for 8/02/2024. Thankyou to Chalice, Julimar BFB and Shire for finally bring this project to fruition.
- Appliance fittings/adaptors. All appliances now have an expanded range of fittings. In addition to previously issued fitting this now includes 4" Camlock male and female and adapting to/from BIC male and female to camlock. Brigades requested to audit fittings against supplied lists monthly.

BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES

7 FEBRUARY 2024

Acknowledgments

- Thanks to the Shire for provision of shire accommodation for Disaster Ready Australia volunteers assisting residents effected by the Julimar fire. Thanks to Julimar BFB for allowing access to amenities on station.
- Thanks to all brigades for their efforts over the busy December/January period. A big effort.
- Congratulations to Chief Bush Fire Control Officer Craig Stewart on his recent awarding of the Australia Fire Service Medal. This puts Craig in an elite group of fire practitioners which includes the current DFES Commissioner. This is deserved recognition of Criag's efforts and respect within the industry.

4.7.10 UPDATE ON MITIGATION ON BEHALF OF THE SHIRE'S RESERVES MANAGEMENT OFFICER

R KOCH RAISED THE FOLLOWING POINTS:

- MAF 22/23 ROUND 2 - WORKS COMPLETED AND GRANT ACQUITTED.
- MAF 23/24 ROUND 2 - CURRENTLY OUT TO TENDER.
- DISASTER RESILIENCE FUND (DRF) GRANT AGREEMENT SIGNED AFTER SOME DELAY. WORKS UNDER THIS GRANT CAN NOW COMMENCE.

5 CONFIRMATION OF NEXT MEETING

The next meeting of the Bushfire Advisory Committee Meeting is scheduled to be held on 1 May 2024 commencing at 6:00 PM.

6 CLOSURE OF MEETING

The Chairperson closed the meeting at 6.55pm.



Environmental Advisory Committee Meeting

29 November 2023

Minutes

To: Environmental Advisory Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Environmental Advisory Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in black ink, appearing to read 'H de Vos'.

Hugo de Vos
Executive Manager Development and Regulation

On behalf of

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

29 NOVEMBER
2023

Preface


When these minutes are approved for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 18 December 2023.



Hugo de Vos
Executive Manager Development and Regulation
On behalf of
Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 10 January 2024.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

29 NOVEMBER
2023**1 DECLARATION OF OPENING**

Mr H de Vos, Executive Manager Development and Regulation, declared the meeting open at 4.10pm.

1.1 Election of a Chairperson

Date of Report:	24 November 2023
File Reference:	COC14
Author:	M Rebane – Executive Assistant
Responsible Officer:	H de Vos – Executive Manager Development and Regulation
Attachments:	Nil

PURPOSE

To elect the position of Presiding Member of the Environmental Advisory Committee (EAC).

BACKGROUND

At an Ordinary Council Meeting held on 22 November 2023, Council resolved to appoint membership to the committee (Resolution No. OCM282/10/23) as follows:

That Council:

1. Appoints the following Members to the Environmental Advisory Committee:
 - (a) Cr Madacsi
 - (b) Cr McCormick
2. Appoints the following Deputy Elected Members to the Environmental Advisory Committee:
 - (a) Cr Dival
 - (b) Cr Prater
3. Appoints the following Community Member to the Environmental Advisory Committee:
 - (a) Justin Von Perger
4. Requests the CEO update the Committee Book accordingly.

At the same meeting Council endorsed a Committee Book for the Shire of Toodyay.

Legal and Statutory Information

s.5.12 of the Local Government Act 1995.

COMMENTS AND DETAILS

The CEO or her representative will preside over the meeting until the election of the Presiding Member has been completed.

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES**29 NOVEMBER
2023**

If there is more than one nomination for either position, then members are to vote on the matter by secret ballot as if they were electors voting at an election.

Section 5.12(2) of the *Local Government Act 1995* states that members of a committee **may** elect a deputy presiding member from amongst themselves but any such election is to be in accordance with the Act.

A deputy chair has not been officially appointed before for the EAC therefore, it is not recommended at this stage, unless the committee decides otherwise.

Nominations were called. Cr Madacsi nominated herself.

OFFICER'S RECOMMENDATION 1: DECLARATION – EAC PRESIDING MEMBER

That the Environment Advisory Committee elects Cr Madacsi as Presiding Member.

Cr Madacsi assumed the Chair at 4.11pm.

1.2 ANNOUNCEMENT OF VISITORS

Nil.

1.3 RECORD OF ATTENDANCE AND APOLOGIESMembers

Cr R Madacsi	Councillor
Cr S McCormick	Councillor
Mr J Von Perger	Community Member

Staff

Mr H de Vos	Executive Manager	Development and Regulation
Mrs M Rebane	Executive Assistant	

Visitors

Nil

Apologies

Nil

1.4 DISCLOSURE OF INTEREST

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

29 NOVEMBER
2023

2 MINUTES AND ADDITIONAL INFORMATION

2.1 CONFIRMATION OF MINUTES

Minutes of Meeting held on 2 August 2023

<p>OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC009/11/23</p> <p>MOVED Cr R Madacsi</p> <p>That the Unconfirmed Minutes of the Environment Advisory Committee Meeting held on 2 August 2023 be confirmed subject to an amendment to Item 5.1 where the words "to be" are to be inserted between the words "was" and "called".</p> <p><u>Voted For:</u> Crs R Madacsi, S McCormick and J Von Perger</p> <p><u>Voted Against:</u> Nil</p> <p style="text-align: right;">MOTION CARRIED 3/0</p>
--

2.2 REVIEW OF STATUS REPORT

2.2.1 Status Report and Minutes of previous meeting

Attachments:	1. EAC Status Report
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The EAC Status report was reviewed.

2.3 INWARD/OUTWARD CORRESPONDENCE

Nil.

3 BUSINESS LEFT OVER FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

4 OFFICER REPORTS

Nil.

5 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

<p>5.1 Community Membership on Environmental Advisory Committee</p> <p>Cr Rosemary Madacsi raised this matter.</p> <p>The membership of the committee was discussed. Actions from the discussion are included on the status report.</p>
--

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

29 NOVEMBER
2023**5.2 Purpose and objectives of the Environmental Advisory Committee meeting**

Cr Rosemary Madacsi raised this matter.

Clarification was sought.

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC010/11/23

MOVED Cr R Madacsi

The Environmental Advisory Committee recommends to Council the following:

That Council:

1. Amends the purpose and objectives of the Environmental Advisory Committee to be:

Purpose

Provide guidance and assistance to Council where possible on matters relating to the environment within the Shire of Toodyay.

Objectives

- (a) make recommendations to Council on matters relating to the environment including but not limited to:
 - Protect and enhance natural resources.
 - Reduce, Reuse, Recycle and Recover
 - Sustainability;
 - Climate change resilience and action;
 - (b) educate and generate community interest and participation in matters relating to the above items;
 - (c) provide feedback to Council in relation to point (b) above;
 - (d) provide input and advice to Council on the implementation of environmental strategies and policies.
2. Requests the CEO update the Committee Book with the above details.

Voted For: Crs R Madacsi, S McCormick and J Von Perger

Voted Against: Nil

MOTION CARRIED 3/0

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES

29 NOVEMBER
2023**5.3 STATUS OF THE ENVIRONMENTAL SUSTAINABILITY OFFICER**

Cr Rosemary Madacsi raised this matter.

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC011/11/23

MOVED Cr R Madacsi

The Environmental Advisory Committee requests the Executive Manager Development and Regulation provide an update on the status of the advertisement and Job Description by way of attaching the application package into the attachments to these minutes once it is finalised.

Voted For: Crs R Madacsi, S McCormick and J Von Perger

Voted Against: Nil

MOTION CARRIED 3/0

Attachments

1 Application Package Environmental Sustainability Officer

6 CONFIRMATION OF NEXT MEETING

The next meeting of the Environment Advisory Committee is scheduled to be held on 10 January 2024 commencing at 3.00pm.

7 CLOSURE OF MEETING

The Chairperson closed the meeting at 5.15pm.



Environmental Advisory Committee Meeting

10 January 2024

Minutes

To: Environmental Advisory Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Environmental Advisory Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in blue ink, appearing to read 'Hugo de Vos'.

Hugo de Vos
Acting Chief Executive Officer

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024

Preface


When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 11 January 2024.



Hugo de Vos
Acting Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 10 April 2024.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024**1 DECLARATION OF OPENING**

Cr R Madacsi, Chairperson, declared the meeting open at 3.15pm.

1.1 ANNOUNCEMENT OF VISITORS

Nil.

1.2 RECORD OF ATTENDANCE AND APOLOGIESMembers

Cr R Madacsi	Councillor (Chair)
Mr J Von Perger	Community Member
Cr S McCormick	Councillor (<i>arrived at 3.26pm</i>)

Staff

Mr H de Vos	Executive Manager Development and Regulation
Mr G Warburton	Reserves Management Officer (<i>arrived at 3.53pm</i>)
Mrs M Rebane	Executive Assistant

Visitors

Nil

Apologies

Nil.

1.3 DISCLOSURE OF INTEREST

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

2 MINUTES AND ADDITIONAL INFORMATION**2.1 CONFIRMATION OF MINUTES****Minutes of Meeting held on 29 November 2023****OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC001/01/24**

MOVED Cr R Madacsi

SECONDED Mr J Von Perger

That the Unconfirmed Minutes of the Environmental Advisory Committee Meeting held on 29 November 2023 be confirmed.

Voted For: Crs R Madacsi and J Von Perger

Voted Against: Nil

MOTION CARRIED 2/0

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024**2.2 REVIEW OF STATUS REPORT****2.2.1 Update of Status Report**

Attachments:	<ol style="list-style-type: none"> 1. EAC Meeting Minutes from 29 Nov 2023; 2. EAC Updated Status Report; and 3. Committee Member Reporting Form.
--------------	--

The EAC Minutes from 29 November 2023 were provided **on-screen** for confirmation purposes.

The EAC Status report was reviewed.

Cr McCormick entered Council Chambers at 3.26pm.

2.3 INWARD/OUTWARD CORRESPONDENCE

Nil.

3 BUSINESS LEFT OVER FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

4 OFFICER REPORTS**4.1 Local Biodiversity and Native Vegetation Management Project Update**

Date of Report:	8 January 2024
File Reference:	COC14
Author:	H de Vos – Executive Manager Development and Regulation
Responsible Officer:	H de Vos – Acting CEO/Executive Manager Development and Regulation
Attachments:	Nil

PURPOSE

To provide an update on the Local Biodiversity and Native Vegetation Management Project.

BACKGROUND

In 2023, the Shire of Toodyay along with the Shire of Victoria Plains were successful in being awarded a Local Biodiversity and Native Vegetation Management Grant (LBNVM) through the Western Australian Local Government Association (WALGA). The project titled *Avon Regional Local Government collaborative action on biodiversity management planning* is a collaborative project between the two Shires.

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024

A key requirement of the project is to employ an Environmental Sustainability Officer whose role will be shared between the two Shires.

COMMENTS AND DETAILS

Advertising for this role has commenced and is likely to be concluded at the end of January. The Shire has received nineteen applications for the role at the time of writing this report.

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC002/01/24

MOVED Cr R Madacsi

SECONDED Cr S McCormick

That the Environmental Advisory Committee recommends to Council the following:

That Council:

1. Notes the progress of the recruiting for the Environmental Sustainability Role.
2. Requests a further update on this no later than the April 2024 OCM.

Voted For: Crs R Madacsi, S McCormick and J Von Perger

Voted Against: Nil

MOTION CARRIED 3/0

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024**5 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE****5.1 POLYPHAGUS BEETLE THREAT**

Discussion ensued in regard to the committee's approach to the Polyphagus beetle threat as reported below.



<https://www.perthnow.com.au/local-news/perthnow-western-suburbs/trees-to-be-removed-after-destructive-exotic-beetle-detected-in-kings-park-c-13152953?#lr5ir85s5pkt5zq110b>

Article: Trees to be removed after destructive exotic beetle detected in Kings Park

Sarah Makse

PerthNow - Western Suburbs January 8, 2024 4:00PM

Infested trees will be removed from Kings Park in a bid to protect the world-renowned botanic garden from the spread of a destructive tiny beetle wreaking havoc across Perth.

Polyphagous shot-hole borer has been confirmed in more than 80 suburbs across Perth since it was first detected in August 2021.

The exotic pest burrows into trees and infects them with a fungus that slowly kills them from the inside, with the removal of infected trees the only way to control the spread.

A quarantine area is already in place across most of Perth but Kings Park is one of the latest areas to be hit, with the Botanic Gardens and Parks Authority set to remove about 20 infested Moreton Bay and Port Jackson fig trees from the Mounts Bay Gardens area to stop the beetles infecting other rare and endangered flora in the park.

The spread has triggered the Department of Primary Industries and Regional Development's biggest surveillance program to date, with more than a million trees inspected across nearly 60,000 properties.

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024

The Town of Mosman Park last month was forced to remove at least seven infected black locust street trees from Manning Street after they became infected with the pests.

DPIRD acting bio-security executive director Sonya Broughton said PSHB could severely damage host trees, with some species dying within two years of infestation.

“With no known treatments available, pruning and removing infested trees is currently the only way to prevent this serious pest from spreading to our other trees and putting the urban canopy at risk,” Dr Broughton said.

“It’s also important that wood and green waste is not moved outside of the quarantine area to ensure the pest beetle doesn’t spread beyond the metropolitan area.”

DPIRD is renewing its appeal to the public to help stop the spread through a new digital campaign to be broadcast on Yagan Square’s digital tower.

Any signs of borer damage should be reported through DPIRD’s My Pest Guide app, on 9368 3080 or email padis@dpird.wa.gov.au.

The status report was updated to include discussion points.

G Warburton entered the Council Chambers at 3.53pm.

OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC003/01/24

MOVED Cr R Madacsi

SECONDED Mr J Von Perger

That the Environmental Advisory Committee recommends to Council the following:

That Council requests the CEO inform Shire personnel of the risks of the Polyphagus Shothole borer beetle and recommend they adjust activities to address this issue.

Voted For: Crs R Madacsi, S McCormick and J Von Perger

Voted Against: Nil

MOTION CARRIED 3/0

ENVIRONMENTAL ADVISORY COMMITTEE MEETING MINUTES 10 JANUARY 2024**OFFICER'S RECOMMENDATION/EAC RESOLUTION NO.EAC004/01/24****MOVED** Cr R Madacsi**SECONDED** Mr J Von Perger

That the Environmental Advisory Committee recommends to Council the following:

That Council requests the CEO to advertise the issue of the Polyphagus Shothole borer beetle as widely as possible including roadside signage, social media, the Shire website and fact sheet at the Waste Transfer Station.

Voted For: Crs R Madacsi, S McCormick and J Von PergerVoted Against: Nil**MOTION CARRIED 3/0****5.2 DISCUSSION POINTS ON ENVIRONMENTAL ISSUES**

Regenerative Agriculture: J Von Perger to provide information to the Shire related to promotion of events and information.

Polyphagus shot hole: Cr Madacsi to provide information to the Shire President for his radio session. EMDR proposed a standard condition of approval be that a Shothole borer management plan be provided as well.

Clarification on what Opalvale does with green waste cartage: research to be done to ensure that they are complying. The Shire President and CEO to be kept informed.

Cobbler Pool: campground with no sanitation available. Cr McCormick to email EMDR so he can follow this up.

6 CONFIRMATION OF NEXT MEETING

The next meeting of the Environmental Advisory Committee is scheduled to be held on 10 April 2024 commencing at 3:00 pm.

7 CLOSURE OF MEETING

The Chairperson closed the meeting at 4.16pm.



Audit & Risk Committee Meeting

14 February 2024

Minutes

To: Audit & Risk Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Audit & Risk Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.


Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

AUDIT & RISK COMMITTEE MEETING MINUTES

14 FEBRUARY 2024

Preface


When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 15 February 2024.



Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 6 March 2024.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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AUDIT & RISK COMMITTEE MEETING MINUTES

14 FEBRUARY 2024

1 DECLARATION OF OPENING

Ms N Mills, Chairperson, declared the meeting open at 10.17am.

1.1 ANNOUNCEMENT OF VISITORS

Nil.

1.2 RECORD OF ATTENDANCE AND APOLOGIESMembers

Ms N Mills	Community Member (Chair)
Cr M McKeown	Shire President
Cr S Dival	Deputy Shire President
Ms K Barrack	Community Member
Cr J Prater	Councillor

Apologies

Mr S Rutter	Community Member
Cr S McCormick	Councillor

Staff

Ms S Haslehurst	Chief Executive Officer
Ms T Bateman	Executive Manager Corporate and Community Services
Mrs N Mwale	Finance Coordinator
Mrs M Rebane	Executive Assistant

1.3 DISCLOSURE OF INTEREST

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

2 MINUTES AND ADDITIONAL INFORMATION**2.1 CONFIRMATION OF MINUTES****2.1.1 Minutes of Meeting held on 6 December 2023**

Cr Dival moved the Officer's Recommendation as follows:

That the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 6 December 2023 be confirmed.

Clarification was sought.

K Barrack moved an amendment to the motion as follows:

That the words "subject to typographical amendments being rectified in the Records of Attendance section" be added after the words "be confirmed."

Cr Dival accepted the amendment.

Further clarification was sought.

The motion was put.

AUDIT & RISK COMMITTEE MEETING MINUTES

14 FEBRUARY 2024

OFFICER'S RECOMMENDATION/ARC RESOLUTION NO.ARC002/02/24
MOVED Cr S Dival
SECONDED Ms K Barrack

That the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 6 December 2023 be confirmed, subject to typographical amendments being rectified in the Records of Attendance section.

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills
Voted Against: Nil

MOTION CARRIED 5/0

2.1.2 Minutes of Special Meeting held on 7 February 2024

OFFICER'S RECOMMENDATION/ARC RESOLUTION NO.ARC003/02/24
MOVED Cr M McKeown
SECONDED Cr J Prater

That the Unconfirmed Minutes of the Special Audit & Risk Committee Meeting held on 7 February 2024 be confirmed.

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills
Voted Against: Nil

MOTION CARRIED 5/0

2.2 REVIEW OF STATUS REPORT

2.2.1 Status Report and Minutes of previous meeting

Attachments:	1. Updated Status Report ↗
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The ARC Status report was reviewed and updated.

2.3 INWARD/OUTWARD CORRESPONDENCE

Nil.

3 BUSINESS LEFT OVER FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

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4 OFFICER REPORTS

The Chair requested that Agenda Item 4.3 Audit and Risk Committee Charter be considered as the first report.

Clarification was sought in respect to the report having been withdrawn by the Administration due to the Risk related and Workforce related implications not being correct.

The Presiding Member ruled that the report be kept on the Agenda and considered.

4.3 Audit and Risk Committee Charter

Date of Report:	9 February 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	November 2023 OCM
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. CURRENT Audit and Risk Committee Charter; and 2. DRAFT wording for updated ARC Charter.

PURPOSE OF THE REPORT

To consider an update to the Audit and Risk Committee Charter.

BACKGROUND

Council had received the *Western Australian Public Sector Audit Committees – Better Practice Guide* released by the Office of the Auditor General (OAG) at their Ordinary Council Meeting on 27 October 2020. The guide is still current.

An updated version of the Audit and Risk Committee Charter was provided to Council as an attachment to Agenda Item 9.2.3 Community Membership and Council Representation at the November 2023 Ordinary Council Meeting (OCM).

At an Ordinary Council Meeting held on 24 January 2024, Council resolved as follows:

That Council adopts the Audit and Risk Committee Charter as attached (Attachment 6) to this report subject to the following amendments:

- (a) *On page 2 of the proposed charter, in the second paragraph under the heading Membership, delete the words from, and including, “at least” to “Council Members”, and insert the words “membership of the” before the words “Audit and Risk Committee”.*

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- (b) *On page 5 of the proposed charter, delete the second paragraph under the heading Meetings and replace it with the words “A meeting of the Audit and Risk Committee may be called at any time in accordance with the Shire of Toodyay Standing Orders Local Law 2008 s.17.10. The quorum for an Audit and Risk Committee meeting will be in accordance with s.5.15 and s.5.19 of the Local Government Act 1995.”*

The CURRENT Charter (**Attachment 1**) provides members with insight into the role of the Committee as recommended by the Office of the Auditor-General, the *Local Government Act 1995* and subsidiary legislation, and Department of Local Government guidelines.

COMMENTS AND DETAILS

The Chairperson of the Audit and Risk Committee provided a draft template on 9 February 2024 to amend the words of the current Charter, adopted by Council at its January 2024 Council Meeting (**Attachment 2**).

The Audit Regulation 17 review report did not identify any concerns in respect to the current Audit and Risk Charter. The report did refer to the Risk Management Policy and spoke about periodic reporting to the Audit and Risk Committee.

Due to time constraints, a track-changed copy of the charter was not able to be included with the writing of this report.

The Audit and Risk Committee Charter must be in line with the *Western Australian Public Sector Audit Committees – Better Practice Guide* released by the Office of the Auditor General (OAG).

It is recommended that the committee review Attachment 2 and consider it against Attachment 1.

IMPLICATIONS TO CONSIDER**Consultative:**

The report from the Office of the Auditor General of Western Australia states that:

- *the requirements for State and local government entities can be different, and entities should adapt the principles accordingly;*
- *Local government entities in Western Australia are required to establish an audit committee that is independent from management influence, a fundamental element of effective audit committees, citing that if they are not independent, objectivity may be compromised, making it difficult for them to perform their oversight roles for local government entities, Councils.*

The Chief Executive Officer (CEO) of local government entities has some responsibilities under the Act, including financial reporting, and internal audit function rests with the CEO, who also reports to the audit committee and Council.

Strategic:***Plan for the Future: Shire of Toodyay Council Plan 2023-2033******Outcome 9. Responsible and effective leadership and governance.***

09.1. Provide strong, clear and accountable leadership.

Policy related:

Governance Framework.

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Committee Book.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Western Australian Public Sector Audit Committees – Better Practice Guide released by the Office of the Auditor General (OAG),

Risk related:

~~There are low risks to this document not being adopted by Council as it could alternatively be incorporated into the Committee Book already adopted by Council at its November 2023 Council Meeting. This report mitigates any risk.~~

Workforce related:

~~The recommendation made would then require a report to the Council at the December 2023 Council Meeting, after which time the Shire President and Chair of the Audit and Risk Committee would then be able to sign the charter before it is uploaded to the Shire's website.~~

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That the Audit & Risk Committee review the DRAFT wording for the Audit and Risk Committee Charter, as attached (Attachment 2).

Cr Dival moved the Officer's Recommendation 1 as follows:

That the Audit & Risk Committee review the DRAFT wording for the Audit and Risk Committee Charter, as attached (Attachment 2).

Cr Prater seconded the motion.

Clarification was sought.

Cr McKeown moved an amendment to the motion as follows:

That the motion be reworded to read as follows:

That the Audit & Risk Committee:

- 1. Has reviewed the draft wording for the Audit and Risk Committee Charter, as attached (Attachment 2); and**
- 2. Recommends that Council adopt the Charter as reviewed.**

Further clarification was sought.

Cr Dival seconded the amendment to the motion.

The amendment was put.

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AMENDMENT/ARC RESOLUTION NO.ARC004/02/24**MOVED** Cr M McKeown**SECONDED** Cr S Dival

That the motion be reworded to read as follows:

That the Audit & Risk Committee:

1. Has reviewed the draft wording for the Audit and Risk Committee Charter, as attached (Attachment 2); and
2. Recommends that Council adopt the Charter as reviewed.

Voted For: Crs K Barrack, S Dival, M McKeown, J Prater and N MillsVoted Against: Nil**MOTION CARRIED 5/0**

Further clarification was sought regarding the edits of the attachment that had not been included in the attached document.

The substantive motion was put.

MOTION/ARC RESOLUTION NO.ARC005/02/24**MOVED** Cr S Dival**SECONDED** Cr J Prater

That the Audit & Risk Committee:

1. Has reviewed the draft wording for the Audit and Risk Committee Charter, as attached (Attachment 2); and
2. Recommends that Council adopt the Charter as reviewed.

Voted For: Crs K Barrack, S Dival, M McKeown, J Prater and N MillsVoted Against: Nil**MOTION CARRIED 5/0**

In accordance with regulation 11. Minutes, content of (Act s. 5.25(1)(f)) of the Local Government (Administration) Regulations 1996 regulation 11(da) requires that the Committee record in the minutes a written reason for why the decision made at the meeting was significantly different from the Officer's Recommendation as defined in section 5.70.

The Committee's reason for the change is that the Officer's Recommendation had called for a review and the Audit and Risk Committee Members advised that they had already conducted a review and are now recommending the attached document to Council.

