



## **COUNCIL FORUM**

# **Notes**

# **10 March 2015**

## Preface

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council.

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

Attachments that formed part of the Program, in addition to those tabled at the Council Forum are put together as an addendum to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as a separate Confidential Noted Program Item.

## Unconfirmed Notes

These notes were approved for distribution on 11 March 2015.



Stan Scott  
**CHIEF EXECUTIVE OFFICER**

## Received Notes

These notes were received at an Ordinary Meeting of Council held on 24 March 2015.

Signed:  .....

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

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**ADDENDUM** *with separate index follows Item 13.*

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# Shire of Toodyay

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## COUNCIL FORUM – 10 MARCH 2015

# NOTES

### 1. DECLARATION OF OPENING

Cr Dow, Shire President, declared the meeting open at 4.10 pm.

### 2. RECORDS OF ATTENDANCE/APOLOGIES

#### Members

Cr D Dow	Shire President
Cr B Lloyd	Deputy Shire President
Cr P Greenway	
Cr A McCann	
Cr B Rayner	
Cr T Chitty	
Cr R Madacsi	

#### Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Ms C Delmage	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr L Vidovich	Manager Works and Services
Mrs M Rebane	Executive Assistant

#### Visitors

Nil.

### 2.1 APOLOGIES

Cr C Firms  
Cr S Craddock

**3. DECLARATIONS OF INTERESTS**

The Chairperson advised that a disclosure of interest in the form of a written notice prior to the commencement of the meeting had been received from Cr Greenway in relation to Item 7.2 Avon Tourism.

**4. PRESENTATIONS**

There are no presentations planned for this meeting.

**5. PUBLIC QUESTIONS (relating to the contents of the program)**

**5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Council Forum held on 10 February 2015 there were no questions taken on notice.

**5.2 PUBLIC QUESTION TIME**

Nil.

**6. PUBLIC SUBMISSIONS (relating to the contents of the program)**

Nil.

**7. AGENDA FORUM MATTERS**

**7.1 DRAFT Council Policy M.6 – Engagement with Mining Proposals**

The CEO provided an overview of the submissions received.

Points raised were as follows:

- Submissions from residents outside of Morangup;
- Rights for Water and Irrigation and protection of those sources;
- Other local governments having a policy in regard to engagement with Mining Proposals;
- Acknowledgement of tourism in the DRAFT;
- Mining Approvals vs Proposals – the DRAFT to clarify the objective of the Policy;
- The intent of the policy was to clarify Council's role (i.e. what Council can and cannot do);
- Clarification about environmental impact assessment, how it is to be undertaken and who would be responsible for the assessment;
- Shire's role as honest-broker;
- More information from the summary table on page 13 in relation to water and irrigation;

- Neutrality of the Shire's role;
- Quasi-Judicial Role of Council;
- Advocacy position of Council;
- Policy to provide a frame of reference as to minimising negative impacts;
- Disclosure obligations of listed companies;
- Arrangement of quarterly updates with Council and/or invite them to a Council Forum each quarter;
- Council cannot impose an outcome; and
- BAJV to be invited to April Forum if they have any new updates.

**Guidance from the Elected Members was as follows:**

Guidance from the Elected Members was that Officers present a report for consideration by Council at a forthcoming Council Meeting that would include and/or provides clarification in relation to the following:

- Include general view of what to include in the policy;
- Include proposed amendments;
- Include submission one suggestions in the amended version of the policy;
- Objectives to be broadened to help the community understand Council's role;
- Clarification about the duty to consult (i.e. social impact assessment) and who would be responsible for consultation; and
- Changes to be made to the DRAFT to clarify definitions for the community.

CEO welcomed Councillors to send to him via email any proposed changes they wished to make to the policy.

## **7.2 Avon Tourism**

The CEO provided an update to Councillors in relation to this matter.

Points raised were as follows:

- Communicate our requirements in relation to the Avon Valley Planning Publication;
- Financial assistance provided by the Shire of Toodyay and other local governments; and
- Local government involvement in Avon Tourism.

## 8. CONCEPT FORUM MATTERS

### 8.1 Community Information Session (CIS) Morangup

*Cr Rayner departed Council Chambers at 5.27 pm.*

A suggestion was made to Invite BAJV to do a presentation / provide an update.

Guidance from the Elected Members was as follows:

The CIS to include the following:

- Presentations on what is happening in Toodyay, and include what is going to affect Morangup Residents;
- Invite the MPA to send questions or suggestions of topics they want to have information on;
- Invite BAJV to do a presentation / provide an update;
- Report back in relation to matters brought up at the Morangup Meeting that MPA arranged (records taken of these matters by who?);

*Cr Rayner returned to Council Chambers at 5.32 pm.*

- Planning Application update – Ambulance;
- Update on SES Brigade;
- Agenda format preferable;
- Request for items;
- National Tidy Towns; and
- Adopt a Spot Program.

### 8.2 DRAFT Guide for Planning Delegations

The CEO provided a brief overview in relation to this item. The decision made by State Council was tabled at 5.43 pm.

Points raised were as follows:

- Shire of Mundaring Planning Delegations; and
- Page 32 – elected member calling.

Clarification was sought.

**Guidance from the Elected Members was as follows:**

Guidance from the Elected Members was that Officers present a report for consideration by Council at a forthcoming Council Meeting that would include Clarification about the detail of the guide and possibly recommend a review of Planning Delegations based on the Industry Guide.



## **9. CHIEF EXECUTIVE OFFICER'S UPDATE**

### **9.1 Bejoording Street Addressing**

The CEO provided an update in relation to this matter.

Points raised were as follows:

- Private Road / Easements; and
- Public Liability of private roads.

### **9.2 Energy Audit**

The CEO provided an update in relation to this matter.

Clarification was sought in relation to energy and water conservation.

### **9.3 Waterwise Council Program**

The CEO provided an update in relation to this matter.

Points raised were as follows:

- Track changes on drafted version included in program;
- Business of supplying water;
- Standpipe;
- Options available for water carters;
- Conservation of water;
- Education regarding water usage;
- Improving community's awareness;
- Review undertaken of pricing/recoup since 2010;
- Audit was done on standpipe usage and credit of \$20,000 provided;
- Swipe cards for the standpipe; and
- Page 67 Action Plan – Planning Processes. Rainwater tanks in the town-site.

Clarification was sought.

### **9.4 AROC Housing Initiative**

The CEO provided an update in relation to this matter.

## **10. CONFIDENTIAL MATTERS**

There is nothing listed on the program to be discussed confidentially.

## **11. SHIRE PRESIDENTS UPDATE**

Points raised as follows:

- Tasmania Tidy Towns;
- Cr Greenway attended the zone meeting as deputy delegate;
- Update following Community Bus Committee Meeting;
- Cr Lloyd and Cr Dow received an update on matters with CEO;
- Chamber of Commerce meeting in relation to the EDP. The Chambers holds business After-Hours Meetings. CEO offered for the Shire to host one of these meetings as part of community engagement for review of the LPS; and
- CLGF Training.

## **12. STATUS REPORTS**

### **12.1 COMMITTEE MEETING STATUS REPORT**

There is no status report.

### **12.2 QUESTION TIME**

#### 12.2.1 Update on Car Park

CEO advised a meeting will be arranged with a party concerned about the car-park. Points raised were as follows:

- The degree of separation between their building and the car-park;
- Consultation not undertaken directly with the building owner however the community would have been aware of the impending construction of the car-park; and
- The car-park project will be finished in due course.

The CEO provided information about a new Wheatbelt Development Commission funding program tied up with Age-Friendly Communities Project. Points raised were as follows:

- Highest priority appears to be disabled toilets in town; and
- A chance funding will be provided to upgrade toilets adjacent to the Charcoal Lane car-park.

## **13. MEETING CLOSURE**

The Shire President declared the meeting closed at 6.38 pm.



## **ADDENDUM**

Attachments to Notes of

## **COUNCIL FORUM**

**10 March 2015**



**ADDENDUM**  
ATTACHMENTS TO NOTES OF COUNCIL FORUM  
HELD IN COUNCIL CHAMBERS ON 10 MARCH 2015

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## FORUM DISCUSSION PAPER

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<b>Date of Report:</b>	4 March 2015
<b>Name of Applicant / Proponent/s:</b>	Shire of Toodyay
<b>File Reference No.:</b>	MIN1
<b>Author:</b>	STAN SCOTT – CEO
<b>Responsible Officer:</b>	STAN SCOTT – CEO
<b>Previously Before Council:</b>	27 January 2015 – 24/01/2015
<b>Nature of Council's Role in the matter:</b>	Advocacy
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. DRAFT Council Policy M.6 – Engagement with Mining Proposals; and</li><li>2. Confidential Attachment – Submissions received in response to DRAFT Council Policy <i>provided under separate cover.</i></li></ol>

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### 7.1 DRAFT Council Policy M.6 – Engagement with Mining Proposals

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#### PURPOSE OF THE DISCUSSION PAPER

This paper has been prepared to present to Council the submissions received in relation to the DRAFT Council Policy M.6 – Engagement with Mining Proposals.

#### BACKGROUND

At an Ordinary Meeting of Council held on 27 January 2015 Council resolved as follows:

That Council undertake public consultation on the proposed policy: *Engagement with Mining Proposals* and consider community submissions at the March Council Forum for consideration at the March Ordinary Meeting of Council.

#### STRATEGIC IMPLICATIONS

The proposed policy sets a framework for Council participation which allows Council to fulfil its advocacy role by ensuring that projects meet the highest environmental standards, but are also held to best practice standards in community engagement.

#### OFFICER COMMENT / DETAILS

We have received 19 applications.

**POLICY MANUAL**

<b>POLICY NO</b>	<b>M.6</b>
<b>PROCEDURE SUBJECT</b>	<b>Engagement With Mining Proposals</b>
<b>FILE NUMBER</b>	
<b>ADOPTION DATE</b>	
<b>REVIEW DATE</b>	

**OBJECTIVES**

To ensure that Council staff and the Community have an understanding of Council role in mining approvals;

To provide an agreed policy position for Council's advocacy with mining proponents and approval agencies.

**BACKGROUND**

In dealing with mining proposals Council acknowledges that:

- There will be no universal community view on mining projects and that some people will support and some people will oppose any mining proposal;
- When a project is in close proximity to people's homes or to rural residential communities there is likely to be strong opposition from affected people;
- Toodyay has many community members with a very strong interest in and commitment to preserving Toodyay's environment; and
- Council's does not have the power to approve or reject mining projects and Council's role will generally be one of advocacy.

Council's role in approvals for mineral projects is summarised at Attachment A. Council can be heard, influence and advocate but cannot approve or veto projects.

**POLICY POSITION**

Council supports citizens' rights to participate in the political debate including strong advocacy for their own position, so long as they respect the rights of others to hold contrary views.

Council performs a quasi-judicial role in relation to statutory planning matters and will perform that role in accordance with its legal obligations and adopted planning instruments.



Council will do all in its power to ensure for any proposed mining project that:

- All reports, investigations and assessments are thorough and complete;
- That benefits of any project to the local community are maximised and negative impacts are eliminated or minimised;
- That environmental impacts are minimised and rehabilitation is thorough and complete and offsets are appropriate.

Council will participate in engagement activities with project proponents, subject to the proviso that it reserves the right to oppose, or advocate for changes or conditions to any development in line with the above principles.

Council delivers many services, projects, events and facilities. There may be occasions where these services, projects, events and facilities are sponsored or co-funded by a mining proponent. Such funding or sponsorship will not dilute Council's commitments as set out in this policy.

Council supports the implementation of a Social Impact Assessment for any proposed mining project in line with the methodology set out in the publication '*Social impact assessment of resource projects*' published by the International Mining for Development Centre, and included as Attachment B to this policy.

## **ATTACHMENTS**

Attachment A – Council role in project approvals (Source – Civic Legal)

Attachment B - '*Social impact assessment of resource projects*', 2012, [Mining for Development: Guide to Australian Practice](#), International Mining for Development Centre

**Adopted by Council Ordinary Meeting of Council \_\_\_\_\_**

## ATTACHMENT A – SUMMARY OF LG ROLE IN MINING PROJECTS

<b>Act</b>	<b>Admin. body</b>	<b>Function</b>	<b>LG role in relation to mining</b>
<i>Mining Act 1978</i>	Department for Minerals and Petroleum (DMP)	Land tenure (tenements), rent, bonds, royalties, EIAs, inspections	Limited right to be notified and to be heard, no veto. Planning Scheme to be considered.
<i>Mines Safety and Inspection Act 1994</i>	DMP	Safety (project management plans)	Nil
<i>Environmental Protection Act 1986 (Part IV)</i>	EPA and OEPA	EIA (Ministerial Conditions)	Referral as DMA “decision making authority”, limited consultation role (environmental protection policies), officers may be able to prosecute for certain offences
<i>Environmental Protection Act 1986 (Part V)</i>	DER	Works approval to construct, pollution licence to commence operations for prescribed premises and clearing permits	Limited consultation role as “public authority”
<i>State Agreement Acts</i>	<i>DSD (Dept of State Dev)</i>	<i>Large development projects (e.g. Mineralogy State Agreement)</i>	<i>Nil</i>
<i>Wildlife Conservation Act 1950</i>	DPaW	Regulate “taking” of identified species	Conflict provision dealing with overlapping powers (requires certain consultation)
<i>Rights in Water and Irrigation Act 1914</i>	DoW	Regulate access to water s5C (taking of water) and s26D (construction of bore) licences	Certain roles but not relevant to mining projects (watercourses & wetlands)

<b>Act</b>	<b>Admin. body</b>	<b>Function</b>	<b>LG role in relation to mining</b>
<i>Various planning Acts and schemes</i>	WAPC and Local Governments	Regulate land development	Extensive role in preparing planning schemes & development approval (but only consultation role under s120 of Mining Act)
<i>Aboriginal Heritage Act 1972</i>	DAA (Dept of Aboriginal Affairs)	Protection of aboriginal sites	Nil
<i>CALM Act (Conservation and Land Management)</i>	DPaW	Manage State reserved lands	Certain roles but none relevant to mining projects (agreements to manage private land)
<i>EPBC Act 1999 (Cth)</i>	Department of the Environment (Cth)	Controlled action approvals	Nil, although possible for certain officers to be inspectors
<i>Native Title Act 1993 (Cth)</i>	NNNT (National Native Title Tribunal)	Applies registration test to new native title claims and undertakes future act mediation and arbitral functions	Right to participate

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## FORUM DISCUSSION PAPER

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<b>Date of Report:</b>	3 March 2015
<b>Name of Applicant / Proponent/s:</b>	Avon Tourism
<b>File Reference No.:</b>	TOU1
<b>Author:</b>	Audrey Bell – Manager of Community Development
<b>Responsible Officer:</b>	Audrey Bell – Manager of Community Development
<b>Previously Before Council:</b>	Not applicable – new request for 2015/2016 funding.
<b>Nature of Council's Role in the matter:</b>	Executive
<b>Attachments:</b>	Confidential Attachment <i>provided under separate cover</i> containing the following: <ol style="list-style-type: none"><li>1. Avon Tourism request for funding 2015/2016;</li><li>2. Copies of Emails in regard to Avon Tourism; and</li><li>3. Copy of Constitution, portfolio and proposed changes.</li></ol>

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## 7.2 AVON TOURISM

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### PURPOSE OF THE DISCUSSION PAPER

The purpose of this paper is to brief Council on the latest developments taking place within Avon Tourism – our Avon Regional Tourism Organisation, as well as attaching a copy of their funding request for 2015/2016 financial year.