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4.1 Financial Management, Risk Management, Legislative Compliance and Internal Controls

Date of Report:	7 February 2024
Applicant or Proponent:	Audit and Risk Committee/Shire of Toodyay
File Reference:	LEG269
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	No.
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls Final Report; and (confidential) Section 5.23(2) <ul style="list-style-type: none"> (f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. (f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government’s property (under separate cover) 2. Risk Assessment (Audit Regulation 17) Report. (confidential) Section 5.23(2) <ul style="list-style-type: none"> (f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. (f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government’s property (under separate cover)

PURPOSE OF THE REPORT

To receive the:

1. Final Report from Moore in regard to the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls (**Attachment 1 – FMR Review**); and
2. Risk Assessment (Audit Regulation 17) Report from Moore (**Attachment 2**).

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BACKGROUND

The Shire engaged Moore Australia to provide consultancy and advisory services with a dual purpose; firstly to provide a report to assist the CEO to perform select reviewed required by legislation.

The engagement set out to assist the CEO to report to the Audit and Risk Committee on the appropriateness and effectiveness of the Shire's risk management, internal controls and legislative compliance systems and procedures as required by the Local Government (Audit) regulations 1996 (Regulation 17).

Secondly, an examination of the financial management systems was done to highlight the appropriateness and effectiveness of these systems and procedures to assist the CEO in undertaking a review as required by Local Government (Financial Management) Regulations 1996 (Reg. 4(2)(c)).

COMMENTS AND DETAILS

The Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls Final Report from Moore Australia was received and distributed to members of the Audit and Risk Committee on 1 February 2024, as well as the Councillors via their Council Hub (**Attachment 1**).

The Risk Assessment report for the Audit Regulation 17 review (**Attachment 2**) uses the Moore Australia Matrix Assessment Table is quite different from the current Risk Matrix that the Shire, as a Tier 3 local government, uses. Moore Australia also utilised an operational and strategic "consequences" matrix and the Shire operates from their current Risk Management Framework that considers specific risks in terms of strategic, operational, and projects. The Moore Australia Assessment of Risk tables are therefore at a much higher level than the current Risk tables utilised by the Shire.

One of the functions of the Audit and Risk Committee is to review the FMR Report and the Audit Regulation 17 report as well, in addition to monitoring and assessing risk and improvements.

The intention with bringing this report to the Audit and Risk Committee is to, at the meeting advise the committee on the work that has already been undertaken and to advise on the plan for improvement.

The Audit and Risk Committee will be kept informed in relation to all aspects of actions taken and to be undertaken following the review.

One of those actions will be to bolster our Risk Management Framework (RMF).

It is recommended that the Audit and Risk Committee review both attachments and make a recommendation to Council to receive both reports, individually.

IMPLICATIONS TO CONSIDER**Consultative:**

Moore Australia

Strategic:

Shire of Toodyay Plan for the Future: Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance

9.2. Govern Shire finances, assets, and operations responsibly.

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Policy related:

Risk Management
Legislative Compliance
Internal Control

Financial:

Nil.

Legal and Statutory:

Reg 5 Local Government (Financial Management) Regulations 1996
Reg 17 Local Government (Audit) Regulations 1996

Risk related:

Elevating risk management, internal controls, financial management, and legislative compliance practices is imperative to uphold the Shire's commitment to excellence, transparency, and accountability. By prioritizing these areas and implementing requisite actions, the governance framework will be fortified, and risks will be mitigated while fostering sustainable growth and development for our community.

The risk in Council not receiving the reports, using the current Shire of Toodyay Risk Matrix is moderate (5). This report mitigates the risk.

Workforce related:

Continuous improvement and risk management are two intertwined concepts essential for the Shire's resilience and growth which is why Shire Officers will be giving their full attention to addressing the areas of improvement contained within both reports concerning risk management, internal controls, financial management, and legislative compliance.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That the Audit & Risk Committee recommends to Council the following:

That Council receives the Final Report from Moore in regard to the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls (**Attachment 1**).

Cr McKeown moved a Procedural Motion as follows:

That the meeting proceed to the next item of business Agenda Item 4.2 Privacy and Responsible Information Sharing Legislation at 10.50am in accordance with Standing Order 10.1(a).

Clarification was sought.

Cr McKeown withdrew the Procedural Motion.

Further clarification was sought.

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MOTION/ARC RESOLUTION NO.ARC006/02/24**MOVED** Cr S Dival**SECONDED** Cr J Prater

That Standing Orders 7.9 be suspended at 11.01am to enable a review on the receipt of Attachment 1.

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 5/0

Clarification was sought.

Discussion ensued.

MOTION/ARC RESOLUTION NO.ARC007/02/24**MOVED** Cr N Mills**SECONDED** Cr S Dival

That Standing Orders be resumed at 12.25pm

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 5/0

Further clarification was sought.

Cr Dival moved the Officer's Recommendation as follows:

That Council receives the Final Report from Moore in regard to the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls (Attachment 1).

K Barrack seconded the motion.

Cr Dival moved an amendment to the motion as follows:

That a Point 2 be added to read as follows:

- 2. That Council requests the CEO to develop and provide an action plan to respond to the actions contained within the Final Report from Moore for consideration and review by the ARC at their March 2024 meeting.**

K Barrack seconded the motion.

The amendment was put.

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AMENDMENT /ARC RESOLUTION NO.ARC008/02/24**MOVED** Cr S Dival**SECONDED** Ms K Barrack

That a Point 2 be added to read as follows:

2. That Council requests the CEO to develop and provide an action plan to respond to the actions contained within the Final Report from Moore for consideration and review by the ARC at their March 2024 meeting.

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 5/0**

Further clarification was sought.

The substantive motion was put

OFFICER'S RECOMMENDATION/ARC RESOLUTION NO.ARC009/02/24**MOVED** Cr S Dival**SECONDED** Ms K Barrack

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Receives the Final Report from Moore in regard to the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls (Attachment 1).
2. Requests the CEO to develop and provide an action plan to respond to the actions contained within the Final Report from Moore for consideration and review by the ARC at their March 2024 meeting.

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 5/0**

In accordance with regulation 11. Minutes, content of (Act s. 5.25(1)(f)) of the Local Government (Administration) Regulations 1996 regulation 11(da) requires that the Committee record in the minutes a written reason for why the decision made at the meeting was significantly different from the Officer's Recommendation as defined in section 5.70.

The Committee's reason for the addition to the Officer's Recommendation was because the Audit and Risk Committee considers a review of each item is an imperative.

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PROCEDURAL MOTION/ARC RESOLUTION NO.ARC010/02/24**MOVED** Cr M McKeown**SECONDED** Cr J Prater

That the meeting proceed to the next item of business, Agenda Item 4.2 Privacy and Responsible Information Sharing Legislation at 12.30pm in accordance with Standing Order 10.1(a).

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 5/0

The Executive Manager Corporate and Community Services departed Council Chambers at 12.32pm.

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4.2 Privacy and Responsible Information Sharing Legislation

Date of Report:	9 February 2024
Applicant or Proponent:	Nil
File Reference:	Nil
Author:	W Cowley – Governance Coordinator
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Legislative
Attachments:	Nil

PURPOSE OF THE REPORT

To make Council aware of new legislation the WA Government is in the process of implementing which addresses how protecting and using information responsibly will deliver effective public services and community outcomes.

BACKGROUND

The WA Government provides a range of services and programs aimed at improving the quality of life for Western Australians. In order to deliver these, it collects and holds a lot of information about Western Australians.

To protect the personal information of Western Australians and facilitate responsible use and sharing of government data, the WA Government is drafting privacy and responsible information sharing legislation.

The Privacy and Responsible Information Sharing (PRIS) legislation will provide Western Australians with greater control over their personal information and improve the delivery of government services. This legislation will enable data to be shared within government for the right reasons and provide greater accountability and transparency about how government uses the information.

The legislation will establish two positions within government, the Privacy Commissioner and Chief Data Officer, to safeguard people’s privacy and facilitate responsible use and sharing of government data, in the public interest. The Privacy Commissioner will be an independent statutory position, reporting directly to Parliament, maintaining responsibility over privacy matters in WA. The Chief Data Officer will promote a culture of transparency, accountability and safe use for government held information.

Broadly, the legislation introduces reforms that provide:

1. guiding principles and a framework to govern the collection, protection, use and disclosure of personal information across the public sector;

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2. a mandatory data breach notification scheme, requiring agencies to notify the Privacy Commissioner and affected individuals of serious data breaches involving personal information; and
3. a mechanism that supports Aboriginal data sovereignty and governance in WA, by requiring that Aboriginal people and communities are involved or consulted when data about them is shared.

The Privacy and Responsible Information sharing will provide a range of benefits across Western Australia.

Stronger privacy protections for personal and sensitive information will ensure information is safe and secured. These protections will clarify how government collects, stores, uses and shares (or does not share) information, to inform decisions and deliver services. The legislation will also provide pathways for complaints and restitution if personal privacy has been breached.

The WA community will benefit from safe and secure data sharing across the public sector, informing better planning and decisions, and improving community outcomes. Information is one of government's most valuable assets. Safe and secure data sharing has the ability to drive innovation, enhance decisions and allow prioritisation of resource allocation.

Across WA, government agencies, researchers and community organisations will experience streamlined pathways to access government information. These pathways will be facilitated by privacy principles and frameworks consistently applied across government, supporting analysis and insights to address complex economic, environmental or community issues, creating a safer and fairer society for all.

The Privacy and Responsible Information Sharing legislation is being informed by best practices drawn from across Australia and around the world, to balance the needs and expectations of the WA community and public sector. The new legislation will improve quality of life for Western Australians and increase transparency and accountability in government decision making.

COMMENTS AND DETAILS

The implementation deadline set by the Department of Local Government, Sport and Cultural Industries (DLGSC) for the implementation of the new legislation is 31 December 2024 which is when it is anticipated the legislation will come into force.

The Department will be monitoring the progress of local governments during the implementation by conducting four self-assessment activities, called Agency PRIS Readiness Checklist, with 18 key actions that local governments will need to prioritise to develop the culture and capability in readiness for the proposed reforms.

The timeframe for local governments to complete the Agency PRIS Readiness Checklist is 20 months which started in April 2023. Due to resource constraints the Shire is currently behind on delivering certain activities on time, however with sufficient resources it is anticipated that the Shire could re-align with the DLGSC's timeline by mid-2024.

It is anticipated that the PRIS requirements may change as the Bill is refined during drafting and may be amended during passage of the Bill through Parliament which may require updates to the Agency PRIS Readiness Checklist.

The Agency PRIS Readiness Plan details a set of actions, assigns responsibilities to stakeholders and sets target dates for key activities to ensure local governments are prepared to meet the requirements of the PRIS Bill once it commences.

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The Agency PRIS Readiness Plan will enable agencies to plan and prepare for PRIS legislation coming into force, including:

- workforce requirements and role modifications;
- business impacts and process developments;
- organisational and cultural change;
- governance arrangements;
- IT infrastructure changes; and
- establishing or maintaining data holding inventories.

Purpose of Agency PRIS Readiness Checklist

The primary outcome of the Agency PRIS Readiness Checklist is to ensure local governments understand and are engaged with the process of reform and are prepared and capable of meeting the requirements of the proposed PRIS legislation.

The outcomes of the activities and actions under the Agency PRIS Readiness Checklist are designed to assist agencies understand their current state of PRIS readiness; establish action plans to address gaps; and to establish the minimum number of policies and information management practices to be PRIS compliant.

DLGSC Timeframe

The DLGSC timeframe inclusive of assessments is shown below. As outlined above, due to resource constraints, the Shire is currently behind on delivering certain activities on time however it is anticipated that the Shire could re-align with the DLGSC's timeline by mid-2024.

<u>Date</u>	<u>Action</u>
Apr 23	Designate a PRIS Champion
May 23	Baseline Readiness Assessment and Report
Jun 23	Complete PRIS Action Plan – approved by the responsible senior executive
Aug 23	Map PRIS to Agency values
Aug 23	Designate a Privacy Officer and Information Sharing Officer
Oct 23	PRIS Officers and other key staff attend awareness sessions
Nov 23	Progress Report 1
Dec 23	Survey information holdings and establish Information Asset Register
Feb 24	Review agency legislation for PRIS implications
Mar 24	Develop and publish a Privacy Policy
Mar 24	Develop and publish a Data Breach Policy
Apr 24	Establish an internal register of data breaches

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<u>Date</u>	<u>Action</u>
May 24	Progress Report 2
Jun 24	Develop and public Collection Notices
Aug 24	Develop and publish a Privacy Management Plan
Aug 24	Develop and publish a Data Breach Response Plan
Sep 24	Review contracts with partners and service providers
Sep 24	Review retention and disposal requirements
Oct 24	Establish internal procedures for handling and tracking PRIS requests, complaints, breaches
Nov 24	Deliver internal PRIS training and awareness for agency staff
Nov 24	Progress Report 3
Dec 24	Establish internal procedures for PRIS monitoring and compliance reporting

Approach

The Administration have formed an internal working group to facilitate reviewing, improving and implementing the new legislative requirements. The group is lead by the CEO and includes staff from governance, executive services and records management.

Further updates will be provided to councillors as the implementation progresses.

IMPLICATIONS TO CONSIDER**Consultative:**

Department of Local Government, Sport and Cultural Industries.

Strategic:

Shire of Toodyay Plan for the future – Council Plan 2023-2033

Outcome 9: Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Legislative Compliance.

Record Keeping.

Financial:

No financial implications.

Legal and Statutory:

Local Government Act 1995 and Local Government (Administration) Regulations 1996.

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Risk related:

Should this new legislation not be implemented it would result in the Shire of Toodyay being in breach of legislation. The risk rating for this is therefore High.

Workforce related:

No workforce related implications.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That the Audit & Risk Committee recommends to Council the following:

That Council notes the report.

Clarification was sought in regard to the Officer's Recommendation.

The CEO revised the Officer's Recommendation to read as follows:

That Council notes the Officer's Report relating to Privacy and Responsible Information Sharing recently introduced.

Cr McKeown moved the revised Officer's Recommendation.

Cr Prater seconded the motion.

The motion was put.

REVISED OFFICER'S RECOMMENDATION/ARC RESOLUTION NO.ARC011/02/24

MOVED Cr M McKeown

SECONDED Cr J Prater

That the Audit & Risk Committee recommends to Council the following:

That Council notes the Officer's Report relating to Privacy and Responsible Information Sharing legislation recently introduced.

Voted For: K Barrack, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 5/0

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5 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

Nil.

6 CONFIRMATION OF NEXT MEETING

The next meeting of the Audit & Risk Committee is scheduled to be held on 6 March 2024 commencing at 10:00 AM.

7 CLOSURE OF MEETING

The Chairperson closed the meeting at 12.35pm.



Privacy and Responsible Information Sharing

Factsheet



The McGowan Government is drafting new Privacy and Responsible Information Sharing (PRIS) legislation to reform personal privacy protections and the accountability of information sharing within government.

The landmark legislation will provide Western Australians with more control over their personal privacy, improve the delivery of government services and create local research and development opportunities.

Legislation to protect the privacy of Western Australians and promote responsible sharing of information will introduce seven areas of reform.

1. The introduction of Information Privacy Principles (IPPs) – rules that guide the collection, use, disclosure and handling of personal information. The IPPs will apply to the WA public sector and, where required, contracted service providers.
2. The appointment of a Privacy Commissioner – an independent statutory officer that reports directly to Parliament and is primarily responsible for privacy matters in WA, that will, amongst other things:
 - » monitor agency compliance with the IPPs; and
 - » receive complaints about alleged breaches of privacy.
3. A mandatory data breach notification scheme requiring agencies to notify the Privacy Commissioner and any affected individuals of serious data breaches involving personal information.
4. A statutory mechanism for WA public sector agencies to share information only when adhering to new stringent standards for risk assessment, decision making, governance and transparency.
5. The introduction of Responsible Sharing Principles (RSPs) to provide a consistent framework for the assessment of risks and benefits associated with a data sharing arrangement.
6. Establishing a Chief Data Officer function in government, to promote and support a culture of responsible information sharing and use in the public.
7. Introducing a mechanism that supports Aboriginal data sovereignty and governance in WA, by requiring that Aboriginal people and communities are involved or consulted when data about them is shared.

The Australian Government's Privacy Act 1988 (Cth) will continue to apply to Australian Government agencies and a wide range of private sector organisations. The introduction of Western Australia's privacy and information sharing legislation will extend Information Privacy Principles to WA public sector entities.

Privacy and Responsible Information Sharing in practice

Individuals

The proposed legislation will require public sector agencies to consider privacy in everything they do when collecting or using personal information.

For the first time in WA, an independent body will be established to which members of the community can bring complaints about potential breaches of privacy and have those complaints resolved.

Information sharing will also support easier, more convenient interactions with government for individuals, communities and businesses. Through ServiceWA you'll be able to securely log in using your trusted digital identity. The app will allow you to access services from agencies in one secure place.

For businesses, this means spending less time transacting with different government agencies and more time with your customers. With your consent, participating WA Government agencies will share information, so that you don't have to tell us the same thing again and again.

Researchers

Many problems facing the community are complex and do not have a simple solution, for example, improving the health and wellbeing of children, or reducing illicit drug use. Under the proposed framework, universities, and health research organisations will be able to enter Sharing Arrangements with public sector agencies for public benefit. By sharing information and integrating data sets, researchers and policy makers can gain new insights and develop solutions that are tailored and forward-looking.





Audit and Risk Committee Charter

Adopted by Council on 24 Jan 2024

Role

Council has established under section 7.1A of the *Local Government Act 1995*, the Audit and Risk Committee, whose role is prescribed by the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996*.

The Audit and Risk Committee does not have powers or authority to implement actions in areas over which the CEO has legislated responsibility and does not have any delegated financial responsibility.

The Audit and Risk Committee assists the Council in fulfilling its oversight responsibilities in relation to systems of risk management and internal control, the entity's processes for monitoring compliance with laws and regulations, including the code of conduct, financial and performance reporting and audit. The committee is not responsible for the management of these functions.

The Audit and Risk Committee will engage with management in a constructive and professional manner to perform its oversight responsibilities. The committee does not have management functions and cannot involve itself in management processes or procedures.

The Chair of the Audit and Risk Committee is responsible to and reports to Council.

Members of the Audit and Risk Committee are expected to:

- understand the legal and regulatory obligations of the Council for governing the local government;
- understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;
- exercise due care, diligence and skill when performing their duties;
- adhere to the entities code of conduct and the code of ethics of any professional body which they are a member of;
- help to set the right tone in the local government by demonstrating behaviours which reflect the local government's desired culture;
- be aware of contemporary and relevant issues impacting the public sector; and
- only use information provided to the audit committee to carry out their responsibilities, unless expressly agreed by the accountable authority.

Authority

The Council authorises the Audit and Risk Committee, in accordance with this Charter, to:

- obtain any information it requires (subject to any legal obligation to protect information) subject to approval by the Council or Chief Executive Officer.



- request the attendance of any official, including the accountable authority, at audit committee meetings
- provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire's Community Strategic Plan and associated Integrated Planning Strategic documents

Note: The Audit and Risk Committee may undertake other activities as requested by the Council, subject to section 7.1B of the *Local Government Act 1995* "Delegation of some powers and duties to Audit Committees" which states:

- (1) *Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

** Absolute majority required.*

- (2) *A delegation to an audit committee is not subject to section 5.17.*

Title of Committee

The committee shall be known as the 'Audit and Risk Committee'

Decisions made by Audit Committees

Decisions made by the Audit and Risk Committee are to be made at an Audit and Risk Committee Meeting, in accordance with section 7.1C of the *Local Government Act 1995* which states as follows:

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

Membership

All members of the Audit and Risk Committee are formally appointed (*by absolute majority) by Council in accordance with s.7.1A of the *Local Government Act 1995*.

The Audit and Risk Committee shall be at least 3 or more persons and the majority of the membership of the Audit and Risk Committee are to be Council Members, in accordance with s.7.1A of the Act.

The Chair should have the right interpersonal and leadership skills to effectively run the committee. An understanding of financial and other reporting requirements is also important.

Council will review the membership of the Audit and Risk Committee after every ordinary election day, in accordance with Section 5.11 of the *Local Government Act 1995*, to ensure that there is an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience.

Council may choose to re-appoint members based on their ability to contribute to the work of the committee. However, the total length of time a member can sit on the committee will not exceed 6 years.



Council may remove an Audit and Risk Committee member at any time before their term expires, or a member may resign.

While the CEO, nor his or her delegate, must not be a member of the Audit and Risk Committee, it is important that they attend meetings as an observer to provide context on important issues impacting the entity where useful or necessary, preferably meeting with the committee at least annually.

Audit and Risk Committee members will collectively have a broad range of skills, knowledge and experience to competently perform their duties. At least 1 member of the committee will have accounting or related financial management experience, with an understanding of accounting and auditing requirements in the public sector. To support the skills and experience of committee members, the committee will implement an induction and training program for new members.

The Chairperson of the Audit and Risk Committee may, through the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, or the Auditor to present information to the meeting. An Officer from the Office of the Auditor-General may be invited to attend Audit and Risk Committee meetings as an observer.

The Audit and Risk Committee will be administratively supported by the Chief Executive Officer or his/her delegate.

Responsibilities

The Audit and Risk Committee functions are in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*, which states:

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*

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- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
 - (i) *is required to take by section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

The responsibilities of the Audit and Risk Committee will also be to:

Risk management, fraud and internal control

- providing oversight on significant risk exposures and control issues, including fraud risks, governance issues and other matters as necessary when requested by the Chief Executive Officer or Council;
- reviewing summary reports from Chief Executive Officer on communication from external parties including regulators that indicate problems in the internal control system or inappropriate management actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996*.

Compliance and ethics

The Audit and Risk Committee receives and assesses the effectiveness of reports in relation to the processes to ensure compliance with relevant laws and regulations and for promoting a strong governance culture within the entity. This includes, but is not limited to:

- understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and management oversight and review of these processes;
- considering the impact of Council's culture on compliance processes;
- overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting the Shire of Toodyay operations;
- Review the annual Compliance Audit Return in accordance with regulation 14(3A) of the *Local Government (Audit) Regulations 1996* and report to the Council the results of that review;
- obtaining updates from Chief Executive Officer on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation.

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Financial and performance reporting

The Audit and Risk Committee oversees the integrity of financial and performance reporting processes within the entity. The committee's responsibilities include:

- reviewing the annual financial statements and providing advice to the Council about whether they should be accepted by Council.
- reviewing the entity's process to ensure the financial information included in the annual report is consistent with the audited financial statements.

Audit

The Audit and Risk Committee is responsible for communicating and liaising with the Auditor. This includes understanding the results of financial and performance audits conducted within the entity and overseeing whether recommendations are implemented by management. The committee's responsibilities include, but are not limited to:

- reviewing the form and content of the proposed auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information.
 - Examine the reports of the Auditor after receiving a report from the Chief Executive Officer on the matters to:
 - (a) determine if any matters raised require action to be taken by the Council; and
 - (b) Oversee the implementation of any action so determined in respect of those matters.

Other responsibilities

Perform other activities related to the role of this Charter as requested by the Council.

Meetings

The Audit and Risk Committee will meet at least 4 times a year. Meeting dates will be set by Council.

A meeting of the Audit and Risk Committee may be called at any time in accordance with the Shire of Toodyay *Standing Orders Local Law 2008* s.17.10. The quorum for an Audit and Risk Committee meeting will be in accordance with s.5.15 and s.5.19 of the *Local Government Act 1995*

The Chief Executive Officer or his/her delegate, will provide administrative support that includes:

- preparing a meeting agenda for each meeting;
- circulating the meeting agenda and supporting papers at least 72 hours before the meeting;
- preparing minutes of the meetings and circulating them no later than seven days after the meeting in accordance with regulation 13 of the *Local Government (Administration) Regulations 1996*; and

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- maintaining final meeting papers and minutes in accordance with the recordkeeping requirements of the *State Records Act 2000*.

Independence and conflicts of interest

External members of the Audit and Risk Committee should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Chair, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived or potential conflicts of interest.

At the start of each Audit and Risk Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Chair, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s).

Details of any personal interests declared by the Chair and other Audit and Risk Committee members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the *Local Government Act 1995*.

Review of charter

The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will propose amendments when necessary to ensure that it accurately reflects the committee's current role and responsibilities.

Council will review this charter once every two years following local government ordinary elections or more frequently if required. The committee will review the charter and any substantive changes to the charter will be recommended by the committee and formally approved by the Council.

Approval by Council – Resolution No SCM010/01/24

Signature – Shire President

Date

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Received by the Audit and Risk Committee:

Signature - Audit Committee Chair

Date

Reference Information

- Committee Book endorsed by Council.