### BACKGROUND

Each year a funding request is sent through from Avon Tourism. The current request is attached for Elected Members information.

- In 2013/2014 \$10,000 was granted.
- In 2014/2015 \$5,000 was granted, with the remaining \$5,000 granted towards the promotion of the Avon Link Train service.

Council will need to consider this financial matter through the budget process.

### **Further Details - Strategic Plan and Proposed Constitution Changes**

During the past 12 months Avon Tourism has been working on developing a Strategic Plan. It was through Cr Greenway (our current board member for this Committee/Association) that we obtained a copy. In reviewing the copy both the CEO and Manager of Community Development offered input. Further work was completed on the Strategic Plan, however we have since been advised that it is only for Board Members and no further copies have since been forwarded through.

Avon Tourism is also currently working through changes to their Constitution. A copy of the proposed changes was forwarded through to the CEO and Manager of Community Development from our Board Member – Cr Greenway. In the reading of the document it was strongly felt that there were items which should not be a part of a constitution, nor were some legal. An email from the CEO was sent to the Board and tabled at their 13 January 2015 meeting. Since then we have received a copy of the proposed constitution as attached which the Avon Tourism Board is looking to adopt at its March meeting. This is a substantial improvement, although there are concerns with the proposed "town committees".

Cr Greenway has been advised that any further reports should not be forwarded through to staff as they are for Avon Tourism Board Members only.

### **CONSULTATION IMPLICATIONS**

Through the CEO and Manager of Community Development we have continued conversation/contact with Avon Tourism and offered suggestions where it was felt some changes could be made. Further conversations have taken place with Cr Greenway (our board Member for Avon Tourism) during this time of the Strategic Plan and proposed Constitution changes.

Some concerns on the Governance have formed over the past few months, as well as the contents for the Strategic Plan and proposed Constitution changes.

In the letter received from Avon Tourism requesting new funding, it was noted that a partnership with the local member Mia Davies MLA has formed, with her Electorate Officer Theresa Middas assisting the group at a Board level. (The Hon Mia Davies MLA did a meeting of Avon Tourism; however Mia has resigned from the board due to increased work commitments).

A meeting was held with Therese from Mia Davies Office on 11 February 2015 where we discussed our concerns.

We have continued to engage with Avon Tourism and endeavour to work through our concerns with them; however we are also looking to meet with Experience Perth who is the overarching Regional Tourism Organisation to better understand the structure and functions expected of the regional and sub-regional bodies.

From information learnt through the various Tourism organisations and attendance at seminars – your Regional Tourism Organisation (in our case Avon Tourism) should be focused on bringing visitors to the region and not becoming too involved with day to day operations of Visitor Centres.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan – Economic Services – Marketing and visitor information services – Page 12.

Economic Development Plan – Implementation and Action Plan – Initiative number 6 Sub-Regional Tourism Organisation.

**POLICY IMPLICATIONS**

This proposal does not contain any notable policy implications.

**FINANCIAL IMPLICATIONS**

Council will need to consider this funding request through the budget process for 2015/2016.

**ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

**SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

**OFFICER COMMENT / DETAILS**

Avon Tourism's signature product, the Avon Valley Holiday Planner is a worthwhile publication.

Cr Greenway may wish to speak further on the funding request and/or on the items of Strategic Plan and proposed changes to the Constitution.

The funding request will be brought back for Council's consideration during the budget process for 2015/2016.

It is widely accepted that there is a need for regional cooperation in tourism. We are seeking Council's views on how we manage these relationships and whether we persevere with Avon Tourism.

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## FORUM DISCUSSION PAPER

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<b>Date of Report:</b>	4 March 2015
<b>Name of Applicant / Proponent/s:</b>	Shire of Toodyay
<b>File Reference No.:</b>	COMG1
<b>Author:</b>	Stan Scott – CEO
<b>Responsible Officer:</b>	Stan Scott - CEO
<b>Previously Before Council:</b>	September 2014 Ordinary Meeting of Council 293/09/14
<b>Nature of Council's Role in the matter:</b>	Advocacy
<b>Attachments:</b>	Nil.

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### **8.1 COMMUNITY INFORMATION SESSION - MORANGUP**

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#### **PURPOSE OF THE DISCUSSION PAPER**

This matter has been brought back to Council to seek guidance as to what Council wishes to put forward for discussion at the Community Information Session to be held in Morangup in April 2015.

#### **BACKGROUND**

At an Ordinary Meeting of Council held on 23 September 2014 Council resolved as follows:

1. That Council holds 2 Community Consultation meetings per year in Morangup, one in April and one in October commencing April 2015; and
2. Date and times to be determined by the Shire President and CEO in consultation with Morangup Progress Association

#### **OFFICER COMMENT / DETAILS**

The tentative dates in April are 11<sup>th</sup> or 18<sup>th</sup> of April. Note: At the date of writing this report a message has been left with the Morangup Progress Association to book for either date so it is unknown whether these dates are available as yet.

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## FORUM DISCUSSION PAPER

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**Date of Report:** 4 March 2015  
**Name of Applicant / Proponent/s:** Shire of Toodyay  
**File Reference No.:** MAN6  
**Author:** Stan Scott – CEO  
**Responsible Officer:** Stan Scott – CEO  
**Previously Before Council:** November 2014 – Council Forum.  
**Nature of Council's Role in the matter:** Executive  
**Attachments:** Excerpt from State Council Agenda March 2015.

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### **8.2 DRAFT Guide for Planning Delegations: Development Applications**

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#### **PURPOSE OF THE DISCUSSION PAPER**

This paper has been included to provide information to Council about a Guide for Planning Delegations that at the time of writing this paper is currently being considered by the State Council.

#### **BACKGROUND**

Council considered the Delegation Register at a Forum held on 11 November 2014.

#### **OFFICER COMMENT / DETAILS**

Information will be provided to Council by the CEO in relation to whether the State Council endorsed this guide.



## 5.4 WALGA Guide for Local Government Planning Delegations (05-036-03-0044 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

### Recommendation

1. That State Council endorses the *Guide for Planning Delegations – Development Applications* and recommends use of the resource by Local Governments when reviewing and preparing planning delegation arrangements.
2. That the Guide and details of the project findings be forwarded to the Minister for Planning, the WAPC, the Department of Planning and the Department of Local Government and Communities.
3. The Guide be endorsed by the State Government as fulfilling the action in the *Blueprint for Planning Reform Phase 2 Action Plan*, related to development of a model schedule of planning delegations.

### In Brief

- A best practice model / guide to preparing and setting planning delegations was identified by members as an important resource for the sector.
- WALGA was requested to prepare a resource as part of the Planning Improvement Program.
- A draft was prepared in consultation with members in 2014 and also presented to the Department of Planning and Department of Local Government and Communities for feedback.
- A final draft is attached for State Council's consideration and endorsement.

### Attachments

Guide for Planning Delegations – Development Applications. Part 1 Guide

Guide for Planning Delegations – Development Applications. Part 2 Background and Supporting Information located [here](#).

### Relevance to Strategic / Business Plan

- Providing strong representation for Local Government
- Providing effective leadership for Local Government

### Policy Implications

Nil

### Budgetary Implications

Nil



## Background

There is widespread support in the sector for the development of a model Planning Delegations Policy to support and guide Local Governments in the preparation of policies delegating decision making authority for certain planning matters to officers. At a Metropolitan Local Government Reform workshop dealing with strategic and statutory planning functions held on 24 February 2014, participants agreed that of a guide for delegation arrangements would assist any newly created local government entities to review and transition existing planning delegation arrangements when reform occurred.

In March 2014, the Association commenced work on the preparation of a best practice Planning Delegations Model. The aim of the model is to promote consistency and efficiency in the local government planning system through clear and effective planning delegations. The Association has endeavored to achieve an appropriate balance of responsibility for decision making between staff and Elected Members. The model will assist Local Governments to identify the strategic planning matters that are appropriately determined by Elected Members and the statutory planning and development assessment matters that can be delegated to officers.

The planning consultancy 'Planning Context' were engaged to assist in the preparation of the Model, to review the current national delegation practices and principles, and to undertake a comparative review of a selection of local government delegation arrangements.

Initial analysis was undertaken of five medium sized metropolitan Local Governments (Fremantle, Cockburn, Gosnells, Melville and Belmont) to establish a baseline. The results of the analysis were then compared to:

- Large outer metropolitan Councils (Wanneroo, Rockingham, Armadale and Swan);
- Smaller inner metropolitan Councils (Subiaco, Claremont, South Perth and Vincent);
- Regional city Councils (Bunbury, Kalgoorlie and Greater Geraldton); and
- Small rural Councils (Northam, Plantagenet and Nannup).

Initial draft guidelines were prepared and workshopped with officers (planners and governance officers) on the 29 July 2014 and Elected Members of Local Governments on the 15 August 2014. The draft was circulated to local government planning officers via the Planning Improvement Program portal seeking feedback. Each local government referenced in the Planning Delegations Guide was also contacted to ensure that the draft accurately referred to their planning delegation arrangements.

During WALGA's development of the Guide, the State Government released its *Phase Two Blueprint for Planning reform*, which recommends that the following actions be pursued: -

- Prepare and implement a model schedule of delegations, in liaison with WALGA and Department of Local Government and Communities.
- Subject to outcomes of local government reform project, consider mandating use of model schedule of delegations, in liaison with WALGA and Department of Local Government and Communities.

Following the workshops with members, the draft was further refined and in late November 2014 the guide was discussed with the Department of Planning (DoP) and Department of Local Government and Communities (DLGC) representatives. The meetings were very positive and the Association provided both Departments with a copy and the opportunity to provide feedback on the draft.



## Comment

The Guide for Planning Delegations (the Guide) aims to provide a best practice toolkit for local government in the preparation of its individual planning delegation arrangements for development applications. The Guide is split into two parts. Part 1 includes the process for preparing a delegation system and processes to reflect a local governments specific needs, Part 2 provides the background and supporting information, explaining what delegation aims to achieve, where the power to delegate comes from and provides a summary of the sample delegation arrangements.

The original intent of the Association, i.e. to prepare a Best Practice model for Delegation arrangements, was adjusted during the preparation of the resource, as it became clear to the consultants that a 'one size fits all' model was unachievable, as each local government has different local planning scheme provisions, land use permissibility and specific circumstances for delegating the decision making to the CEO or planning officers.

The Guide, therefore, provides a process to guide the development of delegations policy and procedure, with the following steps suggested; -

- Step One - Audit – understanding the current system and how it supports decision making
- Step Two – Council Delegation Policy – a statement on how delegation will be decided and how it will work. This is not mandatory, but provides a clear indication of the circumstances where Council determination of a development application may occur.
- Step Three – Statement of Delegation – identifying the power of duty to be delegated, in accordance with the *Local Government Operational Guidelines (DLGC)*. Also suggests five different streams of track based assessment that could be considered
- Step Four – Using the Delegation – outlines how the suggested model fits within the development approvals process;
- Step Five – Record, Notify and Monitor – as required by the Local Government Act
- Step Six – Review and Firm up the Framework - as required by the Local Government Act

Given the State Government's Planning Reform agenda included the preparation and implementation of a model schedule of delegations, a copy of the final Guide will be provided to the Minister for Planning, the WAPC, the Department of Planning and the Department of Local Government and Communities, with advice about the consultant's findings. The Guide for Planning Delegations effectively provides the State with the achievement of this planning reform initiative.

It is therefore recommended that State Council endorses the Guide for Planning Delegations, which will assist local government in preparing their planning delegation arrangements for development applications. Following endorsement, a copy of the Guide will also be placed on the Local Government Reform Toolkit for ease of access.



Item 5.4 – Attachment 1

January | 2015

# Draft Guide for Planning Delegations: Development Applications

## Part 1: Guide

**PLANNING  
CONTEXT**

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20 Vaucluse Avenue, Claremont, WA 6010

RESEARCH, POLICY  
AND GOVERNANCE



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## Introduction

Regulatory approvals systems are at the coalface of Local Government operations. Elected Members, applicant and broader community experiences with regulatory approvals processes, in particular planning and building approvals, can often be the defining factor in the perception of the performance of a Local Government.

The use of delegated authority for staff to determine certain classes of development approvals (while Council considers more strategically important applications) is seen to be a critical component of an efficient and effective regulatory approvals system. Getting the right balance between local representation in decision making and the use of professional advice in this process is often a matter of some debate. In working towards this balance, consideration must include the existing and desired future local planning context.

Planning Context has been commissioned by the Western Australian Local Government Association (WALGA) to develop a best practice model or tool kit for the delegation of development determination functions from a Council to its planning staff.

This guide has been developed in response to widespread support from the planning sector for a delegation model or tool kit to help ensure the effective use of Local Government resources, including officer and Elected Member time.

This guide is Part 1 of a two-part series and includes a suggested model delegation policy together with a process for developing a delegation system for determining development applications within the Local Government planning framework.

There is not a “one size fits all” approach. This guide should be used to assist individual Local Governments develop delegation systems and processes suitable to their own specific needs, based on best practice principles.

For further details and background supporting this guide, refer to Part 2 of this series. Part 2 explains what delegation involves and how the power to delegate determination of development applications comes about. It also discusses best practice planning principles and the leading practices for development assessment and approvals, drawing on work by the Australian Local Government and Planning Ministers’ Council in 2009 and the Development Approval Forum.

Part 2 also identifies the most common features of current development approval delegation practice within Western Australia (WA). Existing delegation arrangements of a majority of the Local Governments within WA were collected by WALGA for this study. The diverse nature of Local Governments with different approaches to the use of delegations has meant comparisons and finding a common approach to delegation arrangements was difficult.



## Purpose of Delegations

Delegation is generally defined as the assignment of responsibility or authority to another party in order that they can carry out specific duties and activities. Delegation empowers a subordinate to make decisions, that is, it is a shift of decision-making authority from one organisational level to a lower one.

Delegation of Local Government development application approval functions has a multi-purpose in:

1. Enabling Council to focus on strategic planning matters and development of planning policies by reducing the number of non-complex development applications required to be considered and determined at its meetings,
2. Enabling the development approval process to operate in a more consistent and efficient manner by reducing the number of reports that need to be prepared and presented to Council.
3. Enabling the development approval process to operate in a timely manner by reducing the actual time taken to determine applications as they do not need to await presentation at a Council meeting.
4. Retaining Council's ability to consider more complex or community sensitive development applications where appropriate.
5. Recognising the professionalism of Local Government planning staff by providing them with more responsibility for making decisions.

## Importance of Strategic Policy Frameworks

The importance of the strategic planning process to inform the development and interpretation of regulatory planning policies cannot be overstated. In the absence of adequate levels of strategic planning, regulatory policies are developed without an understanding of the bigger picture and the desired strategic direction of the organisation. Regulatory policy development then tends to be *ad hoc* and reactionary, rather than proactive and targeted at relevant issues.