Legislation

- Section 5.10 and 5.11 of the Local Government Act 1995;
- Section 7.1A of the Local Government Act 1995;

Associated documents

- Shire of Toodyay Standing Orders (Local Law) 2008(3.4, Part 13, and 17.6);
- Code of Conduct for Council Members, Committee Members and Candidates

Version control information

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0	23/11/2020	New document based on OAG template	First draft	N/A
1	27/11/2020	Revised	CEO	N/A
1	15/12/2020	Revised	Resolution No 361/12/20	Council
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Audit and Risk Committee Charter

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AUDIT AND RISK COMMITTEE CHARTER

1.0 Introduction

- 1.1 The Council has established an Audit and Risk Committee (Committee) under section 7.1A of the *Local Government Act 1995*. The Committee is a formally appointed committee of Council in accordance with and *Local Government Act 1995* and is responsible to Council.

2.0 Role

- 2.1 The Committee assists the Shire of Toodyay in fulfilling their oversight responsibilities in relation to systems of risk management and internal control, processes for monitoring compliance with laws and regulations, including the code of conduct, financial and performance reporting and external and internal audit. The Committee is not responsible for the management of these functions.
- 2.2 The Committee will engage with the Administration in a constructive and professional manner to perform its oversight responsibilities. The Presiding Member will preside at meetings of the Committee in accordance with the *Local Government Act 1995* and provide leadership and guidance to the Committee. The Committee is responsible to, and reports to Council.
- 2.3 Members of the Committee are expected to:
- a. understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay.
 - b. understand governance arrangements that support achievement of the Shire of Toodyay's strategies and objectives.
 - c. exercise due care, diligence and skill when performing their duties.
 - d. adhere to the Shire of Toodyay's code of conduct for Council Members, Committee Members and Candidates, and any applicable code of ethics of any professional body which they may be a member of.
 - e. help to set the right tone in the Shire of Toodyay by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture.
 - f. be aware of contemporary and relevant issues impacting the local government sector.
 - g. respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by the Council.
- 2.4 The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.

3.0 Authority

- 3.1 The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility powers pursuant to section 7.1B of the *Local Government Act 1995*. The Committee does not have any management functions and cannot involve itself in management processes or procedures.
- 3.2 The Council authorises the Committee, in accordance with this Charter, to:
- a. obtain any information it requires from any official or external party (subject to any legal obligation to protect information).
 - b. discuss any matters with the Office of the Auditor General (OAG) and/or auditor or other external parties (subject to confidentiality considerations).
 - c. request the attendance of any official, including the Council, at Committee meetings.
 - d. obtain legal or other professional advice when necessary to fulfil its role, at the Shire of Toodyay's expense, subject to approval by Council or delegate.
 - e. The Committee may undertake other activities as requested by Council.

4.0 Membership

- 4.1 The Committee comprises of a maximum of 4 elected members and a maximum 3 additional members of whom must be independent.
- 4.2 Appointment of external members shall be made by Council by way of public advertisement.
- 4.3 The Committee will elect a Presiding Member as the first item of business at its first meeting, after each Council election. The Presiding Member will be appointed for an initial period of two years after each Council election and may be extended or reappointed for further periods as determined by the Committee.
- 4.4 Committee members will be appointed for an initial period of two years after each Council election via an absolute majority of Council.
- 4.5 Council will review the membership of the Committee after each election day, in accordance with Section 5.11 of the *Local Government Act 1995* to ensure that there is an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience.
- 4.6 Council may choose to re-appoint members based on their ability to contribute to the work of the Committee. However, the total length of time a member can sit on the Committee will not exceed 6 years.
- 4.7 Council may remove a Committee member at any time before their term expires, or a member may resign. A member:
- a. May resign from the Committee at any time during his or her tenure;
 - b. who is disqualified pursuant to the *Local Government Act 1995* from holding membership will be removed from the Committee; and

- c. who is absent, without obtaining leave of the Committee, throughout three consecutive ordinary meetings of the Committee is disqualified from continuing his or her membership of the Committee.
- 4.8 Committee members will collectively have a broad range of skills and experience relevant to the operations of the Shire of Toodyay. At least one member of the Committee will have accounting or related financial management experience, with an understanding of accounting and auditing requirements in the local government sector. To support the skills and experience of Committee members, the Administration will implement an induction and training program for new members.
- 4.9 The Committee may invite Council, chief executive officer, chief financial officer, chief information officer, or other Administration representatives to present information and participate in the meeting. An officer from the OAG may be invited to attend Committee meetings as an observer.
- 4.10 The Committee will be administratively supported by a secretary who is appointed by the Council, in consultation with the Committee.

5.0 Responsibilities

- 5.1 The Committee will be responsible for the functions in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.
- 5.2 The Committee oversees the Shire of Toodyay's system of risk management and internal controls. Its responsibilities include, but are not limited to:
- a. providing oversight on significant risk exposures and control issues, including fraud risks, governance issues and other matters as necessary or requested by the Chief Executive Officer or Council.
 - b. considering the impact of the Shire of Toodyay's culture on risk management and internal controls.
 - c. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated and managed effectively.
 - d. annually reviewing the Shire of Toodyay's risk management framework.
 - e. monitoring changes in government strategies, the economic and business environment and other trends and factors related to the Shire of Toodyay's risk profile. This includes meeting periodically with key Administration, the OAG and/or auditor, and compliance staff, to understand and discuss the impact of these changes or trends on the risk profile.
 - f. reviewing whether the Shire of Toodyay has an effective risk management framework, and, based on knowledge and understanding of the Shire of Toodyay's risks, that material business risks are appropriately reflected in the risk profile and reported to the Council.
 - g. reviewing and assessing the effectiveness of processes for identifying, managing, treating and mitigating the Shire of Toodyay's risks and ensuring that remaining risks

align with the Shire of Toodyay's risk appetite. The Committee should prioritise risks involving:

- i. significant business risks, including environmental and occupational health and safety risks.
 - ii. potential non-compliance with laws, regulations and standards.
 - iii. fraud and theft.
 - iv. litigation and claims.
- h. considering the adequacy and effectiveness of internal controls and the risk management framework by:
- i. reviewing reports from the Administration, consultants, regulators and the OAG and/or auditor.
 - ii. ensuring risk registers consider risks that may impact whether the Shire of Toodyay will achieve its strategic objectives.
 - iii. reviewing the Administration's response to IT risks, including cyber risks.
 - iv. monitoring the Administration responses and ensuring timely correction actions are taken by the Administration.
 - v. understanding the process of managing insurable risks and assessing whether the Shire of Toodyay has adequate insurance cover for these risks.
 - vi. assessing the effectiveness of, and compliance with, the Shire of Toodyay's code of conduct.
 - vii. assessing whether the Administration has controls in place for non-routine types of transactions and/or any potential transactions that might carry an unacceptable degree of risk.
 - viii. enquiring with the Administration and the OAG and/or auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud.
 - ix. enquiring with the Administration and the OAG and/or auditor about whether they are aware of any actual, suspected or alleged fraud or corruption affecting the Shire of Toodyay including any response to the matters.
 - x. reviewing the Shire of Toodyay's processes and systems to detect, capture and respond to fraud risks, including preventative measures.
 - xi. reviewing the business continuity planning process and be assured that material risks are identified and appropriate business continuity plans, including disaster recovery plans, are in place.

- i. reviewing summary reports from the Administration on all suspected, alleged and actual frauds, thefts and breaches of laws and ensuring these are reported to the Council and/or relevant authorities.
- j. reviewing summary reports from the Administration on communication from external parties including regulators that indicate problems in the internal control system or inappropriate Administration actions.
- k. liaising with other sub committees on matters relating to risk management, fraud and internal control.
- l. reviewing comfort letters and other assurance reports regarding the effectiveness of controls managed by shared service providers on behalf of the Shire of Toodyay.

5.3 The Committee oversees the Shire of Toodyay's processes to ensure compliance with relevant laws and regulations and for promoting a strong governance culture within the Shire of Toodyay. This includes, but is not limited to:

- a. understanding the Shire of Toodyay's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes.
- b. considering the impact of the Shire of Toodyay's culture on compliance processes.
- c. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies and accounting standards affecting the Shire of Toodyay's operations.
- d. reviewing the Administration's investigation of non-compliance matters and obtaining assurance from the Administration that appropriate follow-up action was taken.
- e. obtaining updates from the Administration on matters of compliance and ethical matters that may have material impact on the Shire of Toodyay's financial statements, strategy, operations, health and safety or reputation.
- f. reviewing and monitoring related party transactions and conflicts of interest.
- g. enquiring with the Administration and the OAG and/or auditor on their assessment of the compliance culture, the risk of non-compliance, or whether they have any knowledge of any actual, suspected or alleged non-compliance affecting the Shire of Toodyay.
- h. overseeing complaints management and whistleblowing policies to ensure that they are recorded and actioned effectively.
- i. reviewing the Shire of Toodyay's processes for communicating, and assessing the effectiveness of, the code of conduct.

- j. meeting with Administration to discuss regulatory compliance matters the Shire of Toodyay has considered in the preparation of the financial statements, such as compliance with accounting standards.
- 5.4 The Committee oversees the integrity of financial and performance reporting processes within the Shire of Toodyay. The Committee's responsibilities include:
- a. reviewing the financial statements and providing advice to the Council about whether they should be signed by the Council. The review includes assessing:
 - i. whether the financial statements are consistent with the knowledge of the Committee members.
 - ii. whether the financial statements comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards.
 - iii. whether the financial statements accurately reflects the Shire of Toodyay's financial position and performance, and if not, whether additional disclosures are required.
 - iv. the appropriateness of accounting policies and disclosures, including changes to accounting policies.
 - v. areas of significant judgement, estimation and significant or non-routine transactions.
 - vi. whether appropriate Administration action has been taken in response to any issues raised by the OAG and/or auditor, including financial statement adjustments or revised disclosures.
 - vii. the quality of the Shire of Toodyay's processes for preparing the financial statements, including how Administration has checked that they comply with relevant requirements.
 - viii. significant issues, errors or discrepancies in the draft financial statements and ensuring members understand the reasons why these occurred.
 - ix. the representation letter to be provided to the OAG and/or auditor to confirm that the assertions, including any immaterial errors collated during the audit, are appropriate.
 - b. acting as a forum for communication between the Administration and the OAG and/or auditor.
 - c. reviewing the Shire of Toodyay's process to ensure the financial information included in the annual report is consistent with the audited financial statements.
- 5.5 External audit. This includes, but is not limited to:

- a. The Committee is responsible for communicating and liaising with the OAG and/or auditor. This includes understanding the results of financial and performance audits conducted within the Shire of Toodyay and overseeing whether recommendations are implemented by Administration. The Committee's responsibilities include, but are not limited to:
- i. meeting with the OAG and/or auditor to discuss the audit plan (audit entrance meeting) and the results of the financial audit (audit exit meeting).
 - ii. discussing with the OAG and/or auditor any significant resolved or unresolved disagreements with the Administration.
 - iii. monitoring and critiquing the Administration's response to OAG and/or auditor findings and recommendations.
 - iv. reviewing reports from the OAG and/or auditor including auditor's reports, closing reports and Administration letters.
 - v. reviewing all representation letters signed by the Administration to assess whether the information appears complete and appropriate.
 - vi. meeting with the OAG and/or auditor at least once per year without Administration presence. At this meeting, the Committee will discuss matters relating to the conduct of the audit, including any difficulties encountered, restrictions on scope of activities or access to information, significant disagreements with the Administration and adequacy of Administration responses.
 - vii. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented.
 - viii. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration.
 - ix. reviewing the form and content of the proposed auditor's report on the Shire of Toodyay's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters and uncorrected misstatements in other information.
- 5.6 Other responsibilities include the performance of any other activities related to the role of this charter as requested by the Council.

6.0 Meetings

- 6.1 The Committee will meet at least 4 times a year or more frequently as necessary.
- 6.2 The Presiding Member is required to call a meeting if asked to do so by the Council. If a meeting is requested by another Committee member or the OAG and/or auditor, the Presiding Member will decide whether the meeting is necessary.

- 6.3 The Presiding Member will oversee the planning and conduct of meetings including the approval of the agenda and draft minutes, and reporting to the Council.
- 6.4 A quorum will consist of a majority of Committee members. Where there is more than one external member on the Committee, a quorum will include at least one external member. The quorum must be in place at all times during the meeting.

7.0 Secretariat

- 7.1 The Council, in consultation with the Committee, will formally appoint an officer to provide secretariat services to the Committee. The secretariat will provide services as required by the Committee that includes:
- a. preparing a meeting agenda for each meeting that is approved by the Presiding Member.
 - b. circulating the meeting agenda and supporting papers at least one week before the meeting.
 - c. preparing minutes of the meetings and circulating them no later than one week after the meeting.
 - d. maintaining final meeting papers and minutes in accordance with the recordkeeping requirements of the *State Records Act 2000*.

8.0 Independence and conflicts of interest

- 8.1 The Committee must be independent from the Administration of the Shire of Toodyay.
- 8.2 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Presiding Member, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived or potential conflicts of interest.
- 8.3 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the member should excuse themselves from the meeting or from the Committee's consideration of the relevant agenda item(s).
- 8.4 Details of any personal interests declared by the Presiding Member and other Committee members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Shire of Toodyay's register of conflicts of interest in accordance with its policy.

9.0 Performance assessment arrangements

- 9.1 The Presiding Member of the Committee, in consultation with the Council, will review the performance of the Committee annually, together with the annual review of this charter.

- 9.2 The review is performed using the approved assessment tool with appropriate input from the Council, Committee members, the Administration, and any other relevant stakeholders.
- 9.3 The Presiding Member will provide advice to the Council on the members' performance, particularly for external members, or members where an extension of tenure is being considered.
- 9.4 The Presiding Member will always consider the costs and benefits of the activities that the Committee performs.

10.0 Reporting

- 10.1 The Committee will, as often as necessary, and at least once a year, report to the Council on its operations and activities during the year and confirm to the Council that all functions outlined in this charter have been satisfactorily addressed.
- 10.2 The Committee may at any time, report to the Council on any other matters it deems to be sufficiently important. In addition, any individual Committee members may request a meeting with the Council at any time.

11.0 Review of charter

- 11.1 The Committee will ensure that this charter complies with relevant legislative and regulatory requirements and will propose amendments when necessary to ensure that it accurately reflects the Committee's current role and responsibilities.
- 11.2 The Committee will review this charter once a year and more frequently if required. The review will include consultation with the Council. Any substantive changes to the charter will be recommended by the Committee and formally approved by the Council.



Audit and Risk Committee Charter

Adopted by Council on _____

1. Introduction

- 1.1 Council has established under section 7.1A of the *Local Government Act 1995*, the Audit and Risk Committee, whose role is prescribed by the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996*.

2. Role

- 2.1 The Committee assists the Council in fulfilling its oversight responsibilities in relation to the systems of risk management and internal control, the Shire's processes for monitoring compliance with laws and regulations, including the code of conduct, financial and performance reporting, and audit. The committee is not responsible for the management of these functions.
- 2.2 The Committee will engage with management in a constructive and professional manner to perform its oversight responsibilities.
- The committee does not have management functions and cannot involve itself in management processes or procedures.
- 2.3 The Committee is responsible to and reports to Council.
- 2.4 Members of the Committee are expected to:
- (a) understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay;
 - (b) understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;
 - (c) exercise due care, diligence and skill when performing their duties;
 - (d) adhere to the Shire of Toodyay's code of conduct of conduct for Council Members, Committee Members and Candidates, and the code of ethics of any professional body which they are a member of;
 - (e) help to set the right tone in the Shire of Toodyay, by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture;
 - (f) be aware of contemporary and relevant issues impacting the local government sector; and
 - (g) respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council.
- 2.5 The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.

3. Authority

- 3.1 The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and

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does not have any delegated financial responsibility or powers pursuant to section 7.1B of the *Local Government Act 1995*.

The Committee does not have any management functions and cannot involve itself in management processes or procedures.

- 3.2 The Council authorises the Committee, in accordance with this Charter, to:
- (a) obtain any information it requires (subject to any legal obligation to protect information) subject to approval by the Council or Chief Executive Officer.
 - (b) request the attendance of any official, including the Council, at committee meetings
 - (c) provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire of Toodyay Council Plan 2023-2033 and associated Integrated Planning Strategic documents
- 3.3 The Audit and Risk Committee may undertake other activities as requested by the Council, subject to section 7.1B of the *Local Government Act 1995* "Delegation of some powers and duties to Audit Committees" which states:
- (1) *Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*
* Absolute majority required.
 - (2) *A delegation to an audit committee is not subject to section 5.17.*

4. Title of Committee

The committee shall be known as the 'Audit and Risk Committee.'

5. Decisions made by Audit Committees

Decisions made by the Audit and Risk Committee are to be made at an Audit and Risk Committee Meeting, in accordance with section 7.1C of the *Local Government Act 1995* which states as follows:

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

6. Membership

- 6.1 All members of the Audit and Risk Committee are formally appointed (*by absolute majority) by Council in accordance with s.7.1A of the *Local Government Act 1995*.
- 6.2 The Audit and Risk Committee shall be at least 3 or more persons and the majority of the membership of the Audit and Risk Committee are to be Council Members, in accordance with s.7.1A of the Act.
- 6.3 The Chair should have the right interpersonal and leadership skills to effectively run the committee. An understanding of financial and other reporting requirements is also important.

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- 6.4 When Council reviews the membership of the Committee they may choose to re-appoint members based on their ability to contribute to the work of the committee. This ensures an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills, and experience. However, the total length of time a member can sit on the committee will not exceed 6 years.
- 6.5 Council may remove an Audit and Risk Committee member at any time before their term expires, or a member may resign, in accordance with the *Local Government Act 1995*.
- 6.6 While the CEO, nor his or her delegate, must not be a member of the Committee, it is important that they attend meetings to provide context on important issues impacting the Shire of Toodyay where useful or necessary.
- 6.7 Committee members will collectively have a broad range of skills, knowledge, and experience to competently perform their duties.
- 6.8 At least 1 member of the committee will have accounting or related financial management experience, with an understanding of accounting and auditing requirements in the local government or public sector. To support the skills and experience of committee members, the Administration will implement an induction and training program for new members.
- 6.9 The Chairperson of the Committee may, through the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, or the Auditor to present information to the meeting. An Officer from the Office of the Auditor-General may also be invited to attend Committee meetings as an observer.
- 6.10 The Audit and Risk Committee will be administratively supported by the Chief Executive Officer or his/her delegate.
- 7. Responsibilities**
- 7.1 The Committee functions are in accordance with Regulation 16 of the Local Government (Audit) Regulations 1996.
- 7.2 The Committee assists Council in fulfilling its responsibilities in relation to:
- (a) Risk management, fraud and internal control
 - i. providing oversight on significant risk exposures and control issues, including fraud risks, governance issues, or other matters as necessary when requested by the Chief Executive Officer or Council;
 - ii. reviewing summary reports from the Administration on communication from external parties including regulators that indicate problems in the internal control system or inappropriate management of risk actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996*.
 - iii. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated and managed effectively.

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- iv. Bi-annually reviewing the Shire of Toodyay's risk management framework.
 - v. Review summary reports on all suspected, alleged, and actual frauds, thefts and breaches of laws and ensuring these are reported to the Council and/or relevant authorities.
 - vi. Reviewing
- (b) Compliance and ethics
- i. understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes;
 - ii. considering the impact of Council's culture on compliance processes;
 - iii. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting Shire of Toodyay operations;
 - iv. Review the annual Compliance Audit Return in accordance with the Local Government (Audit) Regulations 1996 and report to the Council the results of that review;
 - v. obtaining updates from the Administration on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation.
- (c) Financial and performance reporting
- i. reviewing the annual financial statements and providing advice to the Council about whether they should be accepted by Council.
 - ii. Receive and review the report from the Chief Executive Officer in regard to the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control, and legislative compliance.
- (d) Audit
- The Committee will have an opportunity to meet with the OAG/Auditor at least once in every year to be able to discuss the results of financial and performance audits conducted within the Shire of Toodyay, including any difficulties encountered during the conduct of the audit, restrictions on scope of activities or access to information.
- Other committee responsibilities may include:
- i. Liaising with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.
 - ii. receiving the Administration's response to OAG and/or auditor findings and recommendations.

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REVISED Audit and Risk Committee Charter

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- iii. Receiving reports from the OAG and/or auditor including auditor's reports, closing reports and Administration letters.
- iv. Receiving a copy of representation letters signed by the Administration.
- v. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented.
- vi. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration.
- vii. reviewing the form and content of the auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information.
- viii. Examine the reports of the Auditor after receiving a report from the Chief Executive Officer on the matters to:
 - (a) determine if any matters raised require action to be taken by the Council; and
 - (b) Oversee the implementation of any action so determined in respect of those matters.
- (e) Other responsibilities
 - Perform other activities related to the role of this Charter as requested by the Council.

8. Meetings

- 8.1 The Committee will meet at least 4 times a year. Meeting dates are set by Council.
- 8.2 A meeting of the Committee may be called at any time in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*.

9. Independence and conflicts of interest

- 9.1 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Chair, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived or potential conflicts of interest.
- 9.2 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s).
- 9.3 Details of any personal interests declared by the Presiding Member and other members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the Local Government Act 1995.

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10. Performance Assessment arrangements

- 10.1 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will propose amendments when necessary to ensure that it accurately reflects the committee’s current role and responsibilities.
- 10.2 Council will review this charter once every two years following local government ordinary elections or more frequently if required. The committee will review the charter and any substantive changes to the charter will be recommended by the committee and formally approved by the Council.

11. Review of charter

- 11.1 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will propose amendments when necessary to ensure that it accurately reflects the committee’s current role and responsibilities.
- 11.2 The Committee will review the charter once every two years following local government ordinary elections or more frequently if required. Any substantive changes to the charter will be recommended by the committee to Council.
- 11.3 Council will review and formally approve this charter.

Approval by Council – Resolution No _____

Signature – Shire President

Date

Received by the Audit and Risk Committee:

Signature - Audit Committee Chair

Date

Reference Information

- *Committee Book endorsed by Council.*

Legislation

- *Local Government Act 1995*
- *Local Government (Audit) Regulations 1996*

Associated documents

- [Shire of Toodyay Standing Orders](#) (Local Law) 2008(3.4, Part 13, and 17.6);
- [Code of Conduct for Council Members, Committee Members and Candidates](#)
- [Statement of Business Ethics](#)

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REVISED Audit and Risk Committee Charter

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Document control information	
Document Category	Governance
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Date of next review	15 November 2027

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Audit & Risk Committee Meeting

6 March 2024

Minutes

To: Audit & Risk Committee Meeting Members and Councillors.

Here within are the Meeting Minutes of the Audit & Risk Committee Meeting, held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in black ink, appearing to be 'Tabitha Bateman', is positioned above the printed name.

Tabitha Bateman
ACTNG CHIEF EXECUTIVE OFFICER

AUDIT & RISK COMMITTEE MEETING MINUTES

6 MARCH 2024

Preface


When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the next Committee Meeting, where the Minutes will be confirmed subject to any amendments made by the Committee.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into separate attachments to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 14 March 2024.



Tabitha Bateman
ACTING CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 5 June 2024.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****1 DECLARATION OF OPENING**

Cr N Mills, Chairperson, declared the meeting open at 9.59pm.

1.1 ANNOUNCEMENT OF VISITORS

Cr R Madacsi.

1.2 RECORD OF ATTENDANCE AND APOLOGIESMembers

Ms K Barrack	Community Member
Mr S Rutter	Community Member
Cr S Dival	Deputy Shire President
Cr M McKeown	Shire President
Cr J Prater	Councillor
Cr N Mills	Community Member (Chair)

Staff

Ms T Bateman	Acting CEO/Executive Manager Corporate and Community Services
Ms J Lucas	Records Management Coordinator
Mrs M Rebane	Executive Assistant

Visitors

Nil

Apologies

Cr S McCormick	Councillor
----------------	------------

1.3 DISCLOSURE OF INTEREST

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

2 MINUTES AND ADDITIONAL INFORMATION**2.1 CONFIRMATION OF MINUTES****Minutes of Meeting held on 14 February 2024****OFFICER'S RECOMMENDATION/ARC RESOLUTION NO.ARC012/03/24**

MOVED Cr S Dival

SECONDED Cr J Prater

That the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 14 February 2024 be confirmed.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

AUDIT & RISK COMMITTEE MEETING MINUTES

6 MARCH 2024

2.2 REVIEW OF STATUS REPORT

2.2.1 Status Report and Minutes of previous meeting

Attachments:	1. ARC Meeting Minutes from 14 Feb 2024; ↗ 2. ARC Status Report; and ↗ 3. Committee Member Reporting Form. ↗
--------------	--

The ARC Minutes from 14 February 2024 were provided for confirmation purposes.
 The ARC Status report was reviewed.

MOTION/ARC RESOLUTION NO.ARC013/03/24

MOVED Cr S Dival

SECONDED Cr J Prater

That the Status Report be accepted.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

2.3 INWARD/OUTWARD CORRESPONDENCE

Two items of correspondence were received from Cr Duri and Cr Madacsi notifying the ARC that they were resigning as deputy members to the Committee.

MOTION/ARC RESOLUTION NO.ARC014/03/24

MOVED Cr M McKeown

SECONDED Cr J Prater

That the Audit and Risk Committee receives the correspondence from Cr Duri and Cr Madacsi (Attachment 1 and 2).

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

Attachments

- 1 Attachment 1 - Cr Duri resignation
- 2 Attachment 2 - Cr Madacsi resignation

3 BUSINESS LEFT OVER FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****MOTION/ARC RESOLUTION NO.ARC015/03/24****MOVED** Cr N Mills**SECONDED** Cr M McKeown

That the order of business contained in the Agenda be amended as follows:

- 4.4 Compliance Audit Return 2023;
- 4.2 Local Government Payments and Gifts to Members Policy;
- 4.3 Update on the Datascape Migration Project;
- 4.1 Records Management Project 2023/2024;
- 4.5 Risk Management Updates; and
- 4.6 Risk Assessment and Improvement Plan.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 6/0**

AUDIT & RISK COMMITTEE MEETING MINUTES

6 MARCH 2024

4 OFFICER REPORTS**4.4 Compliance Audit Return 2023**

Date of Report:	6 February 2024
Applicant or Proponent:	N/A
File Reference:	Nil
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Compliance Audit Return 2023; and ⇒ 2. Compliance Calendar 2023. ⇒

PURPOSE OF THE REPORT

1. To consider the attached annual Compliance Audit Return for 2023.
2. To receive the Compliance Calendar for 2023 and note the risks identified for follow up in the 2024 Calendar year.

BACKGROUND

Local governments are required by legislation to complete an annual Compliance Audit Return by 31 March each year. The Western Australian Local Government Association (WALGA) has prepared a Compliance Calendar template for use by local governments to assist with annual compliance requirements in accordance with legislation.

The Compliance Audit Return is a checklist of the Shire of Toodyay's (the Shire) statutory compliance with the *Local Government Act 1995* and its Regulations, which focuses on high-risk areas of statutory reporting as prescribed in Regulation 14 of the *Local Government (Audit) Regulations 1996*.

Once completed, the Compliance Audit Return is required to be:

- a) presented at a meeting of the Audit Committee;
- b) presented for consideration and adoption by Council; and
- c) returned to the Department of Local Government, Sport, and Cultural Industries (DLGSC) with a copy of the relevant Council minutes by 31 March each year.

COMMENTS AND DETAILS

The Compliance Audit Return 2023 has been completed and is attached for the Audit and Risk Committee (the Committee) to receive and review.

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

Once the Committee refers the Compliance Audit Return 2023 to Council for adoption, it will be recorded in the minutes and a copy will be submitted to the DLGSC via their online portal by 31 March 2024.

The Compliance Calendar is attached (**Attachment 2**) for the Committee's information and is a useful tool to assist in the management of compliance requirements. It is noted that the FMR review and Audit Reg 17 review reported several risk areas in relation to compliance that have been prioritised for action and are included in the compliance calendar.

IMPLICATIONS TO CONSIDER**Consultative:**

DLGSC

WALGA

Strategic:*Governance: The way the Shire Leads and Operates*

03: Ensure rigorous organisational systems.

Policy related:

Legislative Compliance Policy

Financial:

There are no financial implications as a result of this report.

Legal and Statutory:Regulation 14 of the *Local Government (Audit) Regulations 1996*

s.14 Compliance audits by local government

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form provided by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Risk related:

The requirement to lodge an adopted Compliance Audit Return with the DLGSC is a legislative obligation. Failure to do so exposes the Shire to significant risk. This report and its appendices mitigate this risk.

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****Workforce related:**

The Compliance Audit Return has been completed in-house with existing resources.

VOTING REQUIREMENTS

Absolute Majority

Clarification was sought.

Cr McKeown moved the Officer's Recommendation 1.

Cr Prater seconded the motion.

Further clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION 1/ARC RESOLUTION NO.ARC016/03/24

MOVED Cr M McKeown

SECONDED Cr J Prater

That the Audit and Risk Committee recommends to Council the following:

That Council adopts the attached Compliance Audit Return for the period 1 January 2023 to 31 December 2023, pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

Clarification was sought.

Cr Prater moved the Officer's Recommendation 2.

K Barrack seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION 2/ARC RESOLUTION NO.ARC017/03/24

MOVED Cr J Prater

SECONDED Ms K Barrack

That the Audit & Risk Committee receives the 2023 Compliance Calendar.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

AUDIT & RISK COMMITTEE MEETING MINUTES

6 MARCH 2024

4.2 Local Government Payments and Gifts to Members

Date of Report:	18 January 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. CURRENT Local Government Payments and Gifts to Members Policy; and ⇒ 2. REVISED Local Government Payments and Gifts to Members Policy. ⇒

PURPOSE OF THE REPORT

To review the REVISED Local Government Payments and Gifts to Members policy and make recommendation to Council for adoption.

BACKGROUND

The current policy was reviewed and adopted by Council in May 2022 (refer to **Attachment 1**) as part of Council’s implementation of a review of all Shire policies at an Ordinary Council Meeting held in February 2022.

Recommendations from the recent FMR Review proposed the following improvements be made to the policy:

Item	Improvements identified
6.2.4	Review and update the policy to include reference to the Salaries and Allowances Tribunal, Local Government CEO's and Elected Members determination
6.2.4	Review and amend the policy to correctly and clearly reflect allowances and reimbursements for elected members permitted under the current SAT determination.

Subsequent to the FMR Review, amendments were made to the *Local Government Act 1995* (the Act) which provided for payments to be made to committee members in

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

accordance with the Salaries and Allowances Tribunal Determination made on an annual basis.

COMMENTS AND DETAILS

Officers have reviewed the current policy giving consideration to the FMR recommendations and recent changes to the Act and regulations.

The current policy was revised to provide clarity in reference to the annual determination made by the Salaries and Allowances Tribunal as recommended in the FMR Review, and incorporates recent changes to the Act such as payments made to Committee Members of the following Committees:

- Audit and Risk Committee;
- Environment Advisory Committee; and
- Heritage Advisory Committee

The REVISED policy is provided at **Attachment 2** and is recommended for adoption.

IMPLICATIONS TO CONSIDER**Consultative:**

The policy was provided to Councillors and the Audit and Risk Committee through Microsoft Teams on Thursday 29 Feb 2024 and will be presented to ARC for recommendation to Council in March 2024.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9 Responsible and effective leadership and governance.

09.1 Provide strong, clear and accountable leadership

Policy related:

Disposal of Property Policy (FIN12);

Attendance at Events Policy (GOV14);

Continuing Professional Development Policy (GOV9);

Council Delegates Roles and Responsibilities Policy (GOV12); and

Risk Management (ADM18) – containing the Risk Matrix tables.

Financial:

The current determination stipulates the minimum and maximum allowance to be paid to committee members. The range for the Shire of Toodyay as a Band 3 Local Government is set at \$0 to \$215 per meeting. Officers are proposing that the fee payable is set at 85% of the maximum, consistent with the allowances paid to Elected Members. Should Council adopt the fee as recommended, the financial impact on the annual budget would equate to approximately \$5,000 based on quarterly meetings.

Legal and Statutory:

Salaries and Allowances Tribunal Determination

Division 8 Local Government payment and gifts to members

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)

Risk related:

The review of this policy is the role of Council and is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary, compliant with existing legislation, and relevant.

If the Shire chooses to delay the review of this policy, it is considered a medium risk. This report mitigates the risk.

Workforce related:

The policy has been reviewed in-house within existing resources.

VOTING REQUIREMENTS

Absolute Majority

Clarification was sought.

Cr Dival moved the Revised Officer's Recommendation 1

S Rutter seconded the motion.

The motion was put.

REVISED OFFICER'S RECOMMENDATION 1/ARC RESOLUTION NO.ARC018/03/24

MOVED Cr S Dival

SECONDED Mr S Rutter

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Adopts the REVISED Local Government Payments and Gifts to Members policy as attached to this report (**Attachment 2**) subject to an amendment at Point 4 of the Policy; and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to policy, prior to publication.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

4.3 Update on the Datascape Migration project	
Date of Report:	18 January 2024
Applicant or Proponent:	Audit and Risk Committee
File Reference:	LEG269
Author:	T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Datascape Migration Action Plan as at 29 February 2024 ↗

PURPOSE OF THE REPORT

To update the Audit and Risk Committee on progress made to date on the Datascape migration project.

BACKGROUND

The Shire resolved to transition to new software in 2018 and following a tender process, commenced the implementation of a Datascape in 2019.

For various reasons including significant staff changeover, reduced capacity and resources, and COVID-19, the transition was especially difficult. Officers report to the Audit and Risk Committee and Councillors regularly to provide an update on the ongoing challenges and the remaining aspects requiring attention.

At the Audit and Risk Committee Meeting held on 6 December 2023 the Committee made a recommendation requests the CEO to provide a progress update to the Audit and Risk Committee in March 2024.

COMMENTS AND DETAILS

The Datascape Migration Action Plan was provided to the ARC in December 2023 which included a comprehensive list to address outstanding tasks developed in consultation with the Shire and Datacom. The tasks were prioritised based on risk and an action plan to address the items is being worked through by both parties.

Due to the varying factors such as the holiday period, staff turnover, training, audits etc. limited focus has been given to the plan, however the asset registers are now up to date and work continues on the CRM implementation.

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

The Shire and Datacom have dedicated significant resources to work through the actions identified in the plan (**Attachment 1**) which highlights the desired outcomes and steps required moving forward.

As a result, the Shire was able to submit balanced financials to the auditor by the agreed date and the field work for the audit was completed 1 March 2024.

Outstanding tasks**Assets**

Datacom has made substantial inroads into the asset migration process, however, the reporting aspect requires further development.

CRM and Records Management

Officers continue to work with Datacom on the implementation of the Customer Relationship Manager module. This project will streamline how the community interacts with the Shire through service requests and other correspondence. Due to limited staffing capacity, this project is expected to be finalised in the first half of 2024. Once implemented, intensive training will be required for all users.

GIS Integration

Further progress is required in the area of GIS and mapping capabilities which continues to be a focus for Datacom developers.

Training and Manuals

A key area of focus for Datacom will be the provision of accurate and comprehensive training manuals to support users. Currently, as Datascape continues to evolve and develop, the manuals quickly become outdated. As progress is made, significant changes are expected to slow at which time manuals will be updated.

The progress made thus far is a testament to the recent collaborative efforts and dedication of both the Shire and Datacom teams. Officers will continue to work closely with Datacom to ensure the completion of the remaining tasks to improve financial management practices.

IMPLICATIONS TO CONSIDER**Consultative:**

Datacom

Strategic:

Shire of Toodyay Plan for the Future: Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance

9.2. Govern Shire finances, assets, and operations responsibly.

Policy related:

Nil.

Financial:

Expenditure above existing budget allocations will be managed at the mid-year budget review. Datacom has provided significant resources and continue to work with the Shire to address these outstanding actions.

AUDIT & RISK COMMITTEE MEETING MINUTES

6 MARCH 2024

Legal and Statutory:*Local Government Act 1995***Risk related:**

Section 7.1A of the Act requires that all local governments establish an audit committee. The audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, risk management systems, legislative compliance and the external audit functions. Failure to have an audit committee in place exposes Shire officers and Councillors to significant risk. This report assists in mitigating these risks.

Workforce related:

The transition to Datascope and associated challenges have had a significant impact on the Shire staff.

VOTING REQUIREMENTS

Simple Majority

Clarification was sought.

The Acting CEO provided an overview.

S Rutter moved the Officer's Recommendation 1 as follows:

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. **Notes the progress made to date on the Datascope transition.**
2. **Requests the CEO to provide quarterly updates until the tasks identified on the Datascope Migration Action Plan have been finalised.**

Cr Dival moved an amendment to the motion as follows:

That at Point 2 the words "including provision of completion dates and budgetary implications" after the words "quarterly updates"

S Rutter seconded the amendment.

The amendment was put.

AMENDMENT/ARC RESOLUTION NO.ARC019/03/24

MOVED Cr S Dival

SECONDED Mr S Rutter

That at Point 2 the words "including provision of completion dates and budgetary implications" after the words "quarterly updates"

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

The substantive motion was put.

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****OFFICER'S RECOMMENDATION 1/ARC RESOLUTION NO.ARC020/03/24****AMENDMENT**

MOVED Mr S Rutter

SECONDED Cr S Dival

That Council:

1. Notes the progress made to date on the Datascape transition.
2. Requests the CEO to provide quarterly updates including provision of completion dates and budgetary implications until the tasks identified on the Datascape Migration Action Plan have been finalised.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 6/0**

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6 MARCH 2024

4.1 Records Management Project 2023/2024	
Date of Report:	11 January 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	RCM1
Author:	J Lucas – Records Officer T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Implementation Quote (confidential) <i>Section 5.23(2)</i> <i>(e)(iii) a matter that if disclosed, would reveal 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</i>

PURPOSE OF THE REPORT

To update the Audit and Risk Committee on the progress of the Records Management Project and make a recommendation to Council, supporting approval for the allocation of additional funds for the implementation of a new records management system.

BACKGROUND

In 2018, an assessment was made of the Shire’s existing ICT infrastructure, prompting the decision to move to a cloud-based Enterprise Software solution. The transition to Datascape commenced in 2019 with the goal of decommissioning SynergySoft as it was coming to end-of-life, and transferring records management to SharePoint. Currently, the Shire’s corporate records continue to be managed in Synergy Soft.

As part of a 5-year Record Keeping Systems Review, the Shire is required to undertake a review of the efficiency and effectiveness of the organisations record keeping systems ensuring that records and documents are properly kept. The evaluation raised concerns regarding compliance with the State Records Act and, after seeking advice from external consultants, SharePoint is not seen as a sustainable choice as previously thought.

Additionally, Local Governments are required to apply the new General Retention and Disposal Authority rules into their records management solutions which came into effect on 17 January 2024. The Shire’s Record Keeping Plan is due for review by December 2024, it

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is recommended that SynergySoft is retired and the new Plan is prepared based on the new records management processes.

COMMENTS AND DETAILS

The plan to migrate all records to a cloud-based solution formed part of the larger Datascape project. In the early stages of the transition, it was envisaged that corporate records would be managed within SharePoint. SharePoint, while versatile and widely used for document management and collaboration, can present challenges in records management due to several reasons:

- Complexity - SharePoint's extensive features and settings can be complex to navigate and configure correctly, requiring specialised knowledge. While SharePoint allows for customisation, these can be limited or require significant effort and expertise to implement effectively for specific records management needs. Consideration must also be given to the everchanging Microsoft environment.
- Compliance and Retention: Ensuring compliance with the *State Records Act 2000* for record retention and disposal can be difficult. SharePoint offers retention policies, but setting these up and managing them across different types of content and locations can be challenging.
- User Discipline: Effective records management in SharePoint depends heavily on user compliance with procedures. Without proper training and enforcement, Officers may not follow the necessary protocols for managing records, leading to disorganisation and potential compliance issues.
- Search and Retrieval: While SharePoint has powerful search capabilities, poorly managed metadata and large volumes of content can make it difficult to find and retrieve records efficiently.

Officers have reviewed alternative, fit-for-purpose records management systems and are proposing to implement OpenText Content Manager (CM). Other options considered include Altus Records and TechOne, in addition to the existing SynergySoft and SharePoint options. CM is specifically designed for records management and manages the lifecycle of records from creation to disposal. Additionally, CM is built to comply with legislation and manage security and access levels appropriately.

The project scope includes implementation of the software including system configuration, training of staff in the configuration and use of the Content Manager software and ongoing software support and integration with Datascape.

Significant work has commenced in reference to the management of data, security, access to records and policies for retention and disposal. Preliminary training has been provided to staff in relation to the transition and moving forward, records training will form part of the organisation's annual training schedule.

Consultative:

Other Local Governments
Information Proficiency
XL2
Datacom

Strategic:**Plan for the Future: Shire of Toodyay Council Plan 2023-2033**

Outcome 10. Happy community members who feel heard, valued and respected.

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O10.2. Deliver excellent customer service.

O10.2.1. Implement and promote a new customer relationship management module on the Shire's website to deliver a broader range of online services, such as completing and submitting application forms, submitting planning, and building approvals, and accessing a supplier portal.

Policy related:

Record Keeping

Financial:

There will be a one-off implementation cost for Content Manager of \$90,182 plus ongoing annual software maintenance fees of \$5,976 for 50 licences. Currently, the Shire pays approximately \$40,000 annually for 10 SynergySoft software licences and \$2,725 for an annual AvePoint licence. Whilst there is a significant implementation cost to consider, ongoing costs for records management will reduce from approximately \$43,000 to \$6,000. Officers are proposing to include these costs for consideration during the mid-year budget review.

Legal and Statutory:

State Records Act 2000

State Records Principles and Standards 2002 - Principle 6

Record Management Plan

Local Government Act 1995 - s.5.41(h)

Risk related:

There is a significant compliance risk of not meeting the record keeping requirements as stipulated in the *State Records Act 2000*. Reputational and financial risks also exist in the event the Shire is forced into migrating to a new system prematurely without allocating resources to the project, therefore leading to reputational risk in the event records are not managed appropriately. This report mitigates these risks.

Workforce related:

Information Proficiency will provide qualified technical consultants for this project to cover training of staff in the configuration and use of the Content Manager software.

Significant Officers time will be required for the implementation testing and training of the new system.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That the Audit & Risk Committee recommends to Council the following:

That Council supports the implementation of a new, fit-for-purpose records management system, and the allocation of additional funds as part of the mid-year budget review of \$96,158.

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Clarification was sought.

The Acting CEO provided an overview.

S Rutter moved the Officer's Recommendation as Point 1, and included the addition of a new point 2 to read as follows:

- 2. Requests the CEO to monitor the expenditure and inform the Audit and Risk Committee on a regular basis, of the progress of the project implementation with regard to schedule and budget.**

K Barrack seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION 1/ARC RESOLUTION NO.ARC021/03/24

MOVED Mr S Rutter

SECONDED Ms K Barrack

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Supports the implementation of a new, fit-for-purpose records management system, and the allocation of additional funds as part of the mid-year budget review of \$96,158.
2. Requests the CEO to monitor the expenditure and inform the Audit and Risk Committee on a regular basis, of the progress of the project implementation with regard to schedule and budget.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N Mills

Voted Against: Nil

MOTION CARRIED 6/0

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

4.5 Risk Management Updates	
Date of Report:	2 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	RCM1
Author:	M Rebane – Executive Assistant T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Risk Assessment (Audit Regulation 17) Report (confidential) <i>Section 5.23(2)</i> <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property</i> 2. CURRENT Risk Management Framework 2017 ⇨ 3. PROPOSED Risk Management Framework 2024 ⇨ 4. CURRENT Risk Management Policy ⇨ 5. PROPOSED Risk Management Policy ⇨

PURPOSE OF THE REPORT

To review and consider making a recommendation to Council in regard to the:

1. Risk Assessment (Audit Regulation 17) Report from Moore containing Actions;
2. REVISED Risk Management Framework; and the
3. REVISED Risk Management Policy.

BACKGROUND

The Shire engaged Moore Australia to assist the CEO to undertake reviews on the appropriateness and effectiveness of the Shire's risk management, internal controls and legislative compliance systems and procedures as required by the *Local Government (Audit)*

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Regulations 1996 (Regulation 17). At the same time, an examination of the Shire's financial management systems and processes was carried out as required by *Local Government (Financial Management) Regulation 5(2)(c)*.

At the 14 February 2024 ARC Meeting, the ARC made a recommendation to Council for them to request the CEO to develop and provide an action plan to respond to the actions contained within the Final Report from Moore for consideration and review by the ARC at their March 2024 meeting.

Local governments are required to formalise their risk management processes, including the identification and treatment of risks through a Risk Register. A Risk Tolerance Table reflects the Shire's tolerance for various risks. The Shire's Risk Management Policy, containing tolerance tables was last adopted by Council in December 2022. The Shire's Risk Management Framework was last adopted by Council in February 2017.

COMMENTS AND DETAILS**Moore Report (Audit Reg 17 review)**

One of the functions of the Audit and Risk Committee is to review the results of the Financial Management Review (FMR) and the Audit Regulation 17 Review (AR17), in addition to monitoring and assessing risk and improvements.

The Risk Assessment Report (**Attachment 1**) was developed by Moore Australia incorporating the results of the AR17 Review and provides the committee with a list of upcoming priorities for improvement. This report will be used as a basis for updating the Audit and Risk Committee on the status of projects moving forward.

One of the actions identified during the AR17 Review was the need to update the Risk Management Framework (RMF) and Risk Management Policy. It is recommended that the Audit and Risk Committee review these documents as attached and make a recommendation to Council.

Risk Management Framework and Policy

The CURRENT Risk Management Framework 2017 is provided (**Attachment 2**).

The REVISED Risk Management Framework 2024 (RMF) is provided (**Attachment 3**).

The CURRENT Risk Management Policy is provided (**Attachment 4**).

The REVISED Risk Management Policy is provided (**Attachment 5**).

The revised RMF was reviewed by Shire Officers and is presented for consideration. Specifically, the amended Risk Management Framework has been updated to reflect the most recent Australian Standard for Risk Management, ISO 31000:2018. .

In terms of the Risk Management Policy, the risk matrix within this policy was developed and endorsed by Council on 24 Aug 2021 (CRN: 175/08/21). The levels of risk are deemed appropriate for use by the Shire.

It is recommended that the REVISED Risk Management Framework and policy be recommended for adoption by Council.

Consultative:

Moore Australia

LGIS

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Strategic:**Plan for the Future: Shire of Toodyay Council Plan 2023-2033***Outcome 9. Responsible and effective leadership and governance*

9.1.4. Undertake regular reviews of organisation and Council culture and implement initiatives to improve.

9.1.5. Establish a Risk Working Group.

9.2. Govern Shire finances, assets, and operations responsibly.

Policy related:

Risk Management Policy (ADM18)

Internal Control Policy (ADM19).

Legislative Compliance Policy (ADM20)

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

Risk related:

Elevating risk management, internal controls, financial management, and legislative compliance practices is imperative to uphold the Shire's commitment to continuous improvement. By prioritising these areas and implementing requisite actions, the governance framework will be fortified, and risks will be mitigated while fostering sustainable growth and development for our community.

The Moore Australia reports clearly identified the need for improvement to the Shire's risk management processes and recommended they be reviewed and updated. There is a moderate (3) risk presently, however inaction may mean that the risk is increased to Major (4).

This report seeks to mitigate the above risks.

Workforce related:

Collaboration across the organisation is required to focus on the actions contained in the Audit Reg 17 report as well as developing the Shire's risk register, in line with the principles and procedures contained in the RMF. Additional Officer time will be required in order that risks are clearly communicated throughout the organisation.

VOTING REQUIREMENTS

Simple Majority

Clarification was sought.

OFFICER'S RECOMMENDATION 1/ARC RESOLUTION NO.ARC022/03/24

MOVED Cr S Dival

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****SECONDED** Cr J Prater

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Receives the Risk Assessment (Audit Regulation 17) Report from Moore (**Confidential** Attachment 1);
2. Notes the actions contained in the report;
3. Requests the CEO report regularly to the Audit and Risk Committee on the actions undertaken toward the completion of the risks identified in the Report.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 6/0**

Officers pointed out that the risk table had been amended, and that the recommendation would read “as amended” and not “as attached”

Clarification was sought.

K Barrack moved Officer’s Recommendation 2.

Cr Dival seconded the motion.

The motion was put.

REVISED OFFICER’S RECOMMENDATION 2/ARC RESOLUTION NO. ARC023/03/24**MOVED** Ms K Barrack**SECONDED** Cr S Dival

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Adopts, by absolute majority, the REVISED Risk Management Framework (**Attachment 3**) as amended; and
2. Requests the CEO make any typographical amendments to the risk management framework as required.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 6/0**

Clarification was sought.

Cr McKeown moved Officer’s Recommendation 3.

K Barrack seconded the motion.

The motion was put.

OFFICER’S RECOMMENDATION 3/ARC RESOLUTION NO. ARC024/03/24**MOVED** Cr M McKeown**SECONDED** Ms K Barrack

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That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Adopts, by absolute majority, the REVISED Risk Management Policy (**Attachment 5**);
2. Requests the CEO make any typographical amendments to the risk management policy prior to publication, as required.