Planning policies provide guidance on planning, land use and development matters and are a fundamental aspect of town planning. They are more flexible than statutory provisions, yet they play an important role in assisting how a development is to be assessed especially where discretion is to be exercised. Without the development of a strong strategic and policy direction, it is difficult to undertake development control with certainty and consistency.

The key to a good system of delegations is that it is based on a clear set of Council policies operating within a strategic land use planning framework. Whilst policies may be sound in themselves, they should also reflect the direction given through the local planning strategy to provide for a more fully integrated approach.

Once a robust framework for decision making is in place, it becomes easier for Elected Members to pass on the responsibilities of decision making to others as they can be more certain of the way applications will be determined. It must be stressed, however, that the existence of planning policies does not remove the need to consider development applications on their merits.



## Legal Framework

The general position at law is that an authority entrusted with a function or power is generally required to perform that function or power itself. It is not permitted to delegate its performance to another. This is known as 'the rule against delegation' (or *delegatus no potest delegare*).

This is especially so in relation decisions requiring the exercise of discretion, which is the hallmark of the assessment of applications for development approval. It is only where there is an express power to delegate found in legislation, that the common law rule gives way.

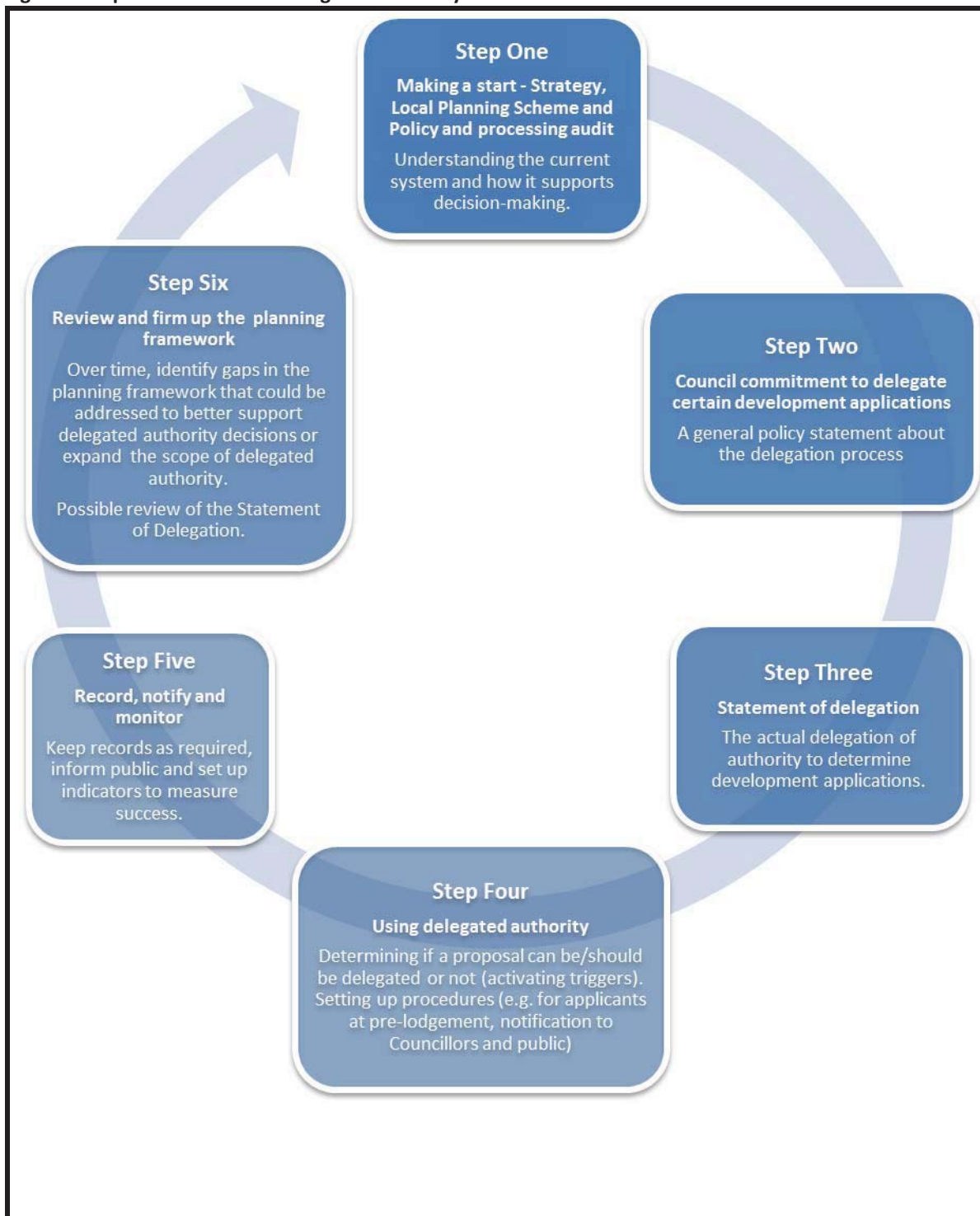
Therefore, in relation to Local Government, Councils who wish to delegate their development control functions, the questions that must be asked are:

1. Pursuant to what legal instrument does the Council have power to control development?
2. Is there an express power to delegate that function?
3. Has the power been correctly delegated in accordance with that express power?

## Model Process for Delegated Authority

Figure 1 offers a process model for Local Governments to guide development of delegated authority policy and procedure. It summarises a step by step approach which is further detailed in the following chapters. It is acknowledged that not all Local Planning Schemes (LPSs) have the same powers and provisions so not all aspects of this guide will suit everyone. It is further acknowledged that this example may not necessarily be appropriate for some Local Governments.

**Figure 1 - A process model for delegated authority**





### a) Step One: Audit

It is opportune to commence with an audit or identification of the Local Government's existing planning framework (local planning and other Council strategies, local planning scheme, local planning and other Council policies), procedures, development approvals data and current delegation rules together with an understanding of the local community and its values. As a guide, it may be appropriate to answer the following sorts of questions:

#### What development approval powers does Council have?

Development approval powers can only be delegated if they exist in the LPS in the first instance. For example, some LPSs may not include provisions for retrospective approval (this may be why some of the sample delegation notices referred to in Part 2 of this study did not specify certain functions). It is therefore, necessary to understand what development approval powers are available to the Local Government.

#### What powers does Council have to delegate its development approval powers and duties?

Delegation of those planning powers and duties can only come about if Council is empowered to delegate these powers and duties. Local Governments have the power to delegate determination of certain development applications to Development Assessment Panels (DAPs) under the *Planning and (Development Assessment Panels) Regulations 2011* (DAP Regulations). For delegation to officers of the Local Government, however, this would need to be specified within the LPS. (Refer to Part 2 of this study for further detail of the legal framework for delegations).

Function – Description	Function – Power	Source of Delegation Power	Delegated to whom?
Application for prospective development approval	LPS	LPS	Depends on LPS provision
Application for retrospective development approval (a)	s 164 PD Act	No power to delegate	n/a
Application for retrospective development approval (b)	LPS	LPS	Depends on LPS provisions
Application for development approval with values set out in r.19 of the PD (DAP) Regulations	LPS	s 171B PD Act; r.19(2) PD (DAP) Regulations	Relevant DAP
Issuing written directions for illegal development	s 214	s 5.42(b) LG Act – delegation to	To CEO, who has a power to sub-delegate to employees – s 5.44 LG Act

Where powers do not exist in the relevant LPS to delegate, an amendment to the LPS text will be required before any delegation may occur.



### **What records are required in relation to delegated authority?**

The LPS should require some form of recording and reporting for delegations. Clause 11.3 of the Model Scheme text refers to the requirements of the *Local Government Act 1995* (LG Act) in relation to delegations which involves the keeping of a register of the delegations made to the CEO and other employees, which is to be reviewed at least once every financial year. In addition, the Local Government Administration Regulations require records to be kept of how and when the delegation was made and who was affected by it (Refer to Part 2 of this study for further details on records required under the LG Act).

Not all LPSs are the same and requirements for recording and reporting may differ. In addition, individual Local Governments may have other operational procedures for recording and reporting delegations which may not necessarily be a statutory requirement and these also need to be identified and understood. Some suggestions are made under Step Five.

### **What development applications can currently be determined under delegated authority and does this work well?**

Comparing the actual numbers, work flow and process times for those development applications dealt with under delegated authority to those that were not, will give an indication of advantages in efficiency. Ideally, there should be substantial time benefits in the favour of applications dealt with under delegated authority.

In addition, a check of the number and type of applications that were presented to, and determined by Council, where the officer recommendation was unchanged may indicate further delegation opportunities.

It may also be beneficial to identify those development applications that could have been determined under delegated authority, but were not, and were considered by Council instead. Importantly, the reasons for this action need to be understood so that this can be addressed in future delegations.

An analysis of development applications that were determined by Council, and could not be dealt with under delegated authority, is also worthwhile to identify common patterns of decision making situations that may be translated into future matters of delegated authority.

A survey of the staff to which approval powers are delegated will also assist in identifying any deficiencies that may exist in the delegation and/or the process involved. This could also be extended to include the views of Elected Members.

### **Which land uses, standards and provisions require exercise of discretion under the LPS?**

There are occasions where compliance is not clear-cut and some discretion is required to reach a decision. In such instances, it is important to know how to determine acceptability (for staff assessing the proposal and for Elected Members and/or staff as decision makers). Likewise, it is important to know which LPS requirements are mandatory and cannot be relaxed or varied.

This exercise will assist in categorising applications in a track-based assessment of whether it may or may not be considered under delegated authority.



**Are there any LPS or local planning policy provisions to guide decision makers when discretion is required?**

LPSs generally list a number of matters that the Local Government is to have due regard to in considering an application for development approval (as per s10.2 of the *Model Scheme Text*). They may also have provisions to assist in making a decision where discretion is involved. In addition, it is common practice for Local Governments to adopt planning policy in such situations. Planning policy may be in a general form or for specific situations. Scheme provisions and planning policy ideally should be based upon the strategic direction provided by Council's Local Planning Strategy and other Council strategies.

**Are there any particular land uses, sites or issues within the Local Government that are likely to incite community interest if they were affected by a development application?**

It may assist to be aware of situations that are likely to spark a high level of community interest or where potential conflicts may arise. Understanding the community and its values is important in determining when it is appropriate to allow for delegation approval powers or whether to exercise those delegation powers when they exist for some instances.

For instances where these situations are identified and a clear policy direction is developed to assist in decision making, determination under delegated authority, however, some Local Governments and their communities may have an expectation that certain applications, that are sensitive in some way or another, should be considered by Council.

**Are adequate management systems in place?**

It is important that processes are in place to ensure such matters as:

- no staff conflicts of interest being involved in assessment and recommendations;
- keeping informed with changes to statutory instruments and policy outside of the organisation which could have an impact or influence on decisions;
- consistency in decision-making; and
- managers are satisfied that staff are well versed in relation to delegation policy, statements and processes.

**Where are there gaps?**

By addressing such queries and suggestions as outlined above, a number of gaps and deficiencies will become apparent enabling the Local Government to work towards a stronger approvals and refusals delegation system.

At this point, a Local Government is likely to be in a better position to understand:

- what development determination powers are available and if they can be delegated;
- have an idea of the types of development applications that should be considered under delegated authority (that is where the decision could not be made differently by Council in any event);
- have an idea of the types of development applications that could be satisfactorily dealt with under delegated authority in relation to staff, Elected members' and community expectations; and
- whether those decisions would be strongly supported by the Local Government planning system framework and other Council strategic and policy direction.





## b) Step Two: Council Delegation Policy

Prior to developing a delegation statement for determining development applications, it is recommended that Council articulates a policy statement regarding its commitment to delegating its powers of development approval and provide guidelines for how delegation will be decided and how it will work.

Although this is not a requirement for delegation to occur, it gives a clear indication of the sorts of circumstances that are likely to involve Council determination of a development application, those that may not and those that will not.

It may be appropriate to attach the statement/s of delegation (discussed in the following Step Three) as an appendix to such a policy once they have been developed.

Based on the National planning principles presented to the Australian Local Governments and Planning Ministers' Council in 2009 and the Development Assessment Forum (DAF) leading practice model, a model policy has been developed for consideration and is attached as an example of what a policy could address.

This is shown as Attachment 1 – A Model Delegation Policy Example and includes the following:

- What delegated authority of development applications involves and how it comes about.
- The purpose of delegation.
- The importance of a robust planning and policy framework in delegated decision making.
- Guidance for making delegations.
- The importance of trust, respect and understanding of roles.
- Reporting and monitoring delegated decisions.

This is only one example of what a Local Government may consider. It is expected that delegation policies would vary between Local Governments according to their different circumstances.

## c) Step Three: Statement of Delegation

### Form of delegation

There may be a single delegation statement relating to development applications or several developed at various times.

The 2007, *Local Government Operational Guidelines* relating to delegation advise that delegation statements need to include:

- a) Identification of the power or duty to be delegated;
- b) Identification of the person or office to whom or which the power or duty is to be delegated; definition of the circumstances (if any) in which the power or duty can be exercised or discharged; and
- c) Conditions on the exercise of the power or discharge of the duty.

In identifying the power or duty to be delegated, this will involve reference to the relevant part or parts of the LPS.

Depending on the powers to delegate, identifying the person or office may be specified in the LPS and must be the same. If possible to delegate to more than one person, or if sub delegation is possible, it may be necessary to separate particular delegates and the instances they can use the delegation.





In keeping with leading practice principles, delegations should be clear, decisive and non-ambiguous.

#### **Determining what to delegate**

With regard to all Council delegations, *Delegations - Local Government Operational Guidelines* Number 17 (January 2007, Department of Local Government and Regional Development) state that:

*"A decision to delegate a power or duty should be made by Local Governments only after thorough consideration of whether the delegation will facilitate the effective operation of the Local Government. This will therefore depend on the particular circumstances of each Local Government.*

*...The principal consideration for a Local Government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the Local Government's operations whilst ensuring that its policies are consistently implemented."*

Aside from each Local Government having its unique set of circumstances, a key message in this statement is the need for a robust policy framework being in place prior to passing on certain decision making responsibilities. If looking at delegation, there is a need for sufficient guidance to make sure that the decision will be made in accordance with Council's wishes. For example, is there regulation and/or policy to guide when discretion is involved? If the policy guidance is not clear or does not exist, then it is better that decisions relying on such policy be dealt with by Elected Members and not under delegated authority, pending further policy development.

Based on national planning principles and the DAF leading practice model a best practice system of delegation results from the following foundations:

- A land use strategic planning direction which addresses the context of a particular place and informs the statutory planning framework giving legitimacy to the selection of planning tools.
- A statutory planning framework including a regularly reviewed and updated local planning scheme with a cohesive set of adopted local policies which provide for the implementation of the chosen strategic direction.

On the basis of these foundations an appropriate delegation system can be developed to suit the local context in which the planning framework has been developed. It is not considered appropriate that a standard system of delegations should be applied to all Local Governments because of the diversity of local circumstances that they face. It is possible, however, to suggest a minimum benchmark noting that some Local Governments may easily exceed it.



As a guide to making a delegations framework for the determination of development applications, five different streams of track-based assessment could be considered as follows:

**Stream 1 - Code Assessed: Delegated**

Decisions involving applications that are purely code assessed against local planning scheme provisions and the R Codes 'Deemed to Comply' provisions where use of discretion is not available or not required.

- Relates to all 'X' uses (Refusal only).
- Relates to all permitted uses that fully comply (Approval only)

**Stream 2 - Permitted use with scheme based variations: Delegated**

- Decisions involving applications that require some minor local planning scheme and/or R Code variations. For example, this may involve reduction in R Code setbacks, minor increases to plot ratio and building heights or a small reduction in car parking standards.
- Decisions involving applications that require some minor deviation from policy.
- Delegated officer/s able to determine extent of positive/negative impacts where neighbours have been consulted.
- Approval only when variations are justified based on performance elements, with no adverse amenity impact or Approval with conditions to ameliorate impacts to meet performance elements.
- Council adopts a set of triggers for the level of variation being sought (for example >10% variation of height requirement). If these are exceeded then the application will fall within Stream 4 or Stream 5.

**Note: Streams 1 and 2 would be expected to cover the vast majority of applications lodged.**

**Stream 3 - Discretionary uses: Delegated**

- Decisions involving applications which are for 'discretionary' uses in the scheme, including those requiring advertising.
- They may also involve some minor variations to standards (as per Stream 2).
- Council adopts a set of additional triggers that would lead to the application being considered by Council rather than under delegated authority. Triggers could include, for example, specific uses or specific areas of land/zoning.
- Approval only when fully complies with standards and policies; or variations are justified based on performance elements, with no adverse amenity impact; or conditions are applied to ameliorate adverse impacts to meet performance elements.

**Stream 4 - Applications with planning merit but require use of substantial scheme and or policy variations: Determined by Council (not delegated)**

- Decisions involving applications that have planning merit but propose significant variations from adopted Council policies and/or scheme provisions. For example, plot ratio, building height and car parking standards.
- Decisions involving applications that have planning merit but contain sensitive land uses, with potential adverse or unknown amenity impacts, or involve heightened community interest.
- Decisions involving applications that have planning merit but by their nature challenge the existing policy settings of Council, and may require an adjustment to policy.



**Stream 5 - Applications that require use of scheme or policy variations with little or no planning merit with negative amenity impacts: Delegated**

- Decisions involving applications that appear to have no or little planning merit falling outside the use of objective rules and which fail performance tests.
- Decisions involving applications that appear to have no or little planning merit to justify significant concessions in terms of variations to scheme provisions or adopted policies.
- Refusal only.

**Note: Delegates at all times reserve the right not to exercise delegation powers**

**Choosing the delegate most appropriate to the task**

In most instances within WA, Local Government options for delegates for determining development applications include:

- A committee of the Council (MST with reference to the LG Act);
- The CEO (MST with reference to the LG Act); and/or
- An officer of the Council sub-delegated by the CEO (MST with reference to the LG Act).
- A DAP within meeting certain criteria (DAP Regulations);

The DAF leading practice promotes decisions being clearly made at the most effective level against specific assessment criteria, with most decisions being made by professionals. However, which officer level is the most appropriate and when should delegation be given to a committee or DAP?

**Committee of Council (as agreed by Council)**

Many Local Governments employ a system of committees established to consider certain aspects of its operation to reduce the workload at Council meetings. In relation to development applications, the efficiency benefits of delegating determination powers to a Council committee are not necessarily any greater than the matter being considered by full Council.

Delegation of planning powers to a Council committee is not a common practice within WA and it would not seem to lead to significant improvement in development approval practice. In some cases, planning committees can only make recommendations to Council. There may, however, be special circumstances for which a Local Government may prefer to delegate planning determination powers to a committee instead of to an officer, without the need for the proposal to be considered by full Council.

**CEO (as agreed by Council) and Other Officers (as sub-delegated by CEO)**

The *Local Government Operational Guidelines* for delegation state that:

*"A Local Government Council is unable to deal with all of the numerous issues and duties concerning its Local Government. As far as is possible and reasonable, Councils should be predominantly concerned with dealing with higher level policy matters for their Local Governments.*

*Duties and powers which are operational in nature, but exercise discretion should be delegated to the CEO."*

It is common practice within WA to delegate planning determination powers to CEOs of a Local Government and is considered to be the most appropriate course of action for most development applications.

When considering delegation for determining development applications to the CEO, or by the CEO to other officers, it is important to ensure that the proposed delegate is adequately equipped to make the decision at hand. This may be inclusive of a number of factors including:



- The qualification, experience and knowledge of the individual as they apply to making the development application determination as specified; and
- The current workload of the person.

For Council (in the case of the CEO) and the CEO (in the case of sub-delegation to other officers) it is not only essential to have faith in the delegate's competency and reliability but to also provide the necessary training and possible additional/reshuffling of staff resourcing to support the delegate. Supervision and oversight of delegates is also an important factor to provide assistance when required and identify any issues that need to be addressed.

In relation to sub-delegation, it is more appropriate that the officer responsible for assessing the application should differ from the person who makes the decision on that application. Many Local Governments operate a technical advisory group comprising of key staff from planning, engineering, building and health sections to review and coordinate the processing of development applications. Advisory groups such as these can be used to assess development applications and make recommendations to the delegated officer.

#### **DAP (as proposed by Council and agreed by WAPC)**

Under the DAP Regulations, Local Governments may delegate to a DAP if certain criteria is met. Opportunities for choice of other delegates in other circumstances will depend on what is made available by the instrument that gives the Local Government power to delegate (LPS).

The current DAP Regulations only allow Local Governments to delegate power to determine development applications to a DAP whereby the proposals:

- Fall within the optional DAP application thresholds (that is not an excluded development application and is more than \$3 million but less than \$7 million or more than \$10 million and less than \$15 million in the City of Perth);
- Where the applicant has decided not to opt-in to have the application determined by a DAP; and
- Where the responsible authority nevertheless decides that the application is of a class of development that should be delegated to a DAP for determination.

(Planning Reform Phase 2 proposes regulation changes to these criteria)

Delegation to a DAP does not preclude a Local Government from making a determination on a delegated development application. Delegation to a DAP can be complex as it involves consent from the Director General of the Department of Planning together with a written instrument of delegation being published in the Government Gazette.

It is not currently a common practice within WA to delegate development applications in these circumstances to a DAP for determination. It is up to each Local Government to decide on the class of development that should be delegated to DAP.

#### **Determining conditions and exemptions**

Powers and duties can be delegated subject to the fulfilment of comprehensive conditions. Conditions limit the exercise of powers or discharge of duties to circumstances prescribed by the Council such that, if an application does not satisfy the conditions attached to a delegation, it must be referred to Council for determination. In the same way, exemptions can also be made when there are exceptions to a delegation rule.

Conditions and exemptions can act as triggers for automatic referral to Council for determination. For example, triggers for referral to Council for applications could include:

- A proposed variation to a standard, provision or policy in excess of a stated limit;



- Substantial variation to policy with uncertain or adverse amenity impact;
- Applications involving a specifically identified land use, activity or land parcel.

It is noted that a delegate may, at any time, choose not to use the delegation powers available to him or her. It is recommended that delegation powers be used to their full extent. However, there may be occasions where it is more appropriate for a delegate not to exercise delegation powers. Such circumstances may involve:

- perceived or real conflicts of interest;
- lack of confidence in making the decision (could be due to inexperience, lack of policy direction, ambiguity in relation to requirements or delegation provisions and the like); and
- high community interest where there appears to be an expectation that Elected Members should be directly involved in debate and decision making.

#### **Procedure for making the delegation under LG Act**

Note that the LG Act only has relevance in relation to Section 214, and where the power of delegation under the relevant LPS incorporates the delegation making provisions from the LG Act by reference.

Where that is the case, all proposed delegations need to be presented to Council for approval. When a Local Government's administration identifies a Local Government development approval power or duty of which can be delegated and if believed that delegation will provide better efficiency, a recommendation for a delegation is put to the Council by the CEO.

As mentioned in a previous section of this report, it is important to remember that all delegations by Council require an absolute majority decision and once a delegation has been made by Council, it must be recorded in the delegation register.

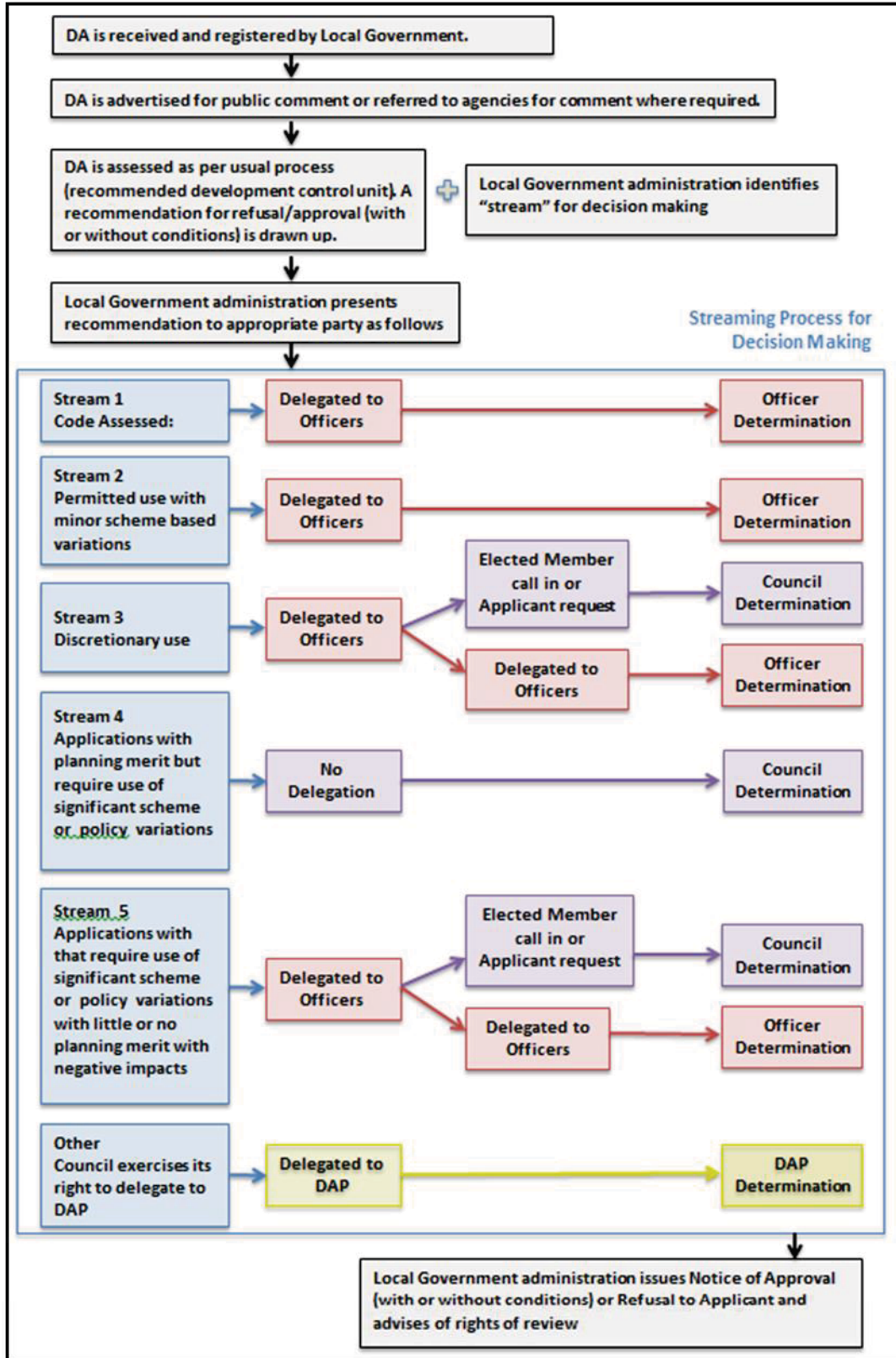
Sub-delegations by CEOs (where applicable) follow a similar course in that employee proposals for delegations (for themselves or for other employees) should be provided to the CEO with recommendations being in a format similar to the recommendations for delegations by Councils. Written records of delegations by the CEO must also be kept in the delegations register.



### d) Step Four: Using the Delegation

The following Figure 2 shows how the suggested delegation model fits within the development approvals process.

Figure 2 - Using the suggested model policy in the development approvals







The development application (DA) assessment, notification of the decision and right of review within the development approvals process do not change whether a proposal is determined by Council or under delegated authority.

Between assessment and determination, however, it is the role of administration to identify whether the proposal falls within the delegated authority “stream” (based on the Local Government’s delegation register and policy) or not. If not, a recommendation is formed and a report is prepared for Council in the usual manner for a decision to be made at a Council meeting. If delegated authority is possible, then a decision can be made for the delegated officer to determine the application.

Once a decision has been made, notification is issued to the applicant in accordance with the usual planning requirements and a right of review to the State Administrative Tribunal may exist regardless of whether the determination was made under delegated authority or not.

Procedures need to be developed to assist with these actions.

The following matrix is provided to assist in determining which decision making stream applies to an application:

Use Class			Compliance								Stream	Decision			
												Delegated	Council		
X Use	Permitted Use	Discretionary Use	Fully complies with standards	Fully complies with policy	Variations to standards - no adverse impacts	Variation to policy - no adverse impacts	Minor variations to standards - adverse impacts	Minor variation to policy - adverse impacts	Substantial scheme or policy variations - with planning merit	Substantial scheme or policy variations - without planning merit		Delegated	Council - not delegated		
											1	R			
													1	A	
													1	A	
													2	A	
													2	A	
													2	A* or R	
													2	A* or R	
													4		A or R
													5	R	
													3	A or R	
													3	A or R	
													3	A or R	
													3	A* or R	
													3	A* or R	
										4		A or R			
										5	R				
			<b>A = Approval</b>		<b>A* = Where conditions are applied to ameliorate adverse impacts</b>					<b>R = Refusal</b>					



### e) Step Five: Record, Notify and Monitor

Delegated assessment and decisions need to take place under conditions of transparency and accountability.

For those Local Governments who delegate functions pursuant to Section 214 of the LG Act, as well as any delegation made under the LPS, where the LPS requires the delegation to be treated as if it were one made under that Act, certain recording procedures are required.

Under regulation 19 of the *Local Government (Administration) Regulations 1996*, the delegate must keep written records of when and how they exercise the delegated power or discharge the delegated duty, and the persons or classes of persons affected by the exercise of the power or discharge of the duty. As with delegations by Council, delegates must keep records of their exercise of delegated powers or discharge of delegated duties.

Part 5 Division 6 of the LG Act (disclosure of financial interests) also applies to delegates of powers and duties. Section 5.71 states that if (under Division 4) an employee has been delegated a power or duty relating to a matter in which the employee has an interest, the employee must not exercise the power or discharge the duty and must disclose the nature of the interest.

A person to whom a power is delegated under the LG Act is considered to be a 'designated employee' under Section 5.74(b) and is required to complete a primary and annual return each year.