MOTION CARRIED 6/0

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4.6 Risk Assessment and Improvement Plan	
Date of Report:	2 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG269
Author:	S Haslehurst – Chief Executive Officer T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Review
Attachments:	1. Risk Assessment and Improvement Plan (confidential) Section 5.23(2) <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government’s property</i>

PURPOSE OF THE REPORT

To present for the Audit and Risk Committee’s (ARC) endorsement and recommendation to Council, a draft Improvement Plan developed following finalisation of the report on the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls, prior to submission to the Department of Local Government, Sport and Cultural Industries.

BACKGROUND

In August 2023, the Shire President and Chief Executive Officer (CEO), met with representatives of the Department of Local Government, Sport and Cultural Industries (DLGSC) to discuss the outcomes of the 2021 audit and issues raised by the Auditor. The following was agreed at the meeting:

- *A draft action plan to be developed and forwarded to DLGSC by 18 August 2023.*
 - *Draft action plan to include timeframes for each milestone.*
- *The Shire to raise with the Office of the Auditor General, at the Exit Meeting dated 2 August 2023 the agreed approach with DLGSC.*

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- *The DLGSC to provide feedback a week from the date the draft action plan was received.*
- *After the Shire receives feedback from DLGSC, the Shire is to finalise the action plan and have the action plan tabled before Council for approval.*
- *Once the action plan has been approved, the Shire to draft a response back to the DLGSC and attach the final approved version of the action plan.*
- *The DLGSC received consent from the Shire to forward an approved copy of the action plan to OAG for their consideration.*
- *The DLGSC will monitor the action plan and offer support upon request and where appropriate.*
- *The Shire to undertake a Regulation 5 and Regulation 17 review and consider self-nominating for a FBPR with DLGSC post these reviews.*
- *The Shire to consider the appointment of an independent chair to the Audit Risk Committee.*

A draft Action Plan was submitted to the DLGSC on 18 August 2023. Feedback was provided on 14 September 2023 (**Attachment 1**). Officers have met with DLGSC representatives monthly to provide an update on the progress of the Plan which has been delayed due to several factors.

Officers acknowledge the time that has elapsed since the request for an improvement plan was agreed to in August 2023. However, it should be noted that several significant matters have affected the Shire's ability to produce a plan that is a useful and meaningful tool for the improvements required. These are outlined as follows.

2022-2023 Audit

- Asset revaluations were undertaken with final values received in September. Officers then worked with Datacom to ensure the accuracy of the upload of assets into Datascape.
- Due to on-going issues relating to assets, bank, creditors and debtors reconciliations in Datascape, the Shire was unable to present balanced accounts to the auditor by the extended deadline of 31 October 2023. The accounts presented were rejected by the auditor.
- Officers worked with the Auditor, Datacom and an external consultant to devise a plan to ensure the provision of balanced accounts ready for audit. This involved several Datacom personnel attending on-site in November and December to work with officers to:
 - a) Finalise the outstanding bank reconciliations – reconciled back to June 2020
 - b) Reconcile assets, debtors, and creditors ledgers
 - c) Create a reporting structure for bonds, deposits, and reserves.
- Officers then worked with Darren Long Consultants to prepare the balanced 2022/23 accounts ready for audit. These were submitted on 12 February 2024 in accordance with the timeframe agreed with the auditor and the Office of the Auditor General (OAG).

Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls

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- The Shire engaged Moore Australia (Moore) to undertake the reviews required by Regulations 5 of the *Local Government (Financial Management) Regulations 1996* (FMR) and Regulation 17 of the *Local Government (Audit) Regulations 1996* (AR).
- Moore attended the Shire in late September to undertake the field work. A draft report was provided to officers in late November 2023, with officers providing management feedback in January 2024.
- The final report (Report) was provided in early February 2024 and reviewed by the Audit and Risk Committee on 14 February 2024. The Committee recommended that Council receives the Report.
- Moore also provided a detailed Risk Assessment document, incorporating all the findings contained in the Report and recommended mitigation actions. This has now formed the basis of the Draft Risk Assessment and Improvement Plan (Plan) presented for Council's consideration.

Staffing

- The Shire continues to face challenges in attracting and retaining staff. Of particular note is the role of Governance Coordinator which has been vacant for 50% of the past two years and is currently vacant again.
- The majority of the finance staff have been with the Shire less than six months and are still learning systems and procedures and require additional support to manage regular financial processes.
- Anecdotal information provided to the CEO from colleagues indicates that a majority of local governments are reporting between 10% and 30% vacancy rates at present. The Shire currently has a 20% vacancy rate, and the competitive market is making it difficult to attract and retain people with the right mix of skills and experience to fulfil specialist roles. All departments across the Shire are experiencing increased stress and workloads due to at least one, and usually more than one vacancy.
- The CEO role will be filled by an external temporary CEO until the formal recruitment process is finalised.

Elections

- In the absence of a Governance Officer, the October 2023 local government elections were managed by a casual staff member who liaised with the WA Electoral Commission.
- The elections have also impacted officer time as the transition to new leadership progresses. This has included historical information being sought by new members, inductions, training, and stewardship of committees with more community representatives with limited experience in local government.

Obsolescence

- The draft improvement plan presented to the DLGSC in August 2023 contained several actions which are now obsolete as they have been actioned or completed. These include:
 - Bank reconciliations
 - Assets and Depreciation
 - Payroll process improvements
 - Policy reviews
 - Working with Datacom to improve financial reporting configurations

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024**

- End of Financial Year processes for 2021/22
- 2022/23 Financial Statements
- Rates for 2023/24
- Adoption of the 2023/24 Budget

COMMENTS AND DETAILS

A great deal has been achieved in a relatively short period of time which is a testament to the efforts of all staff involved in challenging circumstances. The following items remained outstanding from the actions agreed with the DLGSC in August 2023.

1. Consider the appointment of an independent Chairperson to the Audit and Risk Committee (ARC) – this was actioned by the ARC on 7 February 2024 with community representative Ms Natalie Mills appointed as Chairperson.
2. Consider nominating for a Financial Best Practice Review to be conducted by the DLGSC – Officers have included this in the draft Risk Assessment and Improvement Plan.
3. Submit the Risk Assessment and Improvement Plan to the DLGSC and OAG – to be done once endorsed by Council.

Officers have used the Risk Assessment Report provided by Moore as the basis for the draft Risk Assessment and Improvement Plan (the Plan) with columns added to capture comments and progress, articulation of the specific officer responsible for each action, and a timeframe for completion.

In addition, following feedback from the DLGSC and the ARC, several 'additional' actions have been added to the Plan which was placed on Teams for Councillors and ARC members to provide comment on before the OCM.

Officers are proposing that the Plan is reviewed by the ARC quarterly and recommended to Council before updates are provided to the DLGSC.

IMPLICATIONS TO CONSIDER**Consultative:**

Department of Local Government, Sport & Cultural Industries

Dry Kirkness

Darren Long Consulting

Office of the Auditor-General

Strategic:

Shire of Toodyay Plan for the Future: Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance

9.1.4. Undertake regular reviews of organisation and Council culture and implement initiatives to improve.

9.2. Govern Shire finances, assets, and operations responsibly

Policy related:

Risk Management Policy

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Internal Control Policy

Legislative Compliance Policy

Financial:

The Plan has been developed on the assumption that actions are completed in-house within the current organisational structure and budgeted resources. In the event of ongoing staff vacancies, there may be a requirement to engage contractors to meet timeframes detailed in the Plan. Additional funding requests, if required, will be presented to Council for consideration and approval.

Legal and Statutory:

Local Government Act 1995

Risk related:

There are extreme financial, compliance and reputational risks associated with the outcomes of this report. As a result, the actions have been carefully prioritised based on risk and organisational capacity to deliver. The Plan should be reviewed regularly for progress with clear strategies in place to address dependencies and inter-dependencies for each action.

Workforce related:

There is significant officer time required to deliver the actions identified in the Plan. Currently, the Shire is experiencing extreme challenges in attracting and retaining staff which must be taken into account during regular reviews.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That the Audit & Risk Committee recommends to Council the following:

That Council;

1. Endorses the draft Improvement Plan developed following finalisation of the report on the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls.
2. Requests the CEO to forward a copy of the Improvement Plan to the Department of Local Government, Sport and Cultural Industries; and
3. Requests the CEO to provide quarterly updates to the Audit and Risk Committee on the actions taken.

Clarification was sought.

Discussion ensued.

S Rutter moved a Revised Officer's Recommendation 1.

K Barrack seconded the motion.

The motion was put.

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****REVISED OFFICER'S RECOMMENDATION 1/ARC RESOLUTION NO.ARC025/03/24****MOVED** Mr S Rutter**SECONDED** Ms K Barrack

That the Audit & Risk Committee recommends to Council the following:

That Council;

1. Endorses the draft Shire of Toodyay Risk Assessment Improvement Plan (**confidential Attachment 1**) developed following finalisation of the report on the Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls.
2. Requests the CEO to forward a copy of the Improvement Plan to the Department of Local Government, Sport and Cultural Industries; and
3. Requests the CEO to provide quarterly updates to the Audit and Risk Committee on the actions taken, including placing a live version of the plan on the teams environment for the ARC.

Voted For: K Barrack, S Rutter, Cr S Dival, Cr M McKeown, Cr J Prater and N MillsVoted Against: Nil**MOTION CARRIED 6/0**

AUDIT & RISK COMMITTEE MEETING MINUTES**6 MARCH 2024****5 OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE****MOTION/ARC RESOLUTION NO. ARC026/03/24****MOVED** Cr N Mills**SECONDED** Cr S Dival

That the ARC recommend to Council the following:

That Council requests the CEO to review procedures for the appointment of deputy members of committees in accordance with legislative requirements.

MOTION CARRIED 6/0**6 CONFIRMATION OF NEXT MEETING**

The next meeting of the Audit & Risk Committee is scheduled to be held on 5 June 2024 commencing at 10:00am.

7 CLOSURE OF MEETING

The Chairperson closed the meeting at 11.46am.



Compliance Audit Return 2023

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	N/A		Executive Assistant, Maria Rebane
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	N/A		Executive Assistant, Maria Rebane
3	s3.59(2)(c) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2023?	N/A		Executive Assistant, Maria Rebane
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2023?	N/A		Executive Assistant, Maria Rebane
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Executive Assistant, Maria Rebane

Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	We do not have any delegations to Committees.	Executive Assistant, Maria Rebane
2	s5.16 (2)	Were all delegations to committees in writing?	N/A		Executive Assistant, Maria Rebane
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ?	N/A		Executive Assistant, Maria Rebane
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Executive Assistant, Maria Rebane
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	N/A		Executive Assistant, Maria Rebane
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the <i>Local Government Act 1995</i> ?	Yes		Executive Assistant, Maria Rebane
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes		Executive Assistant, Maria Rebane
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Executive Assistant, Maria Rebane
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Executive Assistant, Maria Rebane
10	s5.16(3)(b) &	Were all decisions by the council to amend or revoke a	Yes		Executive Assistant,

Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
	s5.45(1)(b)	delegation made by absolute majority?			Maria Rebane
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes		Executive Assistant, Maria Rebane
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	Yes		Executive Assistant, Maria Rebane
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?	Yes	Officers are instructed to record their decisions under delegated authority in the record keeping system.	Executive Assistant, Maria Rebane

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Executive Assistant, Maria Rebane
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		Executive Assistant, Maria Rebane
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) of the <i>Local Government Act 1995</i> recorded in the minutes of the meeting at which the disclosures were made?	Yes		Executive Assistant, Maria Rebane
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		Executive Assistant, Maria Rebane
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	Yes		Executive Assistant, Maria Rebane
6	s5.77	On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?	Yes	Copies of the acknowledgment of returns were not always included in the file due to acknowledgements being sent via email and recorded in the record management system. The returns register did and continues to indicate the reference number for the acknowledgement of the returns. The EA	Executive Assistant, Maria Rebane

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
				sent out the returns on behalf of the CEO and Shire President	
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> ?	Yes	The returns register is also on line.	Executive Assistant, Maria Rebane
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes		Executive Assistant, Maria Rebane
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person?	Yes		Executive Assistant, Maria Rebane
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes		Executive Assistant, Maria Rebane
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes		Executive Assistant, Maria Rebane
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes		Executive Assistant, Maria Rebane
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the <i>Local Government Act 1995</i> , did the CEO remove from the register all records relating to those people?	Yes		Executive Assistant, Maria Rebane
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Executive Assistant, Maria Rebane
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes		Executive Assistant, Maria Rebane
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) of the <i>Local Government Act 1995</i> relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		Executive Assistant, Maria Rebane
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) of the <i>Local Government Act 1995</i> recorded in the minutes of the council meeting?	N/A		Executive Assistant, Maria Rebane



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Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
		at which the decision was considered?			
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?	Yes		Executive Assistant, Maria Rebane
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	Yes		Executive Assistant, Maria Rebane
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes		Executive Assistant, Maria Rebane
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes		Executive Assistant, Maria Rebane

Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	Yes		Executive Assistant, Maria Rebane
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) in the required local public notice for each disposal of property?	Yes		Executive Assistant, Maria Rebane

Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	Yes		Executive Assistant, Maria Rebane
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the	Yes		Executive Assistant, Maria Rebane

Elections					
No	Reference	Question	Response	Comments	Respondent
		Local Government (Elections) Regulations 1997?			
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	Yes		Executive Assistant, Maria Rebane

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995?	Yes		Executive Assistant, Maria Rebane
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A	The Audit Committee has no delegated powers	Executive Assistant, Maria Rebane
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	No.	2022/2023 Audit Commenced Feb 2024	Executive Manager Corporate and Community Services, Tabitha Bateman
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A	The Auditor's report for 2022/2023 has not been received.	Executive Manager Corporate and Community Services, Tabitha Bateman
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	See above comment	Executive Manager Corporate and Community Services, Tabitha Bateman
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	See above comment	Executive Manager Corporate and Community Services, Tabitha Bateman
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	N/A	See above comment	Executive Manager Corporate and Community Services, Tabitha Bateman

Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Council adopted its Council Plan (which incorporates the Business Plan) on 28 June 2023 (CRN: OCM128/06/23) It was launched on 4 August 2023 to the community	Executive Manager Corporate and Community Services, Tabitha Bateman
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Incorporated into the Council Plan on 28 June 2023	Executive Manager Corporate and Community Services, Tabitha Bateman
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Yes		Executive Manager Corporate and Community Services, Tabitha Bateman

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	Yes	The Executive Manager Infrastructure, Assets and Services position was advertised.	Executive Manager Corporate and Community Services, Tabitha Bateman
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A		Executive Manager Corporate and Community Services, Tabitha Bateman
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?	N/A		Executive Manager Corporate and Community Services, Tabitha Bateman
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Yes	EMIAS Recruitment 28/06/2023	Executive Manager Corporate and Community Services, Tabitha Bateman
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A		Executive Manager Corporate and Community Services, Tabitha Bateman

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	The Executive Manager Corporate and Commercial Services was delegated in 2022 the role of Complaints	Executive Assistant, Maria Rebane



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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
				Officer by the CEO	
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	Yes		Executive Assistant, Maria Rebane
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	Yes		Executive Assistant, Maria Rebane
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes		Executive Assistant, Maria Rebane

Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	No	The review was undertaken during 2023. The report was presented to the ARC on 14 Feb 2024	Executive Manager Corporate and Community Services, Tabitha Bateman
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	No	The review was undertaken during 2023. The report was presented to the ARC on 14 Feb 2024	Executive Manager Corporate and Community Services, Tabitha Bateman
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Yes		Executive Assistant, Maria Rebane
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes		Executive Assistant, Maria Rebane
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?	Yes		Executive Assistant, Maria Rebane
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes		Executive Assistant, Maria Rebane

Optional Questions					
No	Reference	Question	Response	Comments	Respondent
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	Training is published onto the website	Executive Assistant, Maria Rebane
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	No	Financials were not available	Executive Manager Corporate and Community Services, Tabitha Bateman
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes		Executive Manager Corporate and Community Services, Tabitha Bateman

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Executive Manager Infrastructure and Asset Services, Charles Sullivan
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	Yes		Executive Manager Infrastructure and Asset Services, Charles Sullivan
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes		Governance Coordinator, Wendy Cowley
4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Yes		Executive Manager Infrastructure and Asset Services, Charles Sullivan
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	Yes		Governance Coordinator, Wendy Cowley

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Governance Coordinator, Wendy Cowley
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	No	Not applicable	Executive Manager Infrastructure and Asset Services, Charles Sullivan
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes		Executive Manager Infrastructure and Asset Services, Charles Sullivan
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes		Executive Manager Infrastructure and Asset Services, Charles Sullivan Operations Officer, Narelle Rodger
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of	N/A		Executive Manager Infrastructure and Asset Services,



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Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
		Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?			Charles Sullivan
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A		Executive Manager Infrastructure and Asset Services, Charles Sullivan Operations Officer, Narelle Rodger
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	Yes		Executive Manager Infrastructure and Asset Services, Charles Sullivan

I certify this Compliance Audit Return has been adopted by Council at its meeting on: _____

Signed by

Cr Michael McKeown

Shire President

Shire of Toodyay

Signed by

Mrs Tabitha Bateman

Acting Chief Executive Officer

Shire of Toodyay



Local Government Payments and Gifts to Members

Introduction

This policy is intended to ensure that any payments made to Elected Members are compliant with legislative provisions contained in Division 8 of the *Local Government Act 1995* (the Act).

Objective

To provide guidance to Shire Officers and Members in relation to local government payments to its members and the management and use of laptops issued for the member's use in their role as Elected Members of the Shire of Toodyay

Scope

This policy applies to Elected Members. It sets a benchmark that can be applied as new determinations are made by the Salaries and Allowances Tribunal, or until Council decides to make further changes. It also provides guidance in relation to the management and use of laptops issued to Members.

Definitions

Term	Definition
Act	<i>Local Government Act 1995</i> .
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
ITC Expenses	(a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.
ITC Support	Information Technology (Provider) Contractors.
Logbook	A logbook is a record kept that will provide evidence of: <ul style="list-style-type: none"> • details of kilometres travelled for business and for private use; • odometer readings on which a member estimates fuel and oil use; and

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Local Government Payments and Gifts to Members

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Term	Definition
	<ul style="list-style-type: none"> a member's other car expenses (i.e. parking and fuel receipts would be kept with the logbook). <p><i>Note: A signed copy of the logbook page, together with original copies of the receipts would be attached to the reimbursement form that will be submitted by members for reimbursement.</i></p>
Member	Means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Other Expenses	Means expenses that may be incurred by Members outside of this policy (e.g. dry-cleaning).
Regulations	Local Government (Administration) Regulations 1996.
SAT	Salaries and Allowances Tribunal.
Shire	The Shire of Toodyay.
Shire President	Means a mayor or president elected by the council from amongst the councillors.
The Determination	Means the Local Government CEO and Elected Members determination as "determined" by the Salaries and Allowances Tribunal under the <i>Salaries and Allowances Act 1975</i> section 7B. (s.5.98 of the Act).
Travel and Accommodation Expenses	<p>(a) travel costs, as prescribed by regulation 31(1)(b) of the LG Regulations; or</p> <p>(b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations.</p>

Policy Statement

The entitlement of a Member to a fee, allowance or reimbursement of an expense established under the Act (or regulations) cannot be prescribed, limited or waived by Council.

Any eligible claim against those entitlements is to be paid in accordance with the applicable financial procedures of the Shire.

Absolute Majority is required in respect to the adoption of this policy.

1. Meeting Attendance Allowance - Members

In accordance with s.5.99 of the Act, all Members shall receive an annual Meeting Attendance Allowance of approximately 85% of the maximum range of annual allowances.

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Local Government Payments and Gifts to Members

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2. Shire President's Allowance

In accordance with s.5.99 of the Act, the Shire President shall receive an additional allowance of approximately 85% of the maximum range of annual allowances.

3. Deputy President's Allowance

In accordance with s.5.99 of the Act, the Deputy Shire President shall receive an additional allowance of approximately 85% of the maximum range of annual allowances.

4. Reimbursement of Expenses

Regulations prescribe the types of expenses that are to be reimbursed to Members, on presentation of sufficient evidence of the cost of expenses incurred when attending a Council Meeting or a meeting of a committee of which he or she is also a Member.

A logbook will be issued to Members for the purpose of providing evidence to the Shire for reimbursement of expenses. Costs will not be reimbursed without evidence being provided.

Prescribed expenses to be reimbursed by the Shire are as follows:

4.1 Childcare

Reimbursement of the actual cost per hour or \$35 per hour, whichever is the lesser amount.

4.2 Travel Costs

Reimbursement of the actual cost for the Member to travel from the Member's place of residence or work to attend a Council Meeting or official function subject to the following:

- If the distance travelled is more than 100 kilometres, then the reimbursement of costs will only be for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

Travel costs incurred while driving either a privately owned, or leased vehicle (rather than a commercially hired vehicle) shall be calculated at the same rate contained in Section 30.6 of the *Local Government Officers' (Western Australia) Award 2021* as at the date of The Determination.

4.3 Other expenses

If Members incur expenses outside of this policy, Council may consider, on a case-by-case basis, reimbursement of other expenses in accordance with the regulations.

5. Allowances in lieu of Reimbursement of Expenses

5.1 ICT Allowance

In accordance with s.5.99A of the Act, Members shall receive an ICT Allowance to the value of \$1,000, paid in four quarterly instalments; in lieu of being reimbursed for expenses specified in r.31 (1)(a) of the *Local Government (Administration) Regulations 1996*.

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Local Government Payments and Gifts to Members

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5.2 Use of Laptops

In addition to the above ICT Allowance, Members shall be issued with a laptop for the purpose of managing agendas, minutes and documentation related to their roles as Elected Members. The laptops shall remain the property of the Shire of Toodyay until the time of disposal.

To ensure consistency of software and up-to-date technology, new laptops will be issued every 8 years, which is considered to be the maximum reliable life span.

Where a Member retires or is not re-elected within the 8-year period, the laptop will be returned to the Shire to be reissued to an incoming Member at their relevant swearing-in ceremony.

Disposal of Laptops

This will be in accordance with Council's Disposal of Property Policy.

Where however, at the time of replacement, a Member who is in possession of a laptop will be given the option to purchase the old laptop for their own personal purposes for the sum of \$50. Any laptops not purchased by the respective Members will then be offered for public sale in accordance with Council's Disposal of Property Policy after all Council documentation has been removed.

Installation of software and apps

All software and applications installed on the laptops is to be approved first by making contact with the Shire's current ITC Support.

Restrictions on accessing websites

While it is expected that Members may use the laptops to conduct research, communicate with people, store relevant documentation and photographs, Members are forbidden from using their council issued laptops to access pornographic websites, download or store pirated material or store pornographic or other images for any purpose that may be illegal or otherwise reflect badly on the reputation of the Shire.

Maintenance

All maintenance on the laptops shall be the responsibility of the Shire of Toodyay, and only be performed by its appointed ITC Support.

Members are to report maintenance and technical issues to the CEO of the Shire who will then refer the matter to the Shire's designated ICT Support staff or contractors for resolution.

Confidentiality

It is a requirement that laptops be password protected in an attempt to prevent unauthorised access. Members are not to make their laptop available to anyone else for use and shall not divulge their password to anyone.

The forwarding, sharing or allowance of viewing of any confidential material contained on the laptops or within the Councillor Bigtinan Hub platform to anyone is not permitted.

Records

Members must acknowledge that all information and documents contained at any time on the laptops remains the property of the Shire of Toodyay and at any time may be the subject of a Freedom of Information (FOI), or Police, Crime and Corruption Commission or other competent authority inquiry and as such may be made available to any of these investigating bodies. In addition all documents, images, sound recordings and emails are subject to the State Records Act 2000 and as such form part of the official record of the Shire of Toodyay and therefore must be maintained in accordance with the Act.

Security

Members are wholly responsible for the security of their Shire issued laptops and must make every effort to keep their laptops secure at all times. In the event that a laptop is misplaced, lost or stolen, the Member must advise the CEO immediately so that appropriate steps may be taken.

6. Gifts to Council Members

Any Member may request Council to consider giving a gift to a Member in accordance with the Regulations.

Reference Information

- [Disposal of Property Policy](#) (FIN12);
- [Attendance at Events Policy](#) (GOV14);
- [Continuing Professional Development Policy](#) (GOV9);
- [Council Delegates Roles and Responsibilities Policy](#) (GOV12); and
- [Risk Management](#) (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995

- s.5.98 Fees for Council Members.
- s.5.98A. Allowance for deputy mayor or deputy president
- s.5.99. Annual fee for council members in lieu of fees for attending meetings
- s.5.99A. Allowances for council members in lieu of reimbursement of expenses
- s.5.100A. Gifts to council members

Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)

- r.30 Meeting attendance fees (Act s. 5.98(1) and (2A))
- r.31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

Associated documents

Expense Reimbursement Form.

25/05/2022 (46.3)

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Local Government Payments and Gifts to Members

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Version control information

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25/05/2022 (46.3)

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Local Government Payments and Gifts to Members

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Local Government Payments and Gifts to Members

Introduction

This policy is intended to ensure that any payments made to Members are compliant with legislative provisions contained in Division 8 of the *Local Government Act 1995* (the Act).