Under Section 5.75 (Primary Returns) a person who is exercising a delegation must lodge a primary return in the prescribed form within 3 months of their start day. In addition, each year by the 31 August a person exercising a delegation must lodge an annual return. Section 5.78 prescribes the information which must be included in the primary and annual returns.

For those Local Governments where delegation powers make no reference to the LG Act, the abovementioned procedures do not apply. The LPS may instead specify alternative procedures.

Beyond the mandatory recording of decisions, disclosure of interest and lodging annual returns, procedures should be developed to adequately inform Elected Members and the community of these matters. How a Local Government proposes to do this can be stated within its delegated authority policy. This may include such actions as notification to Councillors through their Council agendas and updated lists on the Local Government website.

It is important to be able to measure the success of delegation which will require the collection of information and data. This could include such things as development application processing times (e.g. under delegated authority versus referral to Council) and identifying when delegated authority as not used when it could have been and the reason why.

**f) Step Six: Review and Firm up the Framework**

The LG Act requires Council to review its register of delegations at least once every financial year. Similar to the Step One audit process, it is also important to regularly (at least annually) investigate existing delegations, including their limitations and safeguard systems. Analysis of records of processing times and use of the delegations will identify areas that may be improved. In addition, it is necessary to identify the policies and assessment criteria that need to be developed prior to extending delegations.

## Attachment 1 – A Model Delegation Policy Example

### DELEGATION OF AUTHORITY TO CHIEF EXECUTIVE OFFICER TO DETERMINE APPLICATIONS FOR DEVELOPMENT APPROVAL

#### Statement of Intent

The purpose of this policy is to outline:

- What delegated authority of development applications involves and how it comes about.
- The purpose of delegation.
- The importance of a robust planning and policy framework in delegated decision making.
- Guidance for making delegations.
- The importance of trust, respect and understanding of roles.
- Reporting and monitoring delegated decisions.

#### What is Delegation?

Delegation in the context of this Policy refers to the Council assigning some of its powers to determine development applications under ..... (*insert name of local planning scheme*) to the Chief Executive Officer (CEO) in the circumstances detailed in the Delegated Authority Register (*name and number if applicable*) (*may be attached and referred to if this is the case*). The CEO may also sub-delegate to other officers of Council as detailed in the Delegated Authority Register.

#### Why Delegate?

Council acknowledges that the delegation of decision making powers relating to certain classes of development applications has the following benefits in:

1. Enabling Council to focus on strategic planning matters and development of planning policies by reducing the number of non-complex development applications required to be considered and determined at its meetings,
2. Enabling the development approval process to operate in a more efficient manner by reducing the number of reports that need to be prepared and presented to Council.
3. Enabling the development approval process to operate in a timely manner by reducing the actual time taken to determine applications as they do not need to await presentation at a Council meeting.
4. Retaining Council's ability to consider more complex or community sensitive development applications where appropriate.
5. Recognising the professionalism of Local Government planning staff by providing them with more responsibility for making decisions.

#### Power to Delegate

Clause ..... (*insert clause number*) of ..... (*insert name of local planning scheme*) provides for Council to delegate to the Chief Executive Officer (CEO) and/or a Council committee to exercise of any of its powers or the discharge of any of its duties under the Scheme.

Clause ..... (*insert clause number*) of ..... (*insert name of local planning scheme*) further provides for the CEO to delegate to any employees of the Council the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under Clause ..... (*insert clause number*) of ..... (*insert name of local planning scheme*).

**Note: Powers relating to delegation may vary between local planning schemes. Each Local Government will need to make adjustments to the model to reflect the powers provided for in their respective schemes.**

### **Councils Planning and Policy Framework**

Council acknowledges that the key to an effective system of delegations is that it is based on a clear set of Council policies operating within a strategic land use planning framework. Policies developed by Council reflect its intention to guide the future growth of the Local Government in the context of the objectives contained in the local planning strategy and the Local Planning Scheme.

Planning policies provide guidance on planning, land use and development matters and are a fundamental aspect of town planning. They play an important role in assisting how a development is to be assessed especially where discretion is to be exercised.

Development of a robust framework for decision making allows Council to delegate the responsibilities of decision making to staff and gives more certainty about the way applications will be determined. In addition, the framework provides Council staff with the confidence to effectively arrive at a decision on the behalf of Council.

### **Principles**

As a guide to making delegations for the determination of development applications, Council delegation will be structured around different streams of track-based principles decisions considering potential amenity impact and planning merit as follows:

#### **Stream 1 - Code Assessed: Delegated**

Decisions involving applications that are purely code assessed against local planning scheme provisions and the R Codes 'Deemed to Comply' provisions where use of discretion is not available or not required.

- Relates to all 'X' uses (Refusal only).
- Relates to all permitted uses that fully comply (Approval only)

#### **Stream 2 - Permitted use with scheme based variations: Delegated**

- Decisions involving applications that require some minor local planning scheme and/or R Code variations. For example, this may involve reduction in R Code setbacks, minor increases to plot ratio and building heights or a small reduction in car parking standards.
- Decisions involving applications that require some minor deviation from policy.
- Delegated officer/s able to determine extent of positive/negative impacts where neighbours have been consulted.
- Approval only when variations are justified based on performance elements, with no adverse amenity impact or Approval with conditions to ameliorate impacts to meet performance elements.
- Council adopts a set of triggers for the level of variation being sought (for example >10% variation of height requirement). If these are exceeded then the application will fall within Stream 4 or Stream 5.

**Note: Streams 1 and 2 would be expected to cover the vast majority of applications lodged.**

#### **Stream 3 - Discretionary uses: Delegated**

- Decisions involving applications which are for 'discretionary' uses in the scheme, including those requiring advertising.
- They may also involve some minor variations to standards (as per Stream 2).
- Council adopts a set of additional triggers that would lead to the application being considered by Council rather than under delegated authority. Triggers could include, for example, specific uses or specific areas of land/zoning.
- Approval only when fully complies with standards and policies; or variations are justified based on performance elements, with no adverse amenity impact; or conditions are applied to ameliorate adverse impacts to meet performance elements.

**Stream 4 - Applications with planning merit but require use of substantial scheme and or policy variations: Determined by Council (not delegated)**

- Decisions involving applications that have planning merit but propose significant variations from adopted Council policies and/or scheme provisions. For example, plot ratio, building height and car parking standards.
- Decisions involving applications that have planning merit but contain sensitive land uses, with potential adverse or unknown amenity impacts, or involve heightened community interest.
- Decisions involving applications that have planning merit but by their nature challenge the existing policy settings of Council, and may require an adjustment to policy.

**Stream 5 - Applications that require use of scheme or policy variations with little or no planning merit with negative amenity impacts: Delegated**

- Decisions involving applications that appear to have no or little planning merit falling outside the use of objective rules and which fail performance tests.
- Decisions involving applications that appear to have no or little planning merit to justify significant concessions in terms of variations to scheme provisions or adopted policies.
- Refusal only.

**Note: Delegates at all times reserve the right not to exercise delegation powers**

**Integrity of the Delegation Process**

Delegation of authority to the CEO and allowance for sub-delegation of some classes of development applications is an expression of Council's trust and respect for its administration.

In making its delegations for the determination of some classes of development applications to the CEO, Council (or the case of CEO in relation to sub-delegation) is satisfied that the person being given the delegation:

- Is suitably qualified, experienced in land use planning and have sufficient knowledge to make the application determination as specified; and
- Is sufficiently resourced to carry out the delegation.

With regard to sub-delegation, the officer responsible for assessing an application is to differ from the officer making a decision on the application where practically possible.

**(Note: the following dot points are applicable only for those Local Governments whose LPSs refer to the LG Act. Other Local Government LPSs may specify other procedures).**

The Council in use of delegated decision making requires a high level of transparency, accountability in the process. In accordance with the requirements of the *Local Government Act 1995*:

- A register will be kept of all delegations made by the Local Government and sub-delegations made by the CEO with regard to development applications and reviewed each year;
- Records will be kept whenever the delegated authority is used;
- A Local Government officer who has been delegated a power or duty relating to a matter in which he/she has an interest must not exercise the power of delegation and must disclose the nature of the interest; and
- A Local Government officer who has been delegated a power or duty must complete a primary and annual return each year.

In addition, a list of all development applications received and an indication of whether they are likely to be dealt with under delegated authority is to be updated and advertised on a regular basis to Elected Members.

Furthermore, a list of all development application decisions is to be updated and advertised on Council's website on a regular basis indicating whether the proposal was approved or refused and whether the decision was made under delegated or other. Hard copies of these lists are to be made available and displayed to the public at Council's offices.

**Review**

The delegation of powers to determine development applications is to be reviewed each year as part of Council's obligation under the *Local Government Act 1995* to annually review all delegations made by Council.

The review take into consideration a number of key performance indicators as determined by administration which may include such matters as time taken to process development applications and community expectations.

**5.5 Interim submission – Reforms to the Strata Titles Act 1985 (05-047-01-0011 VJ)**

*By Vanessa Jackson, Policy Manager, Planning and Improvement*

**Recommendation**

**That State Council endorse the interim submission to Landgate on the discussion paper proposing reforms to the Strata Title Act 1985.**

**In Brief**

- The Minister for Lands and Landgate released a discussion paper about proposed reforms to the Strata Titles Act 1985.
- The public comment period was between the 31 October 2014 and 16 January 2015.
- An interim submission was prepared for State Council endorsement

**Attachment**

Interim Submission to Landgate on the proposed reforms to the Strata Titles Act 1985.

**Relevance to Strategic / Business Plan**

- Providing strong representation for Local Government
- Providing effective leadership for Local Government

**Policy Implications**

Nil

**Budgetary Implications**

Nil

**Background**

On the 31 October, the Hon Minister for Lands released a discussion paper on the proposed reforms to the Strata Titles Act 1985. The consultation period was initiated on the 31 October 2014 and until the 16 January 2015. The proposed reforms can be accessed via the following link: -

<https://www.landgate.wa.gov.au/corporate.nsf/web/Strata+Titles+Act+Reform>

The proposed reforms outlined in the discussion paper encompass the following areas:

1. Community Titles
  - multiple levels of management for large-scale and/or mixed-use developments;
  - different schemes in one land parcel under an umbrella body corporate;
  - multiple strata schemes in one building under an umbrella body corporate to manage different uses (residential, commercial, retail);
2. Leasehold Strata
  - the owner of freehold land entering into a long-term lease arrangement with a developer, authorising them to develop the land and register a strata plan over the development;
  - leasehold strata lots for which titles can be issued; and
  - improved staging of developments.

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## FORUM DISCUSSION PAPER

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<b>Date of Report:</b>	4 March 2014
<b>Name of Applicant / Proponent/s:</b>	Stan Scott - CEO
<b>File Reference No.:</b>	00BEJ
<b>Author:</b>	STAN SCOTT - CEO
<b>Responsible Officer:</b>	STAN SCOTT - CEO
<b>Previously Before Council:</b>	October 2014 Resolution 325/10/14
<b>Nature of Council's Role in the matter:</b>	Executive
<b>Attachments:</b>	1. Draft Letter; and 2. Voting Slip.

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### 9.1 BEJOORDING STREET ADDRESSING

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#### **PURPOSE OF THE DISCUSSION PAPER**

The purpose of this paper is to provide an update on proposed community consultation with the Bejoording Community.

#### **BACKGROUND**

Following a community meeting in October 2014 Council resolved to name the easements in Bejoording as private roads. Staff have researched possible road names and have prepared a draft letter and voting slip to allow residents to indicate their preference in relation to a naming convention.

#### **CONSULTATION IMPLICATIONS**

Return of the completed voting slips should provide sufficient guidance to allow for an informed decision.

The list of possible names resulted from research by staff members as the Toodyay Historical Society.

#### **STRATEGIC IMPLICATIONS**

The street naming will help solve a long standing community and emergency services issue for the Bejoording community.

#### **POLICY IMPLICATIONS**

LPP 22 provides guidelines on naming of roads within the Shire of Toodyay.

## LEGAL AND STATUTORY IMPLICATIONS

### Land Administration Act 1997

Under *Section 3 (1)* of the *Land Administration Act 1997*:

**private road** means alley, court, lane, road, street, thoroughfare or yard on alienated land, or a right of way created under section 167A(1) of the TLA, which —

- (a) is not dedicated, whether under a written law or at common law, to use as such by the public; and
- (b) is shown on a plan or diagram deposited or in an instrument lodged with the Registrar,

and which —

- (c) forms a common access to land, or premises, separately occupied; or
- (d) once formed or was part of a common access to land, or premises, separately occupied, but no longer does so; or
- (e) is accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that is dedicated, whether under a written law or at common law, to use as such by the public; or
- (f) once was, but is no longer, accessible from an alley, court, lane, road, street, thoroughfare, yard or public place that was dedicated, whether under a written law or at common law, to use as such by the public;

**TLA** means *Transfer of Land Act 1893*

Section 26 of the Land Administration Act provides that:

- (2) Subject to section 26A, the Minister may by order —
  - (a) constitute land districts and town sites; and
  - (b) define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and town sites; and
  - (c) name, rename and cancel the name of any topographical feature, road or reserve.
- (3) An order made under subsection (2) may include such matters enabled to be effected under an order made under another provision of this Act as the Minister thinks fit.

*Section 26A* relates primarily to new subdivisions, but does make the following provision.

- (5) A person must not —
  - (a) assign a name to the area or road unless the name is first approved by the Minister;

- (b) alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.

Penalty: \$1 000 and a daily penalty of \$100.

Transfer of Land Act 1893

Section 167A (1) of the *Transfer of Land Act 1893* states as follows:

**167A. Rights of way generally not public ways or thoroughfares**

- (1) Subject to subsection (2), every right of way shown and marked as such upon any map or plan deposited with the Registrar, under the provisions of Part VIII, on the subdivision of any land shall, unless the contrary is stated, be deemed an easement appurtenant to the land comprised in such map or plan and abutting upon such right of way, and not a public way or thoroughfare.
- (2) Subsection (1) does not apply, and is deemed never to have applied, to or in relation to land —
  - (a) vested in the Crown under section 20A of the *Town Planning and Development Act 1928*<sup>12</sup> or section 152 of the *Planning and Development Act 2005* for the purpose of a pedestrian accessway or right of way; or
  - (b) shown and marked as a footway or right of way on a map or plan (being a map or plan deposited with the Registrar of Titles) and transferred to the Crown —
    - (i) at the same time as, or after, the registration of certificates of title in accordance with that map or plan; and
    - (ii) before the commencement of section 20A of the *Town Planning and Development Act 1928*<sup>12</sup>.

Local Governments Act

Street addressing is a Local Government responsibility

The Local Government Act, Section 3.25 provides as follows:

**3.25. Notices requiring certain things to be done by owner or occupier of land**

- (1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —
  - (a) is prescribed in Schedule 3.1, Division 1; or
  - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.

Section 3.25 refers to the following schedule:

**Schedule 3.1 — Powers under notices to owners or occupiers of land,  
Division 1 — Things a notice may require to be done:**

2. Place in a prominent position on the land a number to indicate the address.

### **RISK IMPLICATIONS**

The street addressing is actually a risk mitigation strategy.

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

### **OFFICER COMMENT / DETAILS**

At its October 2014 Ordinary Meeting Council resolves as follows:

*That Council:*

1. *Consult further with the Bejoording community and the Geographic Names Committee to develop a list of recommended names for consideration by Council having regard to LPP 20 and the Landgate naming guidelines;*
2. *Upon endorsement of the proposed names by Council forward details of the proposed street names and a map showing their location to the Geographic Names Committee for approval;*
3. *Upon acceptance of the proposed street names ask to Rural Street Addressing team to allocate new rural street addresses to affected properties; and*
4. *Purchase and install new street signs and rural numbers to implement the outcomes above.*

We now have access to three possible groups of names from which to choose for street names in Bejoording. These are:

- Prominent residents with a connection to Bejoording;
- Police and magistrates; and
- Doctors.

Any one of these groups of names would be suitable and fit within both Council's Policy and the Geographic Names Committee's guidelines.

### **RECOMMENDATION**

That Council note the progress and provide feedback prior to the distribution of the survey to residents.

Ms XXXXXX  
XXXXXXXXXX  
TOODYAY WA 6566

/ / 2015

Dear Ms XXXX

Residents' of the Bejoording community were invited to attend a meeting on the 8<sup>th</sup> of October to discuss naming the private easements in the Bejoording town site so that emergency services would be able to locate your property easier. We had an overwhelming positive response from the community and it was agreed that this proposal be implemented.

After some discussion it was suggested that the shire of Toodyay submit 3 themes for the naming of the easements to the community for their input.

The Shire of Toodyay has a Local Planning policy LPP,22 that not only stipulates that the proposed names should be appropriate to the history, natural environment, indigenous culture and or character of the area, but should also apply a theme to the area.

The shire has now come up with 3 different themes and we are seeking your preference.

The first theme is based on the local Bejoording community. (People that lived and worked in the area). It must be noted that the most prominent of founders of Bejoording already have street's named after them, therefor we are not able to use them again.

The second list is of Doctors that resided in Newcastle (*now known as Toodyay*) and treated the Bejoording community when needed.

The third list is of the Magistrates / Police Sargent's that resided in Newcastle (*now known as Toodyay*) that were called upon to uphold the law and order in Bejoording.

We have enclosed a list of these 3 themes along with names associated with that theme and would like you to choose from 1 to 3 the theme you would prefer.

1 being you're favourable choice.

Under each theme there is a list of names. Could you please tick the name that you would prefer if that theme is the successful theme?

Once we have received the nominations from the community, a majority rule will apply and the chosen theme along with the names will be submitted to the Councils Development Services Staff as per the Road Naming Policy.

Upon approval from Council the shire will notify each affected person of the outcome.

We would like to thank you for your cooperation and look forward to implementing this system shortly.

If you would like to discuss this process further or would like further information please do not hesitate to contact Gloria Robinson from the Shire's Ranger Services on 9574 4555.

Yours Sincerely

Stan Scott  
Chief Executive Officer

## BEJOORDING ROAD NAMES SELECTION

Please select the list in number of preference 1-3

Local Names Preference: <input type="checkbox"/>	Doctors Names Preference: <input type="checkbox"/>	Police/Magistrate Names Preference: <input type="checkbox"/>
PLEASE TICK ONE (1) NAME	PLEASE TICK ONE (1) NAME	PLEASE TICK ONE (1) NAME
CARTER <input type="checkbox"/>	O'REILLY <input type="checkbox"/>	SCULLY <input type="checkbox"/>
TUCKER <input type="checkbox"/>	WALKEY <input type="checkbox"/>	SLADE <input type="checkbox"/>
FRANK <input type="checkbox"/>	MAYHEW <input type="checkbox"/>	HARRIS <input type="checkbox"/>
RALPH <input type="checkbox"/>	EDWARDS <input type="checkbox"/>	CLIFTON <input type="checkbox"/>
CEDRICK <input type="checkbox"/>	HUSSY <input type="checkbox"/>	BURT <input type="checkbox"/>
LUDEMANN <input type="checkbox"/>	CRAWFORD <input type="checkbox"/>	MADDEN <input type="checkbox"/>
TINDLE <input type="checkbox"/>	VIVEASH <input type="checkbox"/>	MCKENNA <input type="checkbox"/>
STACK <input type="checkbox"/>	FRANKLIN <input type="checkbox"/>	OSBOURNE <input type="checkbox"/>
LUCAS <input type="checkbox"/>	HUMPHREY <input type="checkbox"/>	PATTEN <input type="checkbox"/>
THRACKRAY <input type="checkbox"/>	CARLIN <input type="checkbox"/>	BINNING <input type="checkbox"/>
BLACKSTONE <input type="checkbox"/>	MOULE <input type="checkbox"/>	MERCER <input type="checkbox"/>
CARR <input type="checkbox"/>	WEBSTER <input type="checkbox"/>	HEALY <input type="checkbox"/>
MARLOW <input type="checkbox"/>	ELPHICK <input type="checkbox"/>	FAIRBAIRN <input type="checkbox"/>

Name: \_\_\_\_\_

Address: Lot: \_\_\_\_\_ Street \_\_\_\_\_

Contact Number: \_\_\_\_\_

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# Shire of Toodyay

## Non-ICLEI Waterwise Council

### Local Action Plan – Accreditation Submission

#### December 2014

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## **Introduction**

Water is recognised as a vital, yet increasingly scarce resource in the Agricultural Region of Western Australia known as the Avon Valley being the eastern portion of the Darling Ranges and transitioning through the Wheatbelt. Water is a major feature not only of the natural environment, in terms of our rivers, oceans and floodplains but also of our culture and our economy. As such, the management of water related issues is fundamentally important to our community as a whole. The Shire of Toodyay also recognises that as large consumers of water they also have a responsibility to show leadership by utilising water within the community in a sustainable and efficient manner.

The Shire of Toodyay has embraced this challenge through participation in the Water Corporation's Waterwise Council Program. The development of this Local Action Plan is a subset of many initiatives aimed at furthering the Towns overall vision of creating a cohesive, engaged, vibrant and sustainable community. This Local Action Plan details specific management actions that the Shire of Toodyay is committed to implementing in order to achieve its objectives in relation to water conservation.

## **Context**

### **What is the Waterwise Council program?**

The Water Corporation and the Department of Water, with support from the International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability, have developed a Waterwise Council program. The aim of this program is to build a co-operative working relationship with local governments to improve water use efficiency in local government and their communities.

### **What are the benefits of becoming a Waterwise Council?**

Becoming a Waterwise Council will provide a number of benefits, including:

- a better understanding of councils water use
- potential water and financial savings through improved efficiency
- free specialist Waterwise training courses for appropriate council staff
- access to Waterwise materials on water efficiency and conservation
- access to the Waterwise branding to promote the council as a sustainable water manager

## Background

### Background

The Shire of Toodyay is located within the Avon sub region of the Wheat belt and borders the north eastern edge of the Perth Metropolitan Region. With a population of approx. 4,387 people and an area of 1,683 sq. km it lays claims to some of the most magnificent examples of natural and cultural heritage in Western Australia. The town site of Toodyay located approx. 85 kilometres east of Perth in the picturesque Avon Valley is the major town having a vibrant, historic and a growing district centre that provides residents with quality retail outlets and services. The Shire of Toodyay forms part of the Western Australia Wheat belt region and a significant proportion of the land is used for agricultural activities, particularly sheep, cattle and grain.

The region's town residents are employed in a variety of industries including Agriculture, Tourism, Government Services, Education, Regional Business Centre, Aged Care Services, transport and freight services, pastoral, cattle, sheep, grain, flour milling, foundry, hard rock quarrying and speciality cottage industry and tourism. Tourism is a growing industry that has significant potential to expand, with visitors being attracted to the dramatic landscape, significant heritage values and country lifestyle. The Shire experiences a migration of people from the Perth metro area seeking an alternative semi-rural lifestyle, resulting in unprecedented demand for property and development. The Toodyay Council mission is included below.

#### **Vision:**

We are a vibrant rural community that celebrates our past and embraces a sustainable future

#### **Mission:**

Local Government and community working together to obtain the best possible social, economic and environmental outcomes for the Toodyay Shire.

#### **Climate**

Toodyay is characterized by a dry Mediterranean climate (dry, hot summers and cold, wet winters) with the majority of rainfall occurring during the winter months. The mean annual daily maximum temperature is 24.7 °C and the mean annual daily minimum temperature is 10.5 °C. The hottest month is January with a mean maximum temperature of 32.6 °C, while the coolest month is July with a mean minimum temperature of 5.3 °C. The historical average rainfall is approximately 521mm per year. Rain events of around 900mm per year have been known to occur.

However for the past 50 years maximum average rainfall has been between around the 500-600mm range. The wettest month is June with 102mm and the driest is December with 9mm.

## **Water Supply Scheme**

Opened in January 1903, the Goldfields Water Supply Scheme criticised as 'a scheme of madness' is now an internationally acclaimed engineering feat. Designer CY O'Connor believed water could be pumped so far and lifted so high through a steel pipeline that it would reach the inhospitable goldfields almost 600 km from the storage reservoir sourced at Mundaring.

The historical importance of the Goldfields pipeline to the economic development of both WA and Australia is profound. From the very day C.Y. O'Connor's creation reached the dry gold town of Kalgoorlie, the pipeline has been a lifeline for vast inland areas of WA. In fact the Goldfields, based around the world famous Golden Mile, could simply not have grown without this vital link. The pipeline is even more important now than when it was first constructed. Originally the pipeline supplied only the towns of Coolgardie, but further extensions now also cover significant areas of agricultural farmland.

Today the main pipeline remains the Water Corporation's single largest asset and provides billions of dollars of economic activity annually. Approximately 37,300 services are provided within the agricultural areas and Eastern Goldfields via 9,500km of pipe mains and 21 pump stations.

The Toodyay Water Supply is provided off the main fed from the West Northam Tank off the Goldfields Pipeline. The Water Corporation delivers approx. 190 million litres to the community of Toodyay. The cost of delivering water to Toodyay is expensive at \$3.50 per kilolitre and all measures to ensure efficient use of water are necessary to ensure future water supplies remain secure and the future of our community is assured.

## **Future water sources options**

The Water Corporation has options to expand the existing Goldfields and Agricultural Water Supply Scheme to meet future increases in demands. The scheme is now integrated into the Perth Integrated Water Supply Scheme to ensure that source water to Mundaring Weir is able to be augmented as necessary to maintain continuity of supplies. Continued growth of Toodyay will impose constraints on the existing Townsite infrastructure that will also require augmentation in the future.

## **Water efficiency**

[Add some words about the shire's commitment to becoming water wise and taking steps in this regard.](#)

The Shire of Toodyay maintains a strong partnership with the Water Corporation and has undertaken additional actions to expand and improve its harvesting of stormwater and is undertaking negotiations to implement a Wastewater Re-cycling Scheme for re-use water for new facilities being planned.

The Shire has trained its Parks and Gardens Staffs with Garden wise Training and ensures that public gardens plantings are waterwise.

The Shire has undertaken significant improvements of its irrigation systems and automating the planning and scheduling of irrigation waterings to the various Parks and Gardens and Playing Fields throughout Toodyay.

The Toodyay Showgrounds Complex have undergone water efficiency retrofits to improve the sustainability and significantly reduce energy and water costs to the complex, together with a review of the irrigation watering practices and systems configuration.

The Shire had undertaken water audits of the Playing Fields, and Showgrounds and has substantially completed most actions recommended in the Audit report.

## **Shire of Toodyay Corporate Water Consumption Inventory**

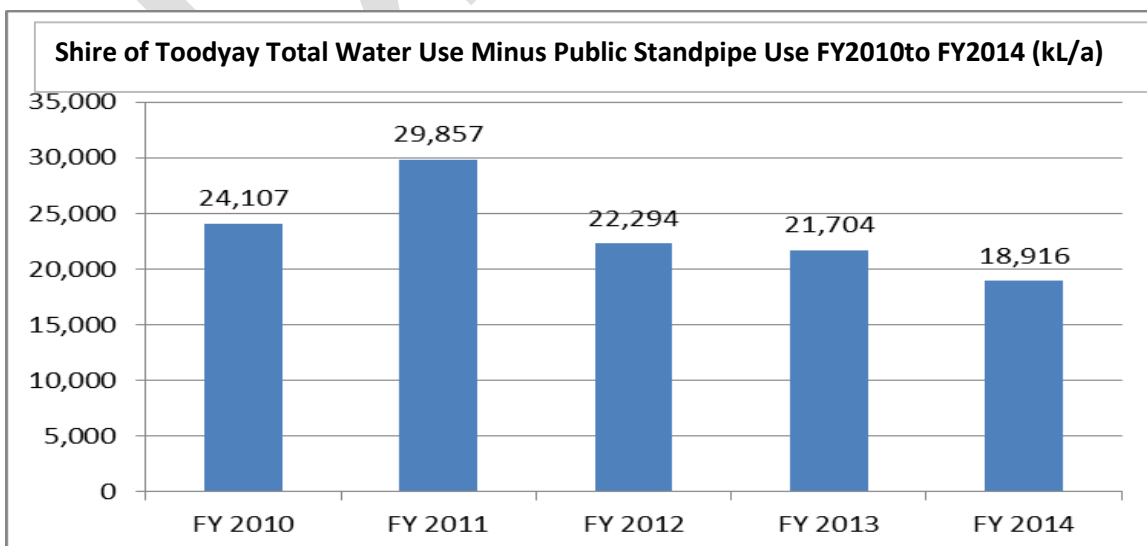
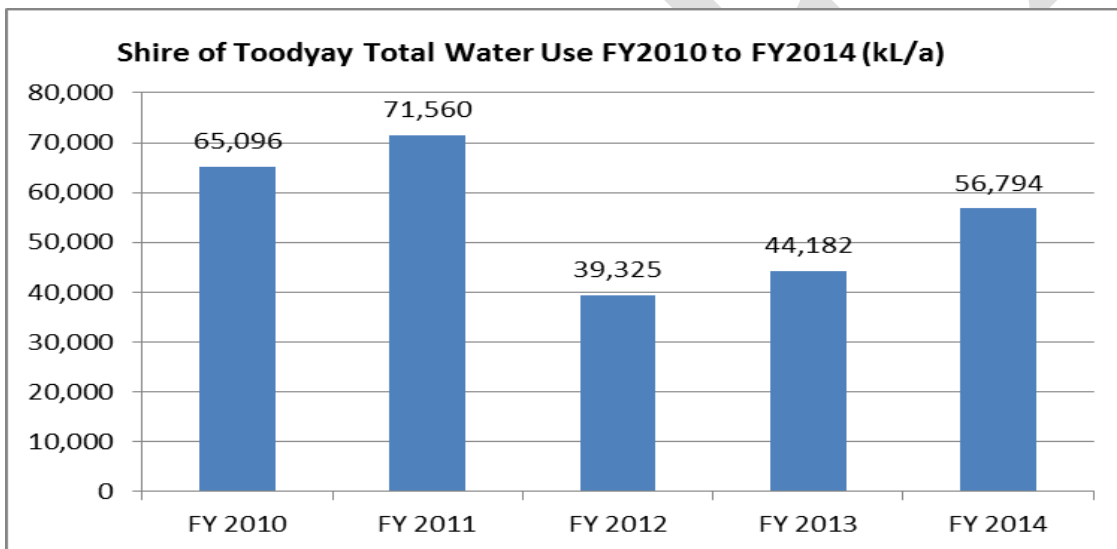
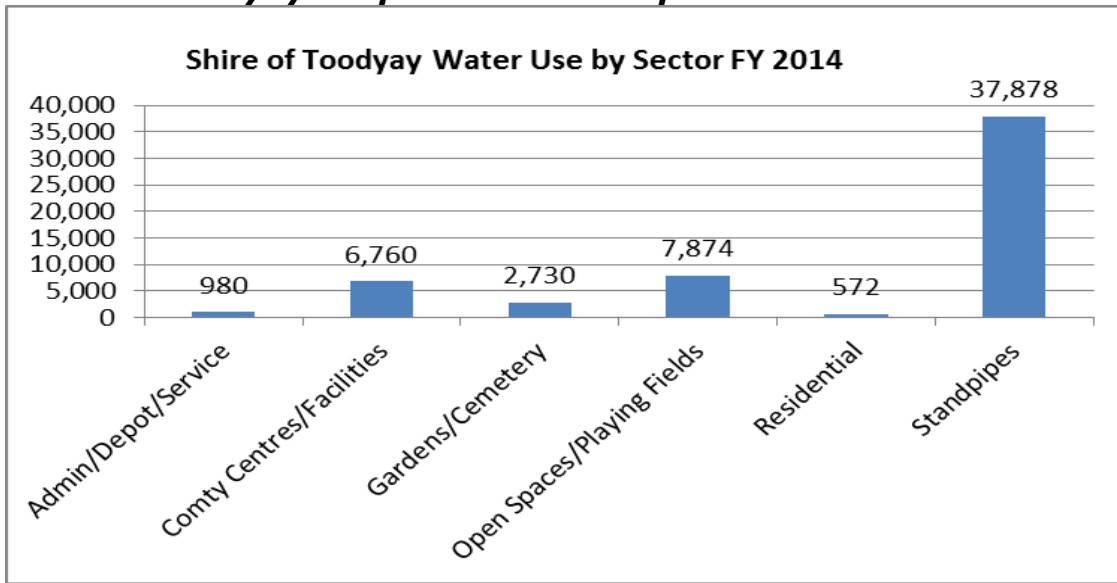
The Shire of Toodyay has reviewed its corporate consumption in order to measure the effectiveness of planned water conservation initiatives.

The following graphs and tables were sourced from the Water Corporation on the Shire of Toodyay Inventory Report on data which outlines the Shire of Toodyay consumption in the financial years from 2010 to 2014. This information underpinned the decision making processes that informed the consumption goal set for the Shire by the water team. Given the projected growth from development and Industry within the local government area, it is anticipated that water use is likely to continue to grow as demand for public facilities and pressure on open space increases.

## **Water Consumption Baseline Data Profile**

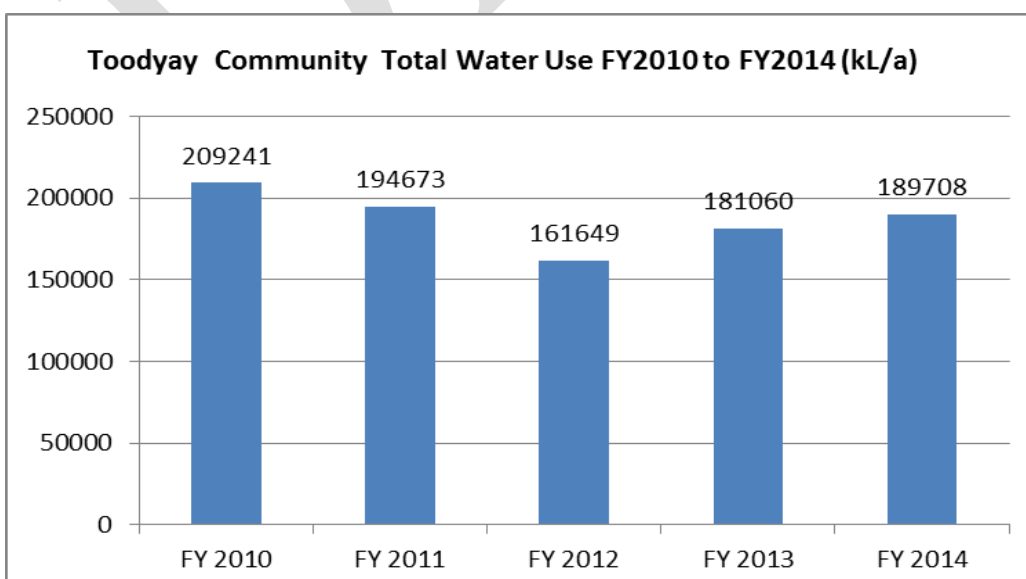
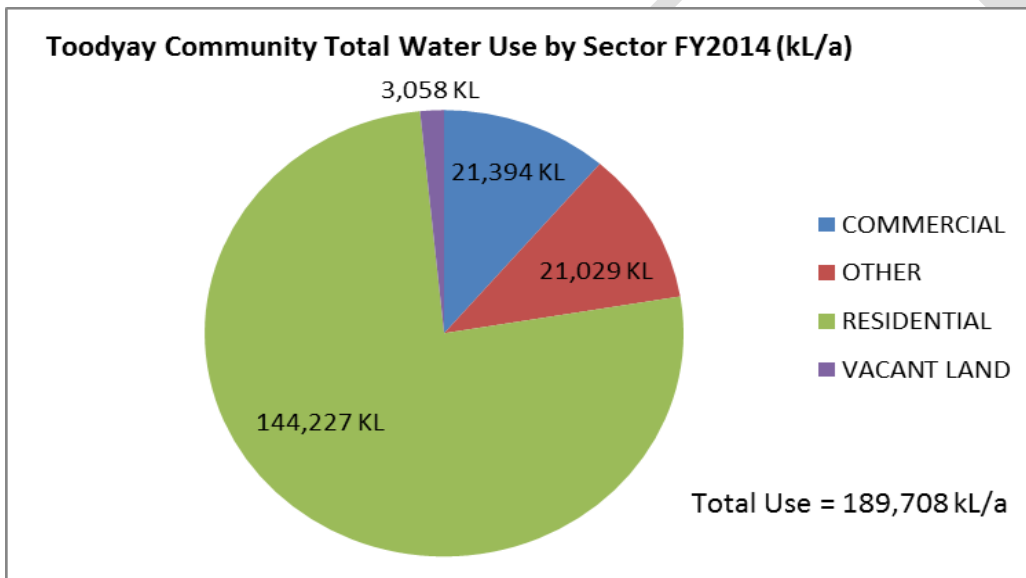
The purpose of the Corporate and Community water consumption inventories is to identify priority areas for action and assist Council to track property water consumption over time. The results of these past inventories are outlined below.

## Shire of Toodyay Properties Consumption Profile



## Consumption Profile

See below for an outline of the community scheme water consumption figures supplied ex the Water Corporation. The community data is outlined into Residential (flats and houses), the Mining Industry and Non-residential (industrial, commercial and community other facilities). The Corporate data provided above is a subset of this community data. The Commercial sector includes offices, light industrial sheds, depots, factory, yard, workshops, Caravan Park, shops, service station, exchange, restaurants, hotels and motels. Others include a cemetery, hospital, centres, schools, sports grounds facilities, a day care centre, irrigation, standpipe, toilets, ambulance depot, church, police station, tourist facilities.)



### [Can we show another graph taking out the Standpipe use?](#)

The Residential and Commercial water consumption has shown a declining trend over the past 6 years that is attributed to the community embracing the water efficiency message and adopting waterwise practices as well as residents and business dealing with the rising price of water by reducing demand. The Public Standpipe is heavily utilised due to the many homesteads without reticulated water supplies having to cart in additional water to supplement their rain water tank capture and storage. Other uses have also declined over this period.

## Water Conservation Goals

### Corporate Water Priorities

The initial waterwise strategies which address the management of water resources and water conservation within the Council's area of responsibility have been identified as—

- **Improve water management within the Council's own operations; and**
- **Improve water efficiency in the residential and non-residential sectors**

### Shire of Toodyay Waterwise Goals

The Shire of Toodyay has nominated some initial key goals to improve water use. These include:

1. Enhance water efficiency through improved irrigation practices employed in the watering of green spaces
2. Achieve improved water efficiency and average annual water consumption at community centres, public facilities and dwellings owned and managed by the Shire of Toodyay.
3. Investigate the cost effective reuse and efficiency of treated effluent wastewater and groundwater for irrigation
4. Improve access to information about water resources within the Shire to encourage recycling and reuse to provide fit for purpose water
5. Ensure planning and development proposals deliver water sensitive urban design outcomes.
6. Complete a Shire-wide water management strategy to guide decision making.

### Shire of Toodyay Potable Water Conservation Reduction Goal

The Shire of Toodyay commits to achieving a 5 per cent reduction in water consumption within the town-site (per capita population of the Town)



based on 2013/14 consumption data by the year 2018 and to ensure no net increase in consumption of the same period, based on current developments within the town. The timelines and targets are designed to fit with the community goal.

### Criteria for Shire of Toodyay to be recognised

Requirement	Evidence	Provided (by LGA) Yes / No	Criteria met Yes / No
<b>Criteria 1</b> <b>Sign a Memorandum of Understanding (MoU) with the Water Corporation to commit to participation in the Waterwise Councils Program.</b>	✓ Signed MoU received by the Water Corporation dated 27 March 2014	YES	YES
<b>1.1</b> Nominate an employee/position as a point of contact for water related issues.	Graeme Bissett - Mgr Planning & Development building@toodyay.wa.gov.au ✓ (08). 95742258	YES	YES
<b>1.2 Review council water consumption</b> <ul style="list-style-type: none"> <li>Identify and audit one of the top water using sites owned by the council.</li> <li>Include the water auditing of the other top water using sites in the Council's action plan.</li> <li>Use best endeavours to implement at least 50% of recommendations from the audit.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Copy of water audit report</li> <li>✓ Toodyay Showgrounds</li> <li>✓ Shire properties listing reviewed</li> <li>✓ Retrofit showers / taps</li> <li>✓ Weekly readings undertaken – toilet systems.</li> </ul>	YES	YES
<b>1.3 Complete an action plan</b> Plan must include all the mandatory corporate and community actions as listed in the program guidelines including: <ul style="list-style-type: none"> <li>Waterwise verge policy.</li> <li>Promote the use of waterwise vegetation and irrigation within council properties.</li> <li>Interact with households and business ratepayers to promote water efficiency.</li> <li>Encourage community involvement in other WW Programs.</li> <li>Complete shire-wide water management strategy to guide decision making</li> </ul>	<ul style="list-style-type: none"> <li>✓ Provide a copy of the Council's endorsed action plan. Must include the mandatory actions</li> <li>✓ Provide evidence that mandatory actions have been addressed in the action plan.</li> </ul>	YES	
<b>1.4 Report progress</b> Demonstrate substantial progress towards implementation of actions identified in the council's action plan.	✓ Provide a copy of the annual report which includes progress on actions to date and demonstrates ongoing commitment to water efficiency		
<b>Criteria 2</b> <b>Ensure all appropriate staff members attend Water Corporation's Waterwise Specialist training sessions.</b>	✓ List of Council attendees.	WC has list	YES

<p><b>Criteria 3</b>  <b>Review irrigation of council grounds and public open space.</b>  <b>3.1</b> Demonstrate that irrigation systems using scheme water are operating effectively and efficiently. Apply only the appropriate volume of water the site requires; water budgeting.</p>	<ul style="list-style-type: none"> <li>✓ Copy of maintenance schedule for irrigation (scheme).</li> <li>✓ Regular watering reviews</li> <li>✓ Measuring activities undertaken</li> </ul>	YES	YES
<p><b>3.2</b> Submit a water conservation plan to the Department of Water where required.</p>	<ul style="list-style-type: none"> <li>✓ Copy of advice from DoW of receipt of water conservation plan.</li> </ul>	N/A	N/A
<p><b>Criteria 4</b>  <b>No breaches of water licence terms or conditions set by the Department of Water in the past 12 months.</b></p>	<ul style="list-style-type: none"> <li>✓ Copy of advice from DoW that no breaches have occurred.</li> </ul>	N/A	N/A
<p><b>Criteria 5</b>  <b>No breach notice issued to council in the past 6 months from the Water Corporation (i.e. compliance with watering day rosters and daytime sprinkler bans)</b></p>	<ul style="list-style-type: none"> <li>✓ No breaches issued to Council in past 6 months.</li> </ul>	WC has report	<b>YES</b>

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## **Criteria for the Waterwise Councils Program**

### **Criteria 1**

#### **Sign an MOU with the Water Corporation to commit to participation in the Waterwise Councils Program**

The Shire of Toodyay has signed a Memorandum of Understanding (MoU) with the Water Corporation and the Department of Water to participate in the Waterwise Councils program dated 4 April 2014. The purpose of the MoU is to detail both organisations' commitment to build a cooperative working relationship, so that each organisation may more effectively and efficiently service mutual customers while promoting water efficiency.

#### **Criteria 1.1**

##### **Nominate an employee/position as a point of contact for water related issues**

Graeme Bissett – Manager Planning & Development

#### **Criteria 1.2**

##### **Review Council water consumption**

- **Identify and audit one of the top water using sites owned by the council.**
- **Include the water auditing of the top water using sites in the Council's action plan**
- **Commit to the implementation of 50% of recommendations from the audit**

### **Shire of Toodyay Controlled Properties**

As a demonstration of the Shire's commitment to the Waterwise program Shire of Toodyay staff have commenced a regular program of reading Shire of Toodyay major facilities water meters in an endeavour to obtain a profile of where and why water consumption is used at various Shire of Toodyay facilities and public open spaces. The Shire is also in the process of registering in Water Corporation's *mywater* program to manage the shire's water account online.

This process will not only show consumption, but also aim to demonstrate where consumption has been reduced through the introduction of strategic water use reduction initiatives.

These details will be highlighted against each Shire of Toodyay facility to quantify individual property and overall cumulative potable water savings. A water auditing was completed for the Toodyay Showgrounds in Aug 2014 with the majority of recommendations implemented. The measures completed have been listed below.