Objective

To provide guidance in relation to local government payments to Members in accordance with The Determination, and any subsequent Determination Variations made by the Salaries and Allowances Tribunal, pursuant to Section 7B and 7BAA of the *Salaries and Allowances Act 1975*. This policy also provides guidance in relation to the management and use of laptops issued to Elected Members.

Scope

This policy applies to Elected Members and Independent Committee Members.

Definitions

Term	Definition
Act	<i>Local Government Act 1995</i> .
CEO	Chief Executive Officer
Committee Meeting	a meeting of a committee of a council where the committee comprises – (a) council members only; or (b) council members and independent committee members;
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Determination Variation	A variation made by the Salaries and Allowances Tribunal where they issue a determination to vary The Determination initially made; as The Determinations are made once every 12 months in accordance with the current Salaries and Allowances Act
Independent Committee Member	A person who is a committee member but who is neither a council member nor an employee (s5.100(1) of the <i>Local Government Act 1995</i>).

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Local Government Payments and Gifts to Members

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Term	Definition
ITC Expenses *	(a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the <i>Local Government (Administration) Regulations</i> ; or (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the <i>Local Government (Administration) Regulations</i> .
ITC Support	Information Technology (Provider) Contractors.
Logbook	A logbook is a record kept that will provide evidence of: <ul style="list-style-type: none"> • details of kilometres travelled for business and for private use; • odometer readings on which a member estimates fuel and oil use; and • a member's other car expenses (i.e. parking and fuel receipts would be kept with the logbook). <p><i>Note: A signed copy of the logbook page, together with original copies of the receipts would be attached to the reimbursement form that will be submitted by members for reimbursement.</i></p>
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of a committee.
Other Expenses	Expenses that may be incurred by Members outside of this policy (e.g. dry-cleaning).
Regulations	<i>Local Government (Administration) Regulations 1996.</i>
SAT	Salaries and Allowances Tribunal.
Shire	The Shire of Toodyay.
Shire President	A mayor or president elected by the council from amongst the councillors.
The Determination	The Local Government CEO and Elected Members determination as "determined" by the Salaries and Allowances Tribunal under the <i>Salaries and Allowances Act 1975</i> section 7B. (s.5.98 of the Act).
Travel and Accommodation Expenses *	(a) travel costs, as prescribed by regulation 31(1)(b) and (c) of the <i>Local Government (Administration) Regulations</i> ; or (b) any other expenses that relate to travel or accommodation and that are a kind of expense prescribed by regulation 32(1) of the <i>Local Government (Administration) Regulations</i> .

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Note: Definitions marked with an * have been derived from the Local Government Chief Executive Officers and Elected Members determination made by the Salaries and Allowances Tribunal.

Policy Statement

The entitlement of an Elected Member, or Independent Committee Member to a fee, allowance or reimbursement of an expense within the limitations of The Determination; or established under the Act (or Regulations) is in accordance with this policy.

Any eligible claim against those entitlements is to be paid in accordance with the applicable financial procedures of the Shire.

1. Annual Attendance Fees – Elected Members

Pursuant to s.5.99 of the Act, all Elected Members shall receive an annual fee equal to 85% of the maximum annual fee determined by the Salaries and Allowances Tribunal under section 7B of the Salaries and Allowances Act.

2. Meeting Attendance Allowance – Independent Committee Members

Pursuant to s.5.100(2)(b) and (3)(b) of the Act, Independent Committee Members of the following Committees:

- Audit and Risk Committee;
- Environmental Advisory Committee; and
- Heritage Advisory Committee

shall receive a Meeting Attendance Allowance equal to 85% of the maximum prescribed meeting fee per meeting as determined by the Salaries and Allowances Tribunal under section 7BAA of the *Salaries and Allowances Act 1975*.

3. Annual Allowance - Shire President

Pursuant to s.5.98A of the Act, and Part 7: Annual Allowance for a Mayor, President, Chair, Deputy Mayor, Deputy President and Deputy Chair of The Determination made by the Salaries and Allowances Tribunal, the Shire President shall receive an annual allowance equal to 85% of the maximum value of the Annual Allowance for a Band 3 local government.

4. Annual Allowance - Deputy President

Pursuant to s.5.98A of the Act, and Part 7: Annual Allowance for a Mayor, President, Chair, Deputy Mayor, Deputy President and Deputy Chair of The Determination made by the Salaries and Allowances Tribunal, the Deputy Shire President shall be entitled to an annual allowance of not more than 25% of the Shire President's Annual Allowance as determined in Clause 3 of this policy.

Where the Deputy Shire President performs the functions of the Shire President for a period of no less than four months, the deputy will be entitled to receive the Shire President's Annual Allowance as determined in Clause 3 of this policy.

5. Reimbursement of Expenses

Regulations prescribe the types of expenses that are to be reimbursed to Members, on presentation of sufficient evidence of the cost of expenses incurred when attending a Council Meeting or a meeting of a committee of which he or she is also a Member.

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Local Government Payments and Gifts to Members

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A logbook will be issued to Members for the purpose of providing evidence to the Shire for reimbursement of expenses. Costs will not be reimbursed without sufficient evidence of the cost incurred being provided.

Prescribed expenses to be reimbursed by the Shire are as follows:

5.1 Childcare

Members are entitled to be reimbursed for childcare costs incurred as a result of the member's attendance at a meeting of which they are a member as prescribed in regulation 31 of the *Local Government (Administration) Regulations 1996*.

The extent to which Members can be reimbursed for childcare expenses shall be as determined by the Salaries and Allowances Tribunal.

5.2 Reasonable Travel Costs

Members are entitled to be reimbursed for travel costs incurred as a result of the member's attendance at a meeting of which they are a member as prescribed in regulation 31 of the *Local Government (Administration) Regulations 1996*.

The extent to which Members can be reimbursed for travel expenses shall be as determined by the Salaries and Allowances.

5.3 Other expenses

If Members incur expenses outside of this policy, Council may consider, on a case-by-case basis, reimbursement of other expenses in accordance with the r.32 of the *Local Government (Administration) Regulations* in line with The Determination.

6. Annual Allowance in lieu of Reimbursement of Expenses

6.1 ICT Allowance

In accordance with s.5.99A of the Act, Elected Members shall receive an ICT Allowance to the value of \$1,000, paid in four quarterly instalments; in lieu of being reimbursed for expenses specified in r.31 (1)(a) of the *Local Government (Administration) Regulations 1996*.

7. Provision of Equipment

Elected Members shall be issued with a laptop for the purpose of managing agendas, minutes and documentation related to their roles as Elected Members.

The laptops shall remain the property of the Shire of Toodyay until the time of disposal.

To ensure consistency of software and up-to-date technology, new laptops will be issued every 8 years, which is considered to be the maximum reliable life span.

Where a Member retires or is not re-elected within the 8-year period, the laptop will be returned to the Shire to be reissued to an incoming Member at their relevant swearing-in ceremony.

Disposal of Laptops

This will be in accordance with Council's Disposal of Property Policy.

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Local Government Payments and Gifts to Members

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Installation of software and apps

All software and applications installed on the laptops are to be approved by the Shire's ITC Support.

Restrictions on accessing websites

While it is expected that Members may use the laptops to conduct research, communicate with people, store relevant documentation and photographs, Members are forbidden from using their council issued laptops to access pornographic websites, download or store pirated material or store pornographic or other images for any purpose that may be illegal or otherwise reflect badly on the reputation of the Shire.

Maintenance

All maintenance on the laptops shall be the responsibility of the Shire of Toodyay, and only be performed by its appointed ITC Support.

Members are to report maintenance and technical issues to the CEO of the Shire who will refer the matter to the Shire's designated ICT Support staff or contractors for resolution.

Confidentiality

It is a requirement that laptops are password protected in an attempt to prevent unauthorised access. Members are not to make their laptop available to anyone else for use and shall not disclose their password to anyone.

The forwarding, sharing or allowance of viewing of any confidential material contained on the laptops or within the Council Hub or Teams Environments to anyone is not permitted.

Records

Members must acknowledge that all information and documents contained at any time on the laptops remains the property of the Shire of Toodyay and at any time may be the subject of a Freedom of Information (FOI), or Police, Crime and Corruption Commission or other competent authority inquiry and as such may be made available to any of these investigating bodies. In addition all documents, images, sound recordings and emails are subject to the *State Records Act 2000* and as such form part of the official record of the Shire of Toodyay and therefore must be maintained in accordance with the Act.

Security

Members are wholly responsible for the security of their Shire issued laptops and must make every effort to keep their laptops secure at all times. In the event that a laptop is misplaced, lost or stolen, the Member must advise the CEO immediately so that appropriate steps may be taken.

8. Gifts to Council Members

Any Member may request Council to consider giving a gift to a Member in accordance with the Regulations.

Reference Information

- [Salaries and Allowances Tribunal Determination](#)

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Local Government Payments and Gifts to Members

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- [Disposal of Property Policy](#) (FIN12);
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- [Council Delegates Roles and Responsibilities Policy](#) (GOV12); and
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Legislation

Local Government Act 1995

Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)

Associated documents

Expense Reimbursement Form

Document control information	
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Date of next review	8 March 2027

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Risk Management Framework

- Risk Management Policy
- Risk Management Procedures

Approved by Council Resolution on DATE here
Resolution Number: here

Suzie Haslehurst, CEO

Date

Cr M McKeown, Shire President

Date



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Risk Management Framework



Introduction

The Risk Management Framework (RMF) for the Shire of Toodyay ("the Shire") will be integrated into the Shire's processes. The RMF describes the policy, responsibilities, approach and processes for identifying, assessing, managing, reporting and monitoring risks within the Shire. All components of the RMF are based on the Australia/New Zealand Standard ISO 31000:2018 Risk Management and have been developed in the context of the *Local Government Act 1995* and associated regulations. It includes a description of the resources and processes to ensure the RMF is monitored, reviewed and continually improved.

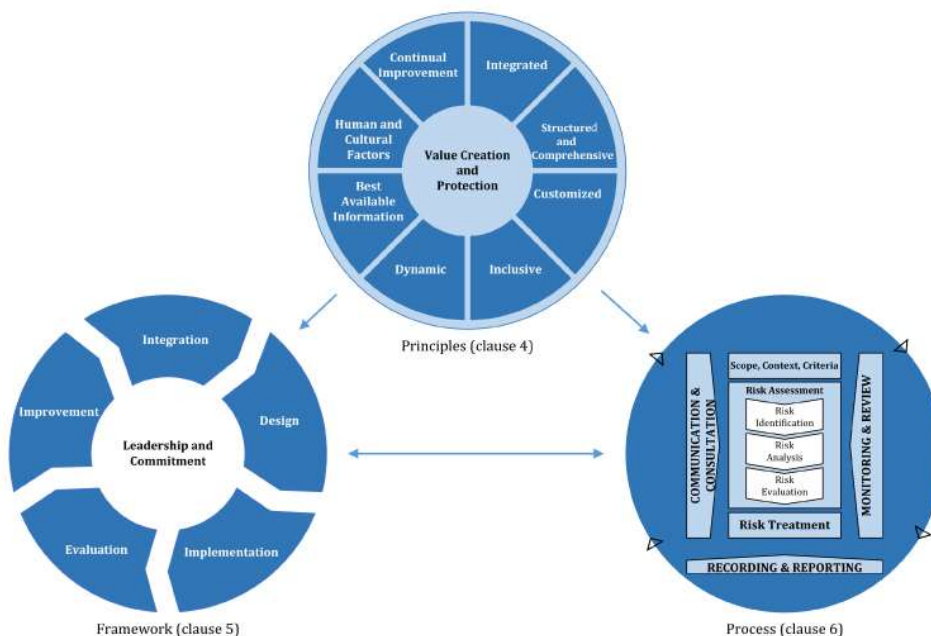
The Shire is committed to implementing practical and comprehensive risk management, ensuring effective risk management remains central to the Shire's activities. It is essential that all areas of the Shire adopt these procedures to ensure:

- Strong corporate governance.
- Compliance with relevant laws, regulations and internal policies.
- Integrated Planning and Reporting requirements are met.
- Effective and efficient risk management, communicating its value and explaining its intention and purpose.
- Uncertainty and its effects on objectives is understood.

The RMF applies to all Shire activities. It encompasses full-time, part-time, casual and temporary or contracted workers; applies to Shire-wide risk and includes consideration of visitors, third parties and key stakeholders. The RMF aims to balance a documented, structured and systematic process with the current size and complexity of the Shire as well as existing time, resource and workload pressures.



Figure 1 — Principles, framework and process



Principles

The principles of risk management, as outlined in the Australia/New Zealand Standard ISO 31000:2018, form a critical framework for ensuring effective risk management practices within the Shire. These principles serve as guiding pillars for safeguarding the Shire's interests, assets, and stakeholders.

For risk management to be effective, it needs to create and protect value. The Shire endeavours to make sure that risk management will contribute to the demonstrable achievement of objectives and aids in improving performance, efficiency in operations and the promotion of good governance, trust and credibility. It is:

Continual Improvement: lies at the heart of risk management within the Shire of Toodyay. By continuously assessing, monitoring, and refining risk management processes, the Shire can adapt to evolving circumstances, emerging threats, and changing stakeholder expectations. This ensures that risk management practices remain relevant and effective in mitigating potential risks and seizing opportunities. The Shire will undertake regulatory review on an annual basis that will provide a snapshot and gap analysis to what needs to be improved. Risk management continually improves through learning and experience.

Integration: of risk management into organizational processes is essential for embedding risk-aware decision-making throughout the Shire's operations. By integrating risk management practices into strategic planning, budgeting, project management, and other core functions, the Shire can proactively identify and address risks at every level of the organisation, fostering a culture of risk-awareness and resilience. into organisational processes.

Risk management is not a stand-alone activity that is separate from other activities and processes. It is in every document that is written, and every policy, business paper prepared by Shire Officers for the Council;

and strategies and plans developed by the Shire. It is a demonstrable part of the Council's Plan and through its processes it is a factor that must be considered.

A structured and comprehensive: approach to risk management enables the Shire of Toodyay to systematically identify, analyse, evaluate, and treat risks across its diverse range of activities and functions. By adopting a structured methodology, such as the ISO 31000 framework, the Shire can ensure consistency and transparency in its risk management practices, enhancing accountability and facilitating effective communication both internally and with external stakeholders.

It is an expectation from the Shire's Elected Members, Audit and Risk Committee Membership, and Executive Management that the approach to risk management will deliver consistent, comparable and reliable results which can then be monitored and managed. This is evident with the use of standard templates and reporting mechanisms.

Customisation: of risk management approaches to suit the specific needs, priorities, and risk appetite of the Shire of Toodyay is essential for ensuring relevance and effectiveness. Rather than adopting a one-size-fits-all approach, the Shire must tailor its risk management practices to the unique characteristics of its operating environment, geographical location, organisational structure, and stakeholder requirements, thereby maximizing the value and impact of its risk management efforts. This means the risk management approaches will be proportionate to the organisations external and internal context related to its strategic objectives.

Inclusivity: is a key principle of risk management within the Shire of Toodyay, emphasizing the importance of engaging stakeholders from across the organisation and the wider community in the risk management process. By involving employees, elected members, community members, residents, businesses, and other relevant parties in risk identification, assessment, and decision-making, the Shire can draw upon a diverse range of perspectives and expertise to develop robust risk management strategies that reflect the needs and priorities of all stakeholders. Appropriate and timely involvement of stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management.

The Executive Management will discuss risks regularly and either accept them as a necessary part of conducting business or actively manage them to prevent or reduce the severity of disruptions or impacts to objectives. Appropriate and timely involvement of stakeholders ensures that risk management remains relevant and allows stakeholders to be properly represented to have their views considered.

Dynamic: risk management involves recognizing that risks are constantly evolving and adapting to changes in the internal and external environment. By adopting a dynamic approach to risk management, the Shire of Toodyay can respond quickly and effectively to new threats, opportunities, and challenges as they arise, minimizing potential impacts and maximizing resilience. Risk management anticipates, detects, acknowledges, and responds to risks that emerge, change or disappear as the organisation's external and internal context changes.

Utilising the Best available information: is crucial for informed decision-making and risk management within the Shire of Toodyay. By gathering, analysing, and leveraging relevant data, insights, and expertise from both internal and external sources, the Shire can make more accurate assessments of risks and their potential impacts, enabling more effective risk treatment and resource allocation. The inputs to risk management are based on both historical and current information, as well as on present and future expectations. Risk management considers any limitations and uncertainties associated with information and expectations. Information should be timely, clear and available to relevant stakeholders.

Acknowledging and addressing and Human and Cultural factors: is essential for fostering a positive risk management culture within the Shire of Toodyay. By promoting open communication, trust, accountability, and learning from past experiences, the Shire can empower its employees to actively engage in risk management activities, take ownership of risk outcomes, and contribute to a safer, more resilient organisation. Human behaviour significantly influences all aspects of risk management, at all levels.

Risk Management Policy

The Shire of Toodyay ("the Shire") has a Risk Management Policy that documents the Shire's commitment to the principles, framework and process of managing risk as outlined in the AS/NZS ISO 31000:2018 Risk Management Guidelines. It aims to ensure that the Shire transparently meets its performance and conformance requirements in an accurate and timely manner.

The goal of the policy is to achieve best practice in the management of all risks that may affect the Shire, its customers, people, assets, functions, goals or objectives, strategies, operations or members of the public.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Executive Management Group will determine and communicate the Risk Management Policy, Objectives and Procedures, as well as direct and monitor implementation, practice and performance.

Every worker and elected member within the Shire is recognised as having a role in risk management.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

Definitions (from AS/NZS ISO 31000:2018)

Risk: Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected. It can be positive, negative or both; and can address, create or result in opportunities and threats.

Note 2: Objectives can have different aspects and categories such as financial, health and safety and environmental objectives; and can be applied at different levels such as strategic, organisation-wide, project, product or process.

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Stakeholder: a person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity.

Risk source: an element which alone or in combination has the potential to give rise to risk.

Event: an occurrence or change of a particular set of circumstances

Consequences: outcome of an event affecting objectives.

Likelihood: chance of something happening

Control: measure that maintains and/or modifies risk

Risk Management Objectives

Implementing Risk Management Objectives is crucial for the Shire to effectively identify, assess and mitigate risks across its operations. These objectives are aligned with the Shire's Council Plan and the

Shire's purpose which is that the Shire exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Enhance Community Safety and Well-being: One of the primary objectives for risk management within the Shire is to prioritize the safety and well-being of its residents and visitors. This objective involves identifying and mitigating risks associated with public infrastructure, facilities, events, and services to minimize the likelihood and impact of accidents, injuries, or other adverse events.

Protect Public Assets and Infrastructure: The Shire of Toodyay holds significant assets and infrastructure critical for delivering essential services and supporting community activities. Therefore, a key risk management objective is to safeguard these assets from threats such as natural disasters, vandalism, theft, or deterioration. This involves implementing preventive measures, maintenance programs, and contingency plans to ensure the resilience and longevity of public assets.

Ensure Financial Sustainability and Accountability: Financial risk management is essential for maintaining the Shire's fiscal stability and accountability to its stakeholders. Objectives in this area may include identifying and mitigating risks related to budgetary constraints, revenue fluctuations, investment decisions, procurement processes, and compliance with regulatory requirements. By managing financial risks effectively, the Shire can optimize resource allocation and uphold its commitment to transparent and responsible financial management.

Promote Environmental Sustainability: As stewards of the natural environment, the Shire of Toodyay has a responsibility to mitigate risks that may impact local ecosystems, biodiversity, and environmental quality. This objective entails identifying and managing risks associated with land use planning, waste management, pollution control, climate change adaptation, and ecological conservation initiatives. By integrating environmental considerations into decision-making processes, the Shire can minimize its environmental footprint and contribute to sustainable development goals.

Strengthen Governance and Compliance: Effective governance and regulatory compliance are essential for maintaining public trust, integrity, and legal legitimacy within the Shire of Toodyay. Risk management objectives in this area may include ensuring adherence to relevant legislation, policies, and standards, as well as addressing risks related to conflicts of interest, ethical misconduct, data privacy, and information security. By fostering a culture of accountability and transparency, the Shire can mitigate reputational risks and demonstrate its commitment to good governance practices.

These risk management objectives provide a strategic framework for the Shire of Toodyay to proactively identify, prioritize, and address risks that may impact its operations, stakeholders, and broader community. By aligning risk management efforts with organizational goals and values, the Shire can enhance its resilience, sustainability, and ability to effectively navigate uncertainty in an ever-changing environment.

Risk Appetite

Establishing a clear and well-defined risk appetite is essential for guiding decision-making processes, allocating resources, and prioritising risk management efforts.

The Council Plan was referred to in the development of the Shire's risk appetite which outlines the Shire's tolerance for uncertainty. Risk assessment and acceptance criteria play a critical role in defining the Shire's risk appetite and enabling consistent and informed decision making. These criteria provide guidelines for evaluating risks based on their likelihood, potential impact, and alignment with organisational objectives. By establishing clear assessment criteria, the Shire can systematically identify, prioritise, and manage risk in a structured manner, ensuring that resources are allocated effectively and risk treatment measures are proportionate to the level of risk.

In addition to operational requirements such as projects or external stakeholder demands, the Shire may encounter situations where alternative risk assessment criteria are proposed. However, it's imperative that these criteria remain within the organisation's established risk appetite and are duly noted in the assessment of individual risks. Any deviations from the standard criteria must be approved by a member

of the Executive Management Group to ensure consistency and alignment with the Shire's overall risk management framework.

By integrating risk appetite considerations into decision-making processes and risk management practices, the Shire of Toodyay can enhance its resilience, agility, and ability to navigate uncertainty effectively. A well-defined risk appetite framework enables the Shire to strike a balance between embracing opportunities for innovation and growth while mitigating potential threats to its mission, reputation, and sustainability. Ultimately, a proactive approach to risk appetite management empowers the Shire to achieve its objectives with confidence and integrity, even in the face of evolving challenges and uncertainties.

The Shire's has defined its risk appetite through the development of the Shire's Risk Assessment and Acceptance Criteria (Refer to Appendix A, B and C). The Risk Management Policy makes reference to these tables and is subject to ongoing review in conjunction with the RMF.

Roles, Responsibilities & Accountabilities

Chief Executive Officer

The CEO is responsible for the distribution of roles, responsibilities and accountabilities.

Council

- Review and approve the Shire's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Appoint / Hire External Auditors to report on the financial statements annually.
- Establish and maintain an Audit and Risk Committee in accordance with the Local Government Act.

Audit and Risk Committee (refer to r.16 of the *Local Government (Audit) Regulations 1996*)

- Guide and assist Council in ensuring effective corporate governance.
- Independent, objective and autonomous in deliberations.
- Recommendations to Council on the appointment of External Auditors (refer to s.7.3(1) of the *Local Government Act 1995*).
- To support the Auditor of the local government in matters related to External Audits.

CEO / Executive Management Group

- Undertake internal Audits as required by Local Government (Audit) regulations.
- Liaise with Council regarding risk acceptance requirements.
- Approve and review the relevance and effectiveness of the Risk Management Framework.
- Promote the coherent integration of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from risk issues.
- Own and manage the Risk Profiles at Shire Level.

Risk Framework Owner

- Oversee and facilitate the Risk Management Framework.
- Promote risk management within operational areas.

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Risk Management Framework

- Support reporting requirements for risk matters.
- Monitor KPI's to detect risk.

Managers / Teams

- Promote the culture of risk management in work areas.
- Own, manage and report on specific risk issues as required.
- Assist in the risk and control management process, as needed.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'risk management' into management meetings, including the following items on the agenda:
 - New or emerging risks.
 - Examine existing risks.
 - Adequacy of control.
 - Outstanding questions and actions.

Monitor & Review

The Shire will implement and integrate a monitoring and review process to report on the achievement of risk management objectives, management of individual risks, and the ongoing identification of issues and trends.

This framework will be reviewed by the Shire's Executive Management Group and will be formally reviewed by Council every two years.

Signed: Date: ____/____/____

Suzie Haslehurst, Chief Executive Officer

Risk Management Procedures

Governance

Appropriate governance of risk management within the Shire of Toodyay (the "Shire") provides:

- Transparency of decision making.
- Clear identification of roles and responsibilities of risk management functions.
- An effective governance structure to support the risk framework.

Framework Review

The RMF is to be reviewed every two years to ensure it is relevant and effective.

Operating Model

The Shire has adopted a comprehensive "Three Lines of Defence" model to address and mitigate risks effectively. This model ensures clear roles, decision-making responsibilities and accountabilities are established, fostering effective governance and assurance across the organisation. By adhering to this model within approved frameworks and risk appetite, the Shire, Council, Management and community can have confidence that risks are managed effectively to support the achievement of strategic, corporate & operational objectives.

By integrating the following elements into the operating model, the Shire can effectively address and mitigate risks across all levels of the organisation while promoting a culture of risk awareness, accountability, and continuous improvement. This comprehensive approach ensures that risks are managed proactively and transparently, ultimately safeguarding the Shire's interests and supporting the achievement of its strategic objectives.

First Line of Defence

The **operational** areas of the Shire constitute the **first line of defence**. Their responsibilities include:

- Establishing and implementing appropriate processes and controls for risk management, aligned with established procedures and guidelines.
- Conducting thorough risk assessments and analysis to support informed decision-making.
- Preparing risk acceptance proposals where necessary, based on the assessment of residual risk levels.
- Maintaining primary accountability for the ongoing management of risks within their scope and control environment.

Risk management is everyone's responsibility. The first line of defence is achievable through:

Improving Induction Processes:

To enhance risk awareness and understanding among Workers, the Shire will incorporate risk management training into its induction processes for new employees. This training will cover the principles of risk management, the roles and responsibilities of each line of defence, and the procedures for identifying, assessing, and managing risks within their respective areas.

Communication and Consultation:

Regular communication channels will be established to facilitate collaboration and consultation among the three lines of defence. This includes periodic meetings, reporting mechanisms, and feedback loops to ensure alignment and coordination in risk management efforts.

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Risk Assessment, Identification, Analysis, and Evaluation:

The Shire will employ best practices in risk assessment methodologies contained within the RMF to identify, analyse, and evaluate risks across all operational areas. This will involve leveraging both quantitative and qualitative techniques to assess the likelihood and impact of risks and prioritise them based on their significance to organisational objectives.

Formulating Risk Treatments:

Once risks are identified and evaluated, appropriate risk treatment strategies will be developed to mitigate, transfer, or accept risks based on their level of significance and alignment with the Shire's risk appetite. These strategies will be documented, communicated, and implemented effectively across the organisation.

Second Line of Defence

The Shire's RMF owner, supported by the Executive Management Group, and in collaboration and liaison with the LGIS Risk Management Coordinator, serves as the primary second line of defence. Responsibilities include:

- Owning and managing the risk management framework, including the development and implementation of governance procedures.
- Providing necessary tools, resources, and training to support the risk management processes of the first line of defence.
- Conducting independent oversight of risk issues and monitoring emerging risks.
- Coordinating risk reporting to the CEO, the Executive Management Group, the Middle Management Group and the Audit and Risk Committee.

This 2nd line of defence is achievable through:

Monitoring and Review:

Continuous monitoring and review mechanisms will be established to track the effectiveness of risk treatments and control measures (i.e. a Dashboard). This includes regular performance monitoring, key risk indicator tracking, and periodic reassessment of risks to ensure that they remain within acceptable tolerances.

Recording and Reporting:

Accurate and transparent recording and reporting mechanisms will be implemented to document all risk management activities, including risk assessments, treatment plans, and monitoring activities. Regular reporting will be provided to relevant stakeholders, including the CEO, Executive Management Group, Audit and Risk Committee, and Council, to provide visibility into the organisation's risk profile and mitigation efforts.

Third Line of Defence

Internal self-audits and external audits form the third line of defence, providing assurance on the effectiveness of business operations and oversight frameworks.

Internal Audit: Appointed by the CEO, internal audit reports on the adequacy and effectiveness of internal control processes and procedures.

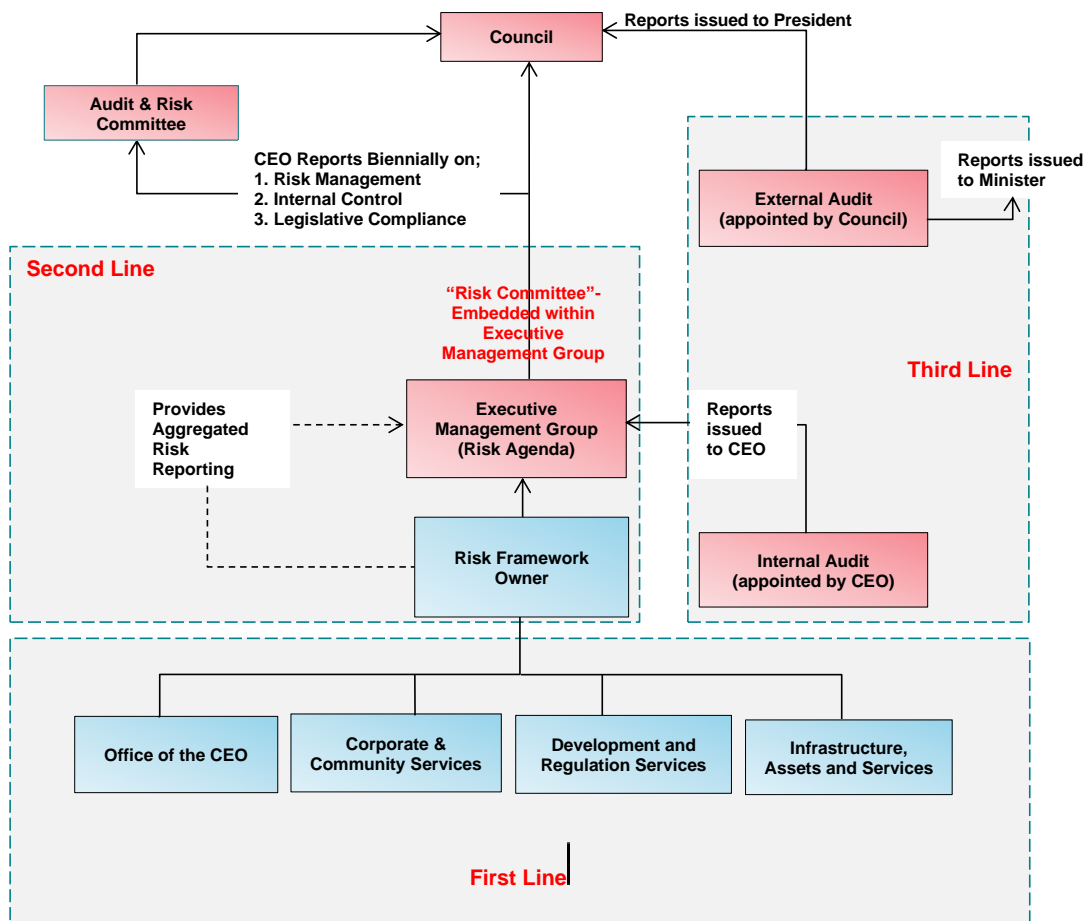
The scope of internal audit activities is determined by the CEO in consultation with the Audit and Risk Committee.

External Audit: Appointed by Council on the recommendation of the Audit and Risk Committee, external audit provides independent assurance on the annual financial statements.

External audit reports directly to the President and CEO on financial matters.

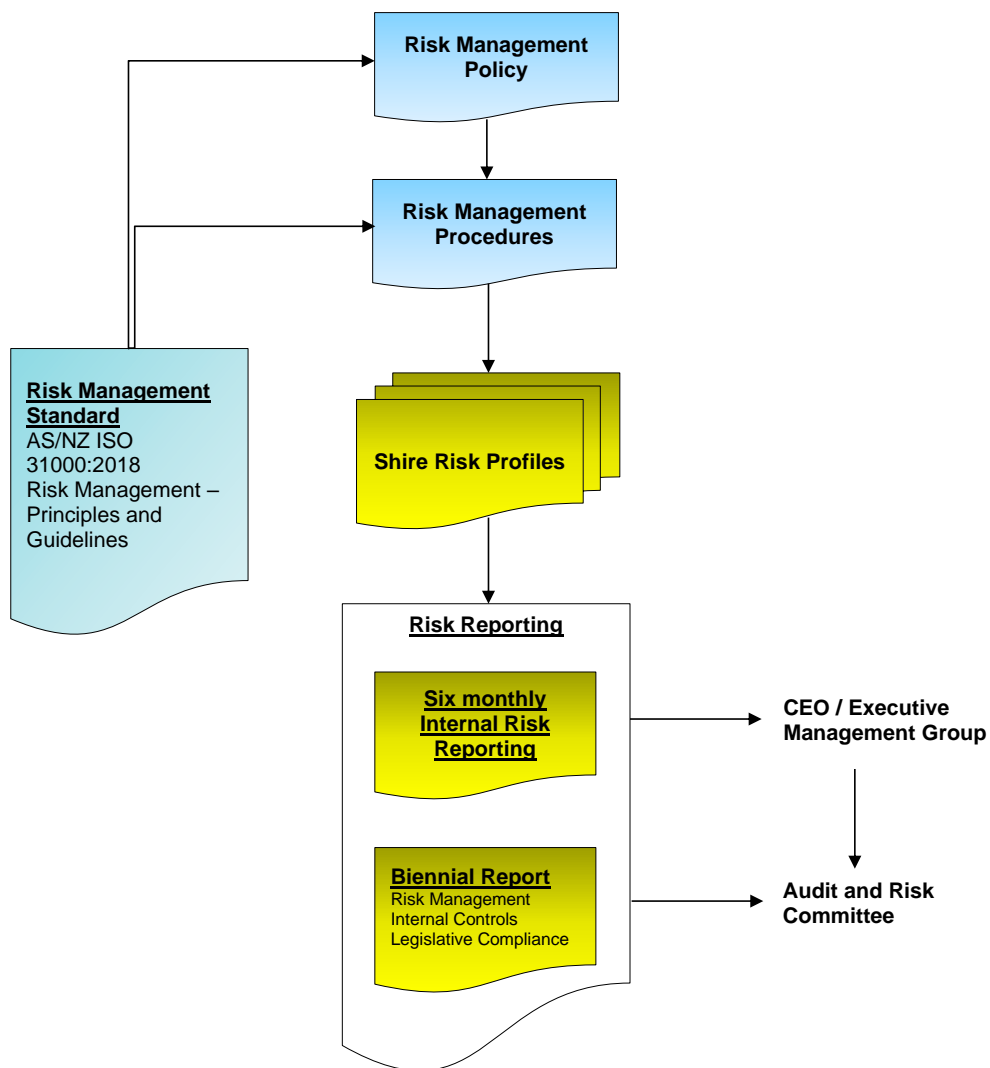
Governance Structure

The following diagram describes the current operational structure for risk management within the Shire.



Document Structure (Framework)

The following diagram illustrates the relationship between the risk management policy, procedures and supporting documents and reports.



Risk & Control Management

All areas of work within the Shire are required to assess and manage risk profiles on an ongoing basis.

Each Manager, in collaboration with the risk framework owner is responsible for ensuring that risk profiles:

- Reflect the significant risk landscape of the Shire.
- Are reviewed at least every six months, or sooner in the event of restructuring or significant change in the risk and control environment.
- Are maintained in standard format.

This process is supported by the use of data capture, workshops and ongoing business engagement.

Risk & Control Assessment

To ensure alignment with AS/NZ ISO 31000:2018 Risk Management, the following approach should be taken from a risk assessment and controls perspective:

A: Establishing the Context

The first step in the risk management process is to understand the context within which the risks are to be assessed and what is being assessed, this forms two elements:

(a) Organisational Context

The Shire's Risk Management Procedures provide the basic information and guidance regarding the organisational context to conduct a risk assessment; this includes Risk Assessment and Acceptance Criteria (Appendix A) and any other tolerance tables as developed. In addition, existing Risk Themes are to be utilised (Appendix C) where possible to assist in the categorisation of related risks.

Any changes or additions to the Risk Themes must be approved by the Governance Officer and CEO.

All risk assessments are to utilise these documents to allow consistent and comparable risk information to be developed and considered within planning and decision making processes.

(b) Specific Risk Assessment Context

To direct the identification of risks, the specific risk assessment context is to be determined prior to and used within the risk assessment process. For risk assessment purposes the Shire has been divided into three levels of risk assessment context as follows:

1. Strategic Context

This constitutes the Shire's external environment and high-level direction. Inputs to establishing the strategic risk assessment environment may include;

- Organisation's Vision
- Stakeholder Analysis
- Environment Scan / SWOT Analysis
- Existing Strategies / Objectives / Goals

2. Operational Context

The Shire's day to day activities, functions, infrastructure and services. Prior to identifying operational risks, the operational area should identify its Key Activities i.e.

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Risk Management Framework

what is trying to be achieved. Note: these may already be documented in business plans, budgets etc.

3. Project Context

Project Risk has two main components:

- **Direct** refers to the risks that may arise as a result of project activity (i.e. impacting on current or future process, resources or IT systems) which may prevent the Shire from meeting its objectives
- **Indirect** refers to the risks which threaten the delivery of project outcomes.

In addition to understanding what is to be assessed, it is also important to understand who are the key stakeholders or areas of expertise that may need to be included within the risk assessment.

B: Risk Identification

Using the specific risk assessment context as the foundation, and in conjunction with relevant stakeholders, answer the following questions, capture and review the information within each Risk Profile.

- What can go wrong? / What are areas of uncertainty? (Risk Description)
- How could this risk eventuate? (Potential Causes)
- What are the current measurable activities that mitigate this risk from eventuating? (Controls)
- What are the potential consequential outcomes of the risk eventuating? (Consequences)

C: Risk Analysis

To analyse the risks, the Shire's Risk Assessment and Acceptance Criteria (Appendix A) is applied:

- Based on the documented controls, analyse the risk in terms of Existing Control Ratings
- Determine relevant consequence categories and rate how bad it could be if the risk eventuated with existing controls in place (Consequence)
- Determine how likely it is that the risk will eventuate to the determined level of consequence with existing controls in place (Likelihood)
- By combining the measures of consequence and likelihood, determine the risk rating (Level of Risk)

D: Risk Evaluation

The Shire is to verify the risk analysis and make a risk acceptance decision based on:

- Controls Assurance (i.e. are the existing controls in use, effective, documented, up to date and relevant)
- Existing Control Rating
- Level of Risk
- Risk Acceptance Criteria (Appendix A)
- Risk versus Reward / Opportunity

The risk acceptance decision needs to be documented and acceptable risks are then subject to the monitor and review process. Note: Individual Risks or Issues may need to be escalated due to urgency, level of risk or systemic nature.

E: Risk Treatment

For unacceptable risks, determine treatment options that may improve existing controls and/or reduce consequence / likelihood to an acceptable level.

Risk treatments may involve actions such as avoiding, sharing, transferring or reducing risk with the selection and implementation of treatment to be based on;

- Cost versus benefit
- Ease of implementation
- Alignment with organisational values / objectives

Once a treatment has been fully implemented, the Governance Officer is to review the risk information and acceptance decision with the treatment now noted as a control and acceptable risks then subject to the process of monitoring and review (See Risk Acceptance section).

F: Monitoring & Review

The Shire is to review all Risk Profiles at least on a six-monthly basis or if triggered by one of the following;

- Changes to context,
- A treatment is implemented,
- An incident occurs or due to audit/regulator findings.

The Risk Framework Owner (RFO) is to monitor the status of risk treatment implementation and report on, if required.

The CEO & Executive Management Group will monitor significant risks and treatment implementation as part of their normal agenda item on a quarterly basis with specific attention given to risks that meet any of the following criteria:

- Risks with a Level of Risk of High or Extreme
- Risks with Inadequate Existing Control Rating
- Risks with Consequence Rating of Extreme
- Risks with Likelihood Rating of Almost Certain

The design and focus of the Risk Summary report will be determined from time to time on the direction of the CEO & Executive Management Group. They will also monitor the effectiveness of the Risk Management Framework ensuring it is practical and appropriate to the Shire.

G: Communication & Consultation

Throughout the risk management process, stakeholders will be identified, and where relevant, be involved in or informed of outputs from the risk management process. Council, through the Audit and Risk Committee will be provided with six-monthly update reports.

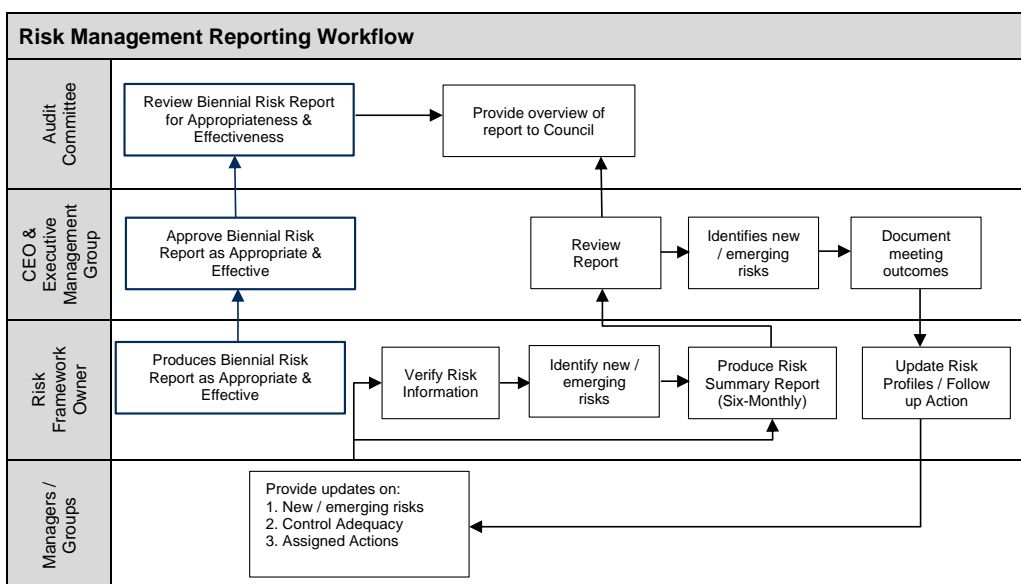
Risk management awareness and training will be provided to staff as part of their WHS Program.

Risk management will be included within the employee induction process to ensure new employees are introduced to the Shire's risk management culture.

Reporting Requirements

Coverage & Frequency

The following diagram provides a high level view of the ongoing reporting process for Risk Management.



Each Work Area is responsible for ensuring:

- They continually provide updates in relation to new and emerging risks, control effectiveness and indicator performance to the RMF Owner.
- Work through assigned actions and provide relevant updates to the RMF Owner.
- Risks / Issues reported to the CEO and Executive Management Group are reflective of the current risk and control environment.

The RMF Owner is responsible for:

- Ensuring Shire Risk Profiles are formally reviewed and updated, at least on a six monthly basis or when there has been a material restructure, change in risk ownership or change in the external environment.
- Producing a six-monthly Risk Report for the CEO and Executive Management Group which contains an overview Risk Summary for the Shire.
- Maintaining the Shire’s Compliance Calendar and reporting to the Audit and Risk Committee on an annual basis.
- Annual Compliance Audit Return completion and lodgement.

Indicators

Indicators should be used to monitor and validate risks and controls. The following describes the process of creating and reporting Indicators:

Identification

The following represent minimum standards when identifying risks and appropriate Indicator controls:

- The description of the risk and the occasional factors are fully understood
- The Indicator is fully relevant to the risk or control
- Predictive Indicators are adopted wherever possible
- The indicators provide adequate coverage on monitoring risks and controls

Assess Data Quality and Integrity

In all cases, an assessment of data quality and integrity must be carried out to ensure that the Indicator data is relevant to the risk or Control.

Where possible, the source of the data (data owner) should be independent to the risk owner. Overlapping Indicators can be used to provide a level of assurance on data integrity.

If the data or source changes during the life of the Indicator, the data is required to be revalidated to ensure reporting of the Indicator against a consistent baseline.

Benchmarks

Benchmarks are established based on the Shire's Risk Appetite. They can be set and agreed at three levels:

- Red – appetite for external risk; the Indicator must be escalated to the CEO and Executive Management Group where appropriate management actions should be defined and implemented to bring the measurement back within appetite.
- Amber/Orange – the Indicator must be closely monitored and relevant actions defined and implemented to bring the measurement back within the green tolerance.
- Green – within the limits of appetite; no action necessary.

Monitor & Review

All active Indicators are updated according to their frequency specified in the data source.

When tracking and reviewing Indicators, the overall trend should be considered over a longer period of time than individual data movements. The trend of Indicators is specifically used as input to the assessment of risks and controls.

Risk Acceptance

Day-to-day operational management decisions are generally managed within the delegated authority of the Shire.

Acceptance of risks *outside* the appetite framework is a decision by management to accept, within levels of authority, significant risks that will remain outside the appetite framework (refer Appendix A – Risk Assessment & Acceptance Criteria) for an extended period (usually 3 months or more).

The following process is designed to provide a framework for identified risks *outside* of the appetite framework.

The 'Risk Acceptance' must be in writing, signed by the relevant Manager and cover:

- A description of the risk.
- A risk assessment (e.g. Impact consequence, materiality, likelihood, working assumptions etc)
- Details of any mitigating action plans or treatment options in place
- An estimate of the planned remediation date.

Reasonable steps must be taken to mitigate the risk. Lack of budget to address significant risk outside of appetite is not in itself sufficient justification for accepting risk.

Accepted risks should be continually reviewed through a standard operational reporting structure (i.e. Executive Management Group)

Annual Controls Assurance Plan

The 10 year assurance cycles plan is a monitoring schedule prepared by the Executive Management Group that defines the monitoring assurance activities to be conducted over the next 12 months. It is submitted annually to the Audit and Risk Committee for review.

This plan must take into account the following elements:

- Coverage of all risk classes (Strategic, Operational, Project)
- Existing control adequacy ratings across the Shire's Risk Profiles.
- Consider control coverage across a range of risk themes (where commonality exists).
- Creating profiles around materials controls to facilitate design and operational effectiveness reviews.
- Taking into account significant incidents.
- Nature of operations
- Additional or existing 2nd line assurance information or reviews (e.g. HR, Financial Services, IT)
- Frequency of checks and inspections carried out
- Review and development of Indicators
- Timetable for assurance activities
- Reporting requirements

Whilst this document and subsequent actions are owned by the CEO, input and consultation will be sought from individual Work Areas.



Appendix A – Risk Assessment and Acceptance Criteria

Shire of Toodyay - Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Near miss or First aid injuries	Less than \$10,000	No material service interruption – backlog cleared < 6 hours	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	\$10,001 - \$20,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury <30 Days	\$20,001 - \$200,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Long-term disability / multiple injuries >30 Days	\$200,001 - \$500,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$500,000	Indeterminate prolonged interruption of services – non-performance greater than > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Shire of Toodyay Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Shire of Toodyay Risk Matrix						
Likelihood	Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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Shire of Toodyay Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures, training and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring. Planned action is required.	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by CEO and Executive Management Group and also subject to monthly monitoring. Prioritised action is required.	Executive Managers / CEO
EXTREME (20-25)	Unacceptable	Immediate corrective action is required. The CEO must develop, explore and implement controls and treatment plans as soon as possible and report to Council and the Audit and Risk Committee the circumstances that have placed the Shire at risk; keeping them informed and managing and monitoring the situation, no matter the risk.	CEO / Council
Shire of Toodyay Existing Controls Ratings			
Rating	Foreseeable	Description	
Effective	There is little scope for improvement	Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested. Measures are in place for continual improvement to be undertaken where required	
Adequate	There is some scope for improvement.	Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing. Measures are in place for continual improvement to be undertaken where required	
Inadequate	A need for corrective and / or improvement actions	Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time. Workers responsible for actioning must act immediately to address any inadequacies, and	

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Shire of Toodyay Existing Controls Ratings		
Rating	Foreseeable	Description
	exist.	to rectify any issue that brings about non-compliance risks to the organisation.

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Appendix B – Risk Profile Template

Risk Assessment and Acceptance Criteria

Name: _____ Date: _____

Risk Theme Definition *(What could go right / wrong?)*

Potential causes include *(List potential causes)*

Controls *(What we have in place to prevent it going wrong)*

Controls	Type	Date	Shire Rating
_____	Detective	_____	_____
_____	Preventative	_____	_____
_____	Recovery	_____	_____

Overall Control Ratings _____

Consequences *(What are possible consequences?)*

Category of consequences	Risk Rating	Shire Rating
_____	Consequence _____	_____
_____	Likelihood _____	_____

Overall Risk Ratings _____

Indicators *(These would 'indicate' to us that something has gone right / wrong)*

List of Indicators	Type	Benchmark
_____	_____	_____
_____	_____	_____

Comments *Rationale for all above ratings*

List Current Issues / Actions / Treatments	Due Date	Responsibility
_____	_____	_____
_____	_____	_____

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Appendix B.0 – Implementation Risk Profile

DRAFT

Name: Implementation **Date:** 1 March 2024

Risk Theme Definition *(What could go right / wrong?)*

The risk associated with adapting the ISO31000 framework to suit the needs of the Shire.

Potential causes include *(List potential causes)*

- Lack of alignment between the framework and the Shire's specific requirements.
- Inadequate understanding or commitment from stakeholders.
- Insufficient resources allocated for implementation.