Last Name/ Company Name	Aerator Retrofit /s Female (Qty)	Aerator Retrofit /s Male (Qty)	Cistern /s Leaking (Qty)	Shower Tap Set/s Leaking (Qty)	Showerhead Hi Rise Retrofit/s (Qty)	Showerhead Short Retrofit/s (Qty)	Tap Set/s Leaking (Qty)	Toilet Cistern Retrofit/ s (Qty)	Toilet Suite Retrofit/ s P Trap (Qty)	Toilet Suite Retrofit /s S Trap (Qty)	Grand Total
Duigee Park Toilets	0	0	0	0	0	0	0	6	6	0	
Community Centre	1	0	0	0	0	1	0	9	0	9	
Showgrounds Pavilion	0	0	0	0	7	0	0	9	0	7	
Showgrounds Grandstand	0	0	0	0	4	0	0	2	0	1	
Showgrounds Youth Hall	0	0	0	0	1	0	0	5	0	4	
Showground Bar Toilets	0	0	0	0	0	0	0	7	0	6	
Medical Centre	2	0	0	0	1	0	0	5	0	4	
Memorial Hall	0	0	0	0	0	0	0	7	0	6	
Duke St Toilets	0	0	0	0	0	0	0	7	3	3	
Parkers Cottage	0	0	0	0	0	0	0	1	1	0	
Donegans Cottage	0	0	0	0	0	0	0	1	1	0	
Admin Building	0	0	0	0	0	0	0	3	0	2	
Gaol Toilets	0	0	0	0	0	0	0	3	0	2	

**Table: Details of water efficient fixtures fitted at Toodyay Showground as per water audit report and other facilities.**

## Criteria 1.3

### Corporate water priorities

- 1) Enhanced water efficiency through improved irrigation practices in relation to the watering of green space
  - Adopted a schedule for irrigating all public open space areas to ensure compliance with the Water Corporation's irrigation schedule for the Goldfields and Agricultural Region (see appendix 2)
  - Irrigated POS audited to ensure optimal water use efficiency.
- 2) Improved water efficiency at community centres and other public facilities owned by the Shire of Toodyay.
- 3) Develop a Water budget for major property for public open space irrigation e.g. showground.
- 4) As a part of the cleaning and maintenance contract, develop a water efficiency checklist.

### Shire of Toodyay Industrial/Commercial properties

In this area the main area users of water include-

- Shire of Toodyay Workshop/Depot- the main uses come from road construction, filling of the small truck mounted water tank to supplement watering on the median area and other tree plantings where current irrigation systems fail to supply adequate water in hotter periods. Improved automated irrigation systems will reduce this use from the Depot site (Corresponding increases will occur from meters at median irrigation water meters but overall water use should reduce with watering being during cooler evening periods). Stormwater harvesting at the Depot will compensate the inadequate water supply.
- Sports grounds
  - Oval area - the areas irrigation system and turf management requires review from a turf management consultant which is currently underway to optimise:
    - Irrigation coverage and application times and quantities
    - Turf growth from soils improvement, turf type evaluation, aeration/fertilisation/water retention methods
  - Sports club -upgrade facilities with low water use outlets
  - Ablutions -The new facility has water wise fittings and use could be monitored by installing an internal water meter
  - Recreation precinct/Swimming pool – planned by 2020 will incorporate water efficiency fittings and fixture and best practice design and will be an accredited Water wise Pool with LIWA.

- 5) Investigate the use and efficiency of treated wastewater for irrigation use.

## **Wastewater reuse**

The Water Corporation has been working with Shire of Toodyay staff to explore treated wastewater reuse and water efficient opportunities. Investigating treated effluent use to enable expanded capacity.

## **Shire of Toodyay Residential Properties**

In the area of Shire of Toodyay staff dwellings the aim is to reduce total consumption annually per dwelling to less than 300KL per annum.

To achieve this goal the following programs are to be implemented:

- Upgrading residences to low water use fittings
- Reduction of irrigated grass areas to landscaped areas
- Implement low water use plantings in landscaped areas
- Install automatic irrigation systems to water in cooler periods of the day

The following strategies to improve water use should be implemented:

- within tenant contracts set reasonable water use allowances for units and educate tenants in waterwise methods
- upgrade facilities with efficient waterwise outlets
- control landscape areas
- install common area automated controlled irrigation system
- Installed sub metering to facilitate tenant billing at aged units.

## **Criteria 1.4 Report progress**

- 1) Demonstrate substantial progress towards council having implemented actions from their Corporate and/or Community local action plan.

As demonstrated by action plan contained within this report.

- 2) Include reporting on water efficiency targets and performance in the council's annual report.

Annual report available in October 2015.

## **Criteria 2**

### **Ensure all appropriate staff members attend Water Corporation's Waterwise Specialist training sessions**

Christian Chadwick & Rob McKenzie have both attended training sessions.

### **Criteria 3**

#### **Review irrigation of council grounds and public open space**

##### **Criteria 3.1**

**Demonstrate that irrigation systems are using scheme water are operating effectively and efficiently. Apply only the appropriate volume of water the site requires; water budgeting.**

- Irrigation schedule developed. See Appendix 2
- Adopted schedule for irrigating all public open space areas to ensure compliance with the Water Corporations irrigation schedule
- Irrigated POS audited by a contractor to:
  - determine the correct watering requirement for irrigated areas
  - investigate replacing areas of turf and soil with water efficient varieties

##### **Shire of Toodyay Reserve Areas**

These areas primarily relate to the watering of medians and small park areas.

Initial objectives should be to;

- Consider amount of grassed areas required at current sites. Sections may be able to be reduced with implemented areas of low water use plants.
- Grassed areas should be upgraded to optimise water demand through-
  - Use of turf type
  - Upgrade of soil conditions or use of water retention products
  - Upgrade of irrigation systems to be totally automated to allow optimum watering cycles
  - Ongoing effective turf management principals
- Possibility of considering use of synthetic turf in areas based on cost benefit analysis and user needs
- Median areas to initially be implemented with low cost automatic trickle controllers and efficient dripper systems
- Upgrade of street tree planted areas with automated irrigation systems with drippers on deep watering pipe systems to encourage deep tree root growth and moisture retention in the soil.
- Establishment of an agreed optimum tree and shrub planting landscape schedule for
  - Narrow verges/medians
  - Wide verges
  - Park areas
  - Riverfront
- Establish cost effective supply of alternative mulch type materials including-
  - Stone types

- Periodical mulching of green waste from tip area

### **Criteria 3.2**

#### **Submit a water conservation plan to the Department of Water where required**

Not applicable

### **Criteria 4**

#### **No breaches of water licence terms or conditions set by the Department of Water in the past 12 months**

Not applicable

### **Criteria 5**

#### **No breach notice issued to council in the past 6 months from the Water Corporation (ie compliance with watering day rosters and daytime sprinkler bans)**

No breaches recorded

### **The following actions must also be included in the action plan:**

#### **Corporate:**

1. Promote the use of Waterwise vegetation and irrigation within council properties, verges, public open space, etc.

The Shire of Toodyay has committed to the development and endorsement of a Waterwise Verge and landscaping policy and have identified this as an action within the LAP for development and implementation in the future.

2. Where possible, retrofit with Waterwise vegetation and irrigation, incorporate hydrozoning techniques and introduce amended soils as part of councils' Maintenance and Capital Program. These programs should form part of councils' Works Program.
  - Irrigation schedule developed

#### **Community:**

3. Interact with household and business ratepayers to promote water efficiency via: newsletters, rate notices, Waterwise workshops, website and water focused community engagement activity.
  - Waterwise article published in Shire newsletter
  - Showerhead swap (60 swapped) [Are you sure I thought it was more?](#)
  - Waterwise projects and initiatives promoted on website
  - Regional Gardens



- Spring gardens festival
4. Encourage local community and business to participate in or utilise other Waterwise Programs for example: Waterwise Schools, Waterwise Garden Centres, Waterwise Garden Irrigators, Waterwise Landscapers and Waterwise Lawnmowing Contractors, etc.
- All relevant staff have completed Waterwise Gardening Training and Waterwise Auditing Training
  - Community encouraged to participate in Waterwise programs where possible
- Encourage rain water tanks, monitor installations.

**At least one of the following actions must be included in your action plan:**

**Community:**

- 1) Support the implementation of water sensitive urban design in new land developments:
  - Encourage land developers to participate in the Water Corporation's Waterwise Land Development and Waterwise Display Village Programs.
  - Support the increased use of storm water and non-potable water supplies as irrigation alternatives to reduce irrigation by scheme water.
  - Support the development of local laws and local policies within the Shire of Toodyay Planning process to address water at the lot, subdivision and regional stage of the town planning process and assess compliance when processing planning applications e.g. Rain water tank policy.
  - Incorporate a checklist into the building approval process for checking water efficiency when assessing building plan submissions – 6 star energy efficiency recommended.
1. Include water as a standing agenda item on relevant ratepayers' advisory committee or on an appropriate community group meeting.

## Actions and Policies

The Shire of Toodyay has had a long-held commitment to improve water resource management. To achieve this commitment the Shire of Toodyay aims to increase water efficiency and reduce the impact on a scarce commodity within the Shire. The Shire of Toodyay has included the following actions in the Local Action Plan to be achieved over a flexible time frame

### ***Local Action Plan - Implemented and Ongoing***

	<b>Action</b>	<b>Responsible/Lead Officer</b>	<b>Progress</b>
<b>1.</b>	<b>Parks and Gardens</b>		
1.1	A minimum of one Officer trained to perform water audits each year. Online training supplied by Water Corporation	Appropriate Officers within Parks and Gardens	Ongoing
1.2	A minimum of one Officer to complete online waterwise gardening training supplied by Water Corporation	Appropriate Officers within Parks and Gardens	Ongoing
1.3	Promote the use of waterwise vegetation and irrigation within Council properties, verges and open space		Enhance Policy. Ongoing
1.4	Where possible Council to retrofit with waterwise vegetation and irrigation as part of the works program		Ongoing
1.5	Audit reticulation across LGA		Ongoing
1.6	Installation of central control system for irrigation for Reticulation Officer		Investigating
1.7	Establish a water		To be

	budget for each major public open space facility starting with showground		implemented
<b>2.</b>	<b>Auditing</b>		
2.1	Audit water consumption to all Council facilities. Review water usage at all properties on a manual basis.  Keep track of water usage through <i>mywater</i>	Toodyay Showgrounds audited by Diversity in June 2014	Ongoing – in house
2.2	Develop a waterwise verge policy and inform residents how to design and maintain a waterwise garden		Ongoing Enhance Policy
2.3	Incorporate a check list into new building approvals for water efficiency	6 Star energy efficiency & water guidelines implemented	To be investigated
<b>3.</b>	<b>Communications</b>		
3.1	Interact with the local community via Councils Multi Media to promote a waterwise culture		Completed
<b>4.</b>	<b>Specific Actions</b>		
4.1	Swipe cards to be placed on standpipes	Budget to do one per year	Completed
4.2	Offer 2 free mulch days run per annum to encourage water wise gardens  Regularly promote free mulch days from Facebook and waste transfer station		Ongoing

## Planned Actions

### Action Plan

The following actions have been planned after a detailed investigation of Shire water use. In some instances immediate action has been undertaken and in other areas actions have been included in planning processes. Actions will be further evaluated where major funding or Council approval is required.

Priority Area	Comments	Implemented by
<b>SHIRE WATER EFFICIENCY INITIATIVES</b>		
Meter Reading	Reading Shire of Toodyay water meters in an endeavour to obtain a profile of where and why water consumption is used at various Shire facilities and public open spaces. Detailed site audits will then be conducted to determine any service leakages or meter inaccuracies.	Works Manager
Shire of Toodyay Residential Properties	In the area of Shire of Toodyay staff dwellings the aim is to reduce total consumption annually per dwelling to less than 300 kL.	
Waterwise Programs	Encourage local community and business to participate in or utilise other Waterwise Programs for example: Waterwise Schools, Waterwise Garden Centres, Waterwise Garden Irrigators, Waterwise Landscapers and Waterwise Lawnmowing Contractors, etc. <ul style="list-style-type: none"> <li>• Ensure all relevant staff have completed Waterwise Gardening Training and Waterwise Auditing Training</li> <li>• Encourage community to</li> </ul>	Works Manager

participate in Waterwise programs where possible.

Shire of Toodyay Industrial/Commercial properties retrofits and upgrades

Retrofits and upgrades for Council facilities:

- Shire Workshop/Depot/Sports grounds
- Facilities Audits
- Showgrounds

Shire of Toodyay Reserve Areas

POS watering rationale, irrigation equipment upgrades and improved management practices

Works Manager

## INTERNAL AND EXTERNAL DEVELOPMENT AND PLANNING

Waterwise Verge Policy

The Shire of Toodyay has committed to the development and endorsement of a Waterwise Verge and landscaping policy and have identified this as an action within the LAP for development and implementation in the future.

Shire Planning Officers

Waterwise Auditing Training

A minimum of at least 1 additional officer trained to perform water audits each year. Online Training Provided by Water Corporation

Appropriate Officers - Works Manager

Waterwise Gardening

A minimum of at least 1 additional officer to complete online Waterwise Gardening Training

Appropriate Officers

Training	Provided by Water Corporation	
Waterwise Building Checklist	Incorporate a checklist into the building approval process for checking water efficiency when assessing building plan submissions.	Building Surveyor

### **ALTERNATIVE SOURCES**

Wastewater Reuse Actions	Eg. Options for reuse of treated effluent ponds will be further investigated by the Water Corporation, together with options for use of Bio Pod type treatment systems for recycling self contained property operations.	Works Manager
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### **COMMUNITY EDUCATION AND ENGAGEMENT ACTIONS**

Communications	Interact with household and business ratepayers to promote water efficiency via: newsletters, rate notices, Waterwise workshops, website and water focused community engagement activity. E.g <ul style="list-style-type: none"> <li>• Waterwise article published in Water Services Newsletters</li> <li>• Waterwise messages emailed to Shire of Toodyay staff regarding water efficiency initiatives</li> <li>• Waterwise projects and initiatives promoted on web-site</li> </ul>	Manager of Health / Building
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## **Commitment to Monitoring and Review**

### **Waterwise Strategy Review**

The Shire of Toodyay Waterwise Council Program shall be managed through consultation between delegated Shire of Toodyay staff and Water Corporation Staff.

The roles of staff members to include---

- Project Officer
  - coordinate program , meetings to facilitate activities and provide report updates to Shire of Toodyay Executive and Water Corporation staff
  - updating of water use recordings using Mywater
  - update of program on a quarterly basis
  - development of a cost/benefit evaluation of all water wise initiatives implemented
- Works Foreman
  - implement ground water wise budgeted initiatives as scheduled
- Shire of Toodyay Building Maintenance Coordinator
  - Upgrade to Shire building facilities as resolved and budgeted

The Shire of Toodyay Local Action Plan is intended to be a living/dynamic document that outlines an ongoing implementation plan to achieve the Shire's goals and more generally the overall aim of continuous improvement in regards to water resource management.

In order to ensure that this Local Action Plan remains relevant in the face of changes within the Shire of Toodyay itself, in State and National policy and in regards to research and understanding of water related issues, the Shire commits to monitoring the success of its actions and reviewing this Local Action Plan on an ongoing basis.

The Shire of Toodyay commits to:

- 1) Demonstrate substantial progress towards council having implemented actions from their Corporate and/or Community local action plan.
- 2) Include reporting on water efficiency targets and performance in the council's annual report.

## Related websites

Information about saving water is available on the Department of Water's website: [www.water.wa.gov.au](http://www.water.wa.gov.au)

Information on saving scheme water and Waterwise programs for business, industry, schools and the community are available on the Water Corporation's website: [www.watercorporation.com.au](http://www.watercorporation.com.au) under: Being