Controls *(What we have in place to prevent it going wrong)*

Controls / Implementation Strategy	Type	Date	Shire Rating
<ul style="list-style-type: none"> • Endorsement of risk management policy demonstrating commitment to risk management principles. • Risk Management Framework containing clear governance structure with defined roles, responsibilities, and authorities for risk management activities at all levels of the organization. • Risk Management Committee overseeing the implementation and effectiveness of the risk management framework. 	Leadership and Governance	_____	_____
<ul style="list-style-type: none"> • Risk Identification Procedures. • Risk Assessment Criteria. • Risk Register capturing and tracking all identified risks, including relevant information such as risk owners, controls, and mitigation measures. 	Risk Identification and Assessment	_____	_____
<ul style="list-style-type: none"> • Risk Treatment Plans (e.g. the business continuity plan) 	Risk Treatment and Control Implementation	_____	_____
<ul style="list-style-type: none"> • Training and Awareness sessions and induction processes to educate employees about the importance of risk management, their roles and responsibilities, and the processes involved in managing risks 	Communication and Consultation	_____	_____
<ul style="list-style-type: none"> • Internal audits and reviews will assess compliance with the risk management framework, identify areas for improvement, and ensure continuous enhancement of risk management processes 	Monitoring and Review	_____	_____

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Controls <i>(What we have in place to prevent it going wrong)</i>			
Controls / Implementation Strategy	Type	Date	Shire Rating
<ul style="list-style-type: none"> Maintain accurate and comprehensive records of all risk management activities, including risk assessments, treatment plans, control implementation, and monitoring activities. 	Documentation and Record-keeping		
<ul style="list-style-type: none"> Feedback through staff information sessions and meetings regarding risk management processes. 	Continuous Improvement		
Overall Control Ratings _____			

Consequences <i>(What are possible consequences?)</i>			
Category of consequences	Risk Rating <i>Consequence (C) / Likelihood (L)</i>	Shire Rating	
Ineffective risk management practices.	C/L	_____	_____
Failure to address critical risks.	C/L	_____	_____
Compliance issues with regulatory requirements.	C/L	_____	_____
Overall Risk Ratings _____			

Indicators <i>(These would 'indicate' to us that something has gone right / wrong)</i>		
List of Indicators	Type	Benchmark
<ul style="list-style-type: none"> Changes in factors influencing scenario likelihood, effectiveness of response strategies and warning signs of scenario occurrence 	_____	_____
<ul style="list-style-type: none"> Ineffectiveness of controls, near miss incidents, changes in the operating environment 	_____	_____
<ul style="list-style-type: none"> Frequency of initiating events, ineffectiveness of response actions and probability of consequence pathways 	_____	_____

Comments *Rationale for all above ratings*

List Current Issues / Actions / Treatments	Due Date	Responsibility
<ul style="list-style-type: none"> Engage stakeholders actively through awareness sessions and training programs to educate stakeholders at all levels about the RMF and the development and refinement of risk management processes to ensure buy in and ownership. 	_____	_____



List Current Issues / Actions / Treatments	Due Date	Responsibility
<ul style="list-style-type: none"> Encourage stakeholders to proactively identify, assess and prioritise risks across the organisation through scenario analysis that would involve development of hypothetical scenarios representing potential future events or conditions. The analysis assesses the likelihood, impact and effectiveness of response strategies. 	_____	_____
<ul style="list-style-type: none"> Risk Register development to contain controls and mitigation measures to reduce or eliminate the likelihood or impact of identified risks, aligned with the Council Plan and risk tolerance. Key risk indicators to be defined through the risk register. 	_____	_____
<ul style="list-style-type: none"> Risk management group to meet regularly and oversee the implementation and adherence to the RMF. Regular internal audits and reviews to be undertaken to identify areas for improvement. 	_____	_____
<ul style="list-style-type: none"> Maintain accurate and comprehensive records of all risk management activities including risk assessments, treatment plans, control implementation and monitoring of activities. Ensure that recovery measures are in place through business continuity planning, and other corporate documents. The measures to be adjusted as necessary through obtaining feedback from stakeholders. 		

Appendix B.1 – Risk Profiling Risk Profile

DRAFT

Name: Risk Profiling **Date:** 1 March 2024

Risk Theme Definition *(What could go right / wrong?)*

The risk associated with the absence or inadequacy of developed risk profiles within the Shire

Potential causes include *(List potential causes)*

- Lack of expertise in risk assessment methodologies.
- Insufficient data or information for accurate risk identification.
- Failure to prioritize risk profiling activities

Controls *(What we have in place to prevent it going wrong)*

Controls	Type	Date	Shire Rating
• Risk Management Framework, procedure and policy	Governance	_____	_____
Overall Control Ratings			_____

Consequences *(What are possible consequences?)*

Category of consequences	Risk Rating <i>Consequence (C) / Likelihood (L)</i>	Shire Rating
Inability to identify and assess key risks effectively.	C/L _____	_____
Blind spots in risk management strategies.	C/L _____	_____
Increased vulnerability to unforeseen events and losses	C/L _____	_____
Overall Risk Ratings		_____

Indicators *(These would 'indicate' to us that something has gone right / wrong)*

List of Indicators	Type	Benchmark
Risk Register unpopulated	_____	_____
Risk Profiles not created	_____	_____

Comments *Rationale for all above ratings*

List Current Issues / Actions / Treatments	Due Date	Responsibility
Communicate with stakeholders	_____	_____
Invest in further training	_____	_____
Implement mechanisms for the development of and continuous monitoring and review of risk profiles	_____	_____

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Appendix C – Risk Theme Definitions

1. Asset Sustainability practices

This risk theme focuses on risks associated with the maintenance, upkeep, and sustainability of the Shire's physical assets, including infrastructure, facilities and equipment. Risks may include the following:

- Failure or reduction in service of infrastructure assets, facilities, plant, equipment or machinery. These include the fleet, buildings, roads, playgrounds, boat ramps and all other assets and their associated lifecycle from procurement to maintenance and final disposal. Areas included in the scope are;
 - Inadequate design (not fit for purpose)
 - Inefficient use (down time)
 - Results do not meet expectations
 - Inadequate maintenance practices/activities.
 - Inadequate financial management, depreciation, obsolescence, planning, and insufficient funding for asset renewal and replacement.
- It does not include issues related to improper use of plant, equipment or machinery. Refer to Misconduct.

2. Business Continuity

This theme encompasses risks related to the Shire's ability to maintain essential services, operations, and functions in the event of disruptive events or emergencies, such as natural disasters, pandemics, or technological failures. Risks may include:

- Failure to adequately prepare and respond to events that disrupt the local community and / or the Shire's normal business activities. The event may result in damage to buildings, properties, facilities, plant & equipment (all assets). This could be a natural disaster, a weather event, or an act committed by an external party (including vandalism). This also includes;
 - Absence (or inadequacy) of emergency response or preparedness / business continuity plans.
 - Reliance on vulnerable supply chains and insufficient back-up systems or contingency plans (i.e. the business continuity plan).
 - Lack of training of specific individuals or availability of appropriate emergency response.
 - Failure in command and control functions resulting from an incorrect initial assessment or inadvertent awareness of the incident.
 - Inadequacies in environmental awareness and monitoring of fuel loads, curing rates etc
- This does not include disruptions due to failures related to IT Systems or infrastructure - see "Failure of IT & communication systems and infrastructure".

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3. Failure to fulfil Compliance requirements

This theme addresses risks arising from the Shire's failure to meet legal, regulatory, or contractual obligations, including compliance with relevant laws, standards, policies, and procedures. Risks may include:

- Failures to properly identify, interpret, evaluate, respond and communicate laws and regulations due to an inadequate compliance framework. This could result in fines, penalties, Legal disputes (litigation), reputational damage, or increased scrutiny from regulators or agencies. This includes, new or proposed regulatory and legislative changes, in addition to the inability to keep legal documentation (internal & public domain) up to date to reflect the changes. This also includes loss of public trust or funding.
- This does not include Work, Health and Safety Act. See "Inadequate safety and security practices") or any Employment Practices based legislation (refer "Ineffective Employment practices)
- It does include the Local Government Act, Health Act, Building Act, Privacy Act and all other legislative based obligations for Local Government.

4. Document Management Processes

This theme focuses on risks associated with the Shire's document management practices including data security, integrity, accessibility, and compliance with records management requirements. Risks may include:

- Data breaches, loss of confidential information, unauthorised access or disclosure, and inadequate documentation of decision-making processes (i.e. failure to adequately capture, store, archive, retrieve, provide and / or dispose documentation. This includes:
 - Contact lists.
 - Procedural documents.
 - 'Application' proposals/documents.
 - Contracts.
 - Forms, applications or other documents.

5. Employment practices

This theme encompasses risks related to the Shire's management of human resources including recruitment, engagement, retention, performance management and employee relations. Risks may include:

- Inability to effectively manage and lead human resources (full/part time, casuals, temporary and voluntary). This includes not having an effective Human Resources Framework, not having suitably qualified or experienced people in the right roles or not having sufficient staff to achieve objectives. Other areas of this risk theme to consider are:
 - Violation of personnel regulations (excluding WHS).
 - Discrimination, Harassment & Bullying in the workplace.
 - Poor employee wellbeing (causing stress).
 - Dependencies on key people without effective succession planning.
 - Induction issues.

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- Terminations (including any court matters).
- Wrongful termination, skills shortages, Livesey disputes, Industrial activity.
- Workplace Health and Safety issues.
- Care should be taken when considering insufficient staffing as the underlying problem could be process inefficiencies.

6. Engagement practices

This theme focuses on risks associated with the Shire's interactions and communication with:

- stakeholders, including residents, community groups, businesses, and government agencies.
- the media, including press releases, interviews, social media engagement, and crisis communication.
- and collaboration and partnerships with private sector companies, contractors, consultants, and service providers.

Risks may include the following:

- misalignment of stakeholder expectations, inadequate communication strategies, stakeholder opposition or resistance, and reputational damage due to perceived lack of transparency or responsiveness.
- negative media coverage, misinterpretation of information, reputational damage, and loss of public trust or confidence.
- conflicts of interest, non-performance, cost overruns, contractual disputes, and reputational risks arising from association with unethical or controversial practices.
- Inability to maintain effective working relationships with the Community (including local media), stakeholders, key private sector companies, government agencies and / or elected members. This invariably includes activities where communication, feedback and / or consultation is required and where it is in the best interests to do so. For example;
 - Follow up on any access and inclusion issues.
 - Infrastructure Projects.
 - Participation in Regional or District Committees.
 - Local Planning initiatives, Shire planning processes, including land use planning, urban development, infrastructure planning and environmental planning
 - inadequate stakeholder engagement, regulatory non-compliance, failure to consider community needs or preferences, and delays or disruptions to planning projects.
 - Strategic Planning initiatives and the development and implementation of the Shire's strategic plans, including long-term goals, objectives, and priorities. Risks may include strategic misalignment, insufficient stakeholder buy-in or support, resource constraints, and failure to adapt to changing circumstances or emerging challenges.

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- This does not include cases where Community expectations have not been met for standard service provision such as Community Events, Library Services and / or Bus and Transport services.

7. Environment management.

This theme addresses risks associated with the Shire's impact on the natural environment, including pollution, habitat destruction, resource depletion, and climate change. Risks may include:

- regulatory non-compliance, environmental accidents, public opposition, and reputational damage.
- Inadequate prevention, identification, enforcement and management of environmental problems. The scope includes;
 - Lack of adequate planning and management of coastal erosion issues.
 - Failure to effectively identify and manage contaminated sites (including use of groundwater).
 - Waste facilities (landfill / transfer stations).
 - Weed control.
 - Ineffective management of water sources (reclaimed, potable)
 - Illegal dumping / Illegal clearing / Illegal land use.

8. Errors, Omissions, Delays

This theme focuses on risks arising from mistakes, oversights, or delays in the Shire's operations, processes, or service delivery; the consequences of which may include project delays, service disruptions, customer dissatisfaction, and financial losses. The risks of this theme may be:

- Errors, omissions or delays in operational activities resulting from unintentional errors or failure to follow due process. This includes cases of;
 - Human errors, incorrect or incomplete processing
 - Inaccurate recording, maintenance, testing and / or reconciliation of data.
 - Errors or inadequacies in model methodology, model design, calculation or implementation.
- This may result in incomplete or inaccurate information. Consequences include;
 - Inaccurate data used for management decision making and reporting.
 - Delays in customer service.
 - Inaccurate data provided to customers.
- This excludes process failures caused by inadequate / incomplete procedural documentation or – see “Document Management Processes.”

9. External theft & fraud (incl Cyber Crime)

This theme encompasses risks related to theft, fraud, or cyber-attacks targeting the Shire's assets, resources, or information systems. Risks may include:

- Theft of equipment or assets, data breaches, ransomware attacks, and reputational damage.
- Loss of funds, assets, data or unauthorised access, (whether attempted or successful) by external parties, by any means (including electronic), for the purpose of;

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- Fraudulent transactions – benefit or gain by deception.
- Malicious Damage – hacking, deleting, disrupting, breaking or reducing the integrity or performance of systems
- Theft – theft of data, assets or information (no deception)
- Examples include:
 - Fraudulent Invoices
 - Cash or other valuables from 'Outstations'.

10. Management of Facilities / Venues / Events

This theme addresses risks associated with the management of public facilities, venues, and events, including safety, security, crowd management, and compliance with regulatory requirements. Risks may include:

- accidents, injuries, security breaches, overcrowding, and liability claims.
- Inability to effectively manage daily operations of facilities and / or sites. This includes;
 - Inadequate procedures in place to manage quality or availability.
 - Ineffective signage
 - Reservation problems
 - Financial interactions with tenants/users
 - Supervision/provision of peripheral services (e.g. cleaning / maintenance)

11. IT & Communications Systems and Infrastructure

This theme focuses on risks related to the Shire's information technology (IT) and communications systems and infrastructure, including cybersecurity, data privacy, network reliability, and technological obsolescence. Risks may include:

- Instability, performance degradation, or other failure of IT Systems, Infrastructure, Communications or Utilities resulting in the inability to continue business operations and provide services to the community. This may or may not result in the invocation of IT Disaster Recovery Plans. Examples include outages or disruptions caused by:
 - Hardware and/or Software
 - Computer Network
 - Failures of IT Suppliers
 - cyber-attacks, system failures, data breaches, and loss of connectivity.
- This also includes where poor governance leads to a breakdown in IT maintenance such as;
 - Configuration management
 - Performance Monitoring
 - IT Incident, problem and disaster recovery management processes
- This does not include new system implementations - see "Project / Change Management".

12. Misconduct

This theme encompasses risks related to unethical or improper behaviour by employees, contractors, or elected officials, including fraud, corruption, conflicts of interest, and misconduct allegations. Risks may include:

- legal liabilities, reputational damage, loss of public trust, and regulatory sanctions.
- Intentional activities beyond the authority granted to an employee, which circumvent approved policies, procedures or delegated authority. This would include cases of:
 - Relevant authorisations not obtained.
 - Distributing confidential information.
 - Accessing systems and / or applications without appropriate authorisation to do so.
 - Distorting data in reports.
 - Theft by an employee
 - Collusion between internal & external parties
- This does not include cases where it was not an intentional breach - refer to errors, omissions or delays, or inaccurate advice / information.

13. Project / change Management

This theme addresses risks associated with the planning, execution, and implementation of projects and organizational changes within the Shire. Risks may include:

- scope creep, budget overruns, schedule delays, stakeholder resistance, and failure to achieve desired outcomes.
- Inadequate analysis, design, delivery and / or status reporting of change initiatives, resulting in additional expense, time requirements or scope changes. This includes:
 - Inadequate change management framework to manage and monitor change activities.
 - Insufficient understanding of the impact of project change on the business.
 - Failures in transitioning projects to standard operations.
 - Failure to implement new systems
 - Failures of IT Project Suppliers/Contractors

14. Safety and Security practices

This Risk Theme focuses on risks related to the safety and security of employees, residents, visitors, and assets within the Shire's jurisdiction. Risks may include:

- accidents, injuries, crime, vandalism, terrorism, and natural disasters.
- Failure to comply with the Work Health and Safety Act 2020, associated regulations, and standards. It is also the inability to ensure the physical security requirements of staff, contractors and visitors. Other considerations include:
 - Inadequate policies, frameworks, systems and structures to prevent injuries to visitors, staff, contractors and/or tenants.

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- Inadequate organisational emergency management (evacuation diagrams, drills, wardens etc).
- Inadequate safety protection measures in place for buildings, depots and other workplaces (vehicle, community etc).
- Public liability claims, due to negligence or personal injury.
- Employee liability claims due to negligence or personal injury.
- Inadequate or unsafe modifications to facilities, including plant & equipment.

15. Supplier / Contract Management

This theme addresses risks associated with the selection, engagement, and management of suppliers, contractors, and service providers by the Shire. Risks may include:

- Supply chain disruptions, contract disputes, non-performance, quality issues, and dependency on single-source suppliers.
- Inadequate management of vendors, contractors, IT providers or external Consultants engaged for core operations. This includes issues arising from the continued provision of services or failures in contract management and monitoring processes. This also includes:
 - Concentration problems
 - Supplier sustainability

By defining these Risk Theme Definitions, the Shire of Toodyay can systematically identify, assess, and prioritize risks across its various functions and activities, enabling more effective risk management and decision-making processes. Each Risk Theme Definition provides a focused lens through which specific risks can be analysed, addressed, and monitored, helping to enhance the Shire's resilience, sustainability, and ability to achieve its objectives while minimizing potential threats and vulnerabilities.



Risk Management

Introduction

The Shire of Toodyay may be exposed to a broad range of risks which could adversely affect its operations and impact the achievement of strategic, operational and community objectives.

The Shire is therefore committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision-making and operational processes.

Objective (refer to the Risk Management Framework [RMF])

- (a) To create an environment where Council, Executive Managers, and Workers accept direct responsibility for risk management, through development, implementation of and maintaining effective risk management practices.
- (b) To develop and maintain an organisational culture which shows confidence in the use of risk assessment and management tools in:
 - i. the effective and efficient delivery of agreed levels of service;
 - ii. maintaining financial sustainability;
 - iii. developing and maintaining an effective and positive relationship between Council and the community;
 - iv. enabling the Council in partnership with the community, to make decisions for the community's future with a high level of confidence that key risks have been taken into account and where relevant, are being, or have been, mitigated;
 - v. to ensure that appropriate risk assessment and management provisions are in place in order to satisfy statutory requirements and identified risks mitigated.
- (c) To commit to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes.
- (d) Ensuring public safety within the Shire's district is not compromised.
- (e) To achieve organisation goals and objectives
- (f) To support the ongoing health and safety of all workers at the workplace
- (g) To limit loss or damage to property and other assets
- (h) To limit interruption to business continuity
- (i) To ensure through collaboration of the Council and the Administration that there is a positive public perception of the Council and the Shire
- (j) To apply equal opportunity principles in the workforce and the community.

Scope

This Policy applies to all risk processes within the Shire and is subject to regular monitoring through the Audit and Risk Committee and Council. This policy applies to all activities undertaken by Members and Workers.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Audit & Risk Committee	Committee established under section 7.1A of the <i>Local Government Act 1995</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Executive Managers	Senior Employees that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> • Executive Manager Corporate and Community Services; • Executive Manager Infrastructure, Assets & Services; and • Executive Manager Development and Regulation.
Members	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Regulations	Local Government (Administration) Regulations 1996.
Risk	"the effect of uncertainty on objectives." AS/NZS ISO 31000:2018. A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.
Risk Assessment	The process of applying risk management methodologies to assess the level of risk in a particular or general circumstance, activity or operation, or decision.

Term	Definition
Risk Management	The application of coordinated activities to direct and control an organisation regarding risk.
RMF	Risk Management Framework
Shire	the Shire of Toodyay.
Workers	Employees, contractors, and volunteers as per the <i>Work Health and Safety Act 2020</i> (WHS) legislation.

Policy Statement

Risk management is the responsibility of everyone and will be treated as an integral part of the Shire's corporate governance, culture, policies and procedures.

The Shire recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Risk Management Framework (RMF)

The Shire considers risk management to be an essential management function in its operations. The Shire is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2018.

The Shire will have in place a Risk Management Framework that underpins the principles of effective risk management and provides guidance to Council, Members, Workers and the community. The framework will be subject to regular reviews every three years to coincide with the Audit Reg 17 review to be undertaken in accordance the Local Government (Audit) Regulations 1996.

Principles *(refer to the Risk Management Framework)*

The risk management framework contains key principles for effective risk management that are to be considered when identifying, assessing, or managing risk.

The Shire will consider these key principles for effective risk management.

Procedures *(refer to the Risk Management Framework)*

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the Shire in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- (a) Strategic Planning;
- (b) Expenditure of large amounts of money;
- (c) New strategies, plans and procedures;
- (d) Management of procurement, projects, business cases or other proposals;

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- (e) Introducing change management; and
- (f) The management of sensitive issues.

Responsibilities *(refer to the Risk Management Framework)*

- (a) Council is committed morally and financially to the concept and resourcing of risk management.
- (b) It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- (c) Executive Managers, Line Managers, Coordinators, and Supervisors have the responsibility and accountability for ensuring that:
 - i. all workers manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
 - ii. they encourage openness and honesty in the reporting and escalation of risks.
- (d) All Workers will:
 - i. be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
 - ii. after appropriate training and induction, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
 - iii. as required, conduct risk assessments during the performance of their daily duties.
 - iv. The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- (e) Failure by Workers to observe reasonable directions from Executive Managers/Line Managers or Supervisors regarding the management of risks and/or failure of workers to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.

Monitoring and Reporting *(refer to the Risk Management Framework)*

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure close out of risks and identification of ongoing issues and trends.

Risk Management key performance indicators, as part of a risk register for the Shire, relating to organizational and personal performance will be developed, implemented and monitored by the Shire.

The Shire will report and provide regular updates to the Audit & Risk Committee and any risks that are rated significant or extreme will be reported to the Audit and Risk Committee and Council at the earliest opportunity.

Reference Information

- [AS/NZS ISO 31000:2018 Risk Management Guidelines](#)
- [Risk Management Resources \(Department of Local Government\)](#)
- [Internal Control Policy \(ADM19\).](#)
- [Legislative Compliance Policy \(ADM20\).](#)

Legislation

Local Government Act 1995

Associated documents

Risk Management Framework

Appendix A: Risk Assessment and Acceptance Criteria (Risk Management Tables) from the Risk Management Framework.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	25/11/2014	Adoption	Manager Corporate & Community Services	Council
V2	26/10/2021	Reviewed	Manager Corporate & Community Services	Council
V3	15/09/2022	Reformatted	Executive Services	N/A
V4	21/12/2022	Reviewed	Chief Executive Officer	Council
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Council Policy: Risk Management Policy and Risk Management Framework



Attachment A

Risk Tables (from Risk Management Framework)

Shire of Toodyay - Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Near miss or First aid injuries	Less than \$10,000	No material service interruption – backlog cleared < 6 hours	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential damage.	Contained, reversible impact managed by on site response
Minor (2)	Medical type injuries	\$10,001 - \$20,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Lost time injury <30 Days	\$20,001 - \$200,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Long-term disability / multiple injuries >30 Days	\$200,001 - \$500,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$500,000	Indeterminate prolonged interruption of services – non-performance greater than > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

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Shire of Toodyay Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

Shire of Toodyay Risk Matrix						
Likelihood	Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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Shire of Toodyay Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW (1-4)	Acceptable	Risk acceptable with adequate controls, managed by routine procedures, training and subject to annual monitoring	Operational Manager
MODERATE (5-9)	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring. Planned action is required.	Operational Manager
HIGH (10-16)	Urgent Attention Required	Risk acceptable with excellent controls, managed by CEO and Executive Management Group and also subject to monthly monitoring. Prioritised action is required.	Executive Managers / CEO
EXTREME (20-25)	Unacceptable	<u>Immediate corrective action is required. The CEO must develop, explore and implement controls and treatment plans as soon as possible and report to Council and the Audit and Risk Committee the circumstances that have placed the Shire at risk, keeping them informed and managing and monitoring the situation, no matter the risk. Immediate corrective action is required. The risk is only acceptable with excellent controls and all treatment plans to be developed, explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring.</u>	CEO / Council

Shire of Toodyay Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is little scope for improvement	Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested. Measures are in place for continual improvement to be undertaken where required

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Shire of Toodyay Existing Controls Ratings		
Rating	Foreseeable	Description
Adequate	There is some scope for improvement.	Whilst some inadequacies have been identified; Processes (Controls) are in place, are being addressed / complied with and are subject to periodic review and testing. Measures are in place for continual improvement to be undertaken where required
Inadequate	A need for corrective and / or improvement actions exist.	Processes (Controls) not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time. Workers responsible for actioning must act immediately to address any inadequacies, and to rectify any issue that brings about non-compliance risks to the organisation.

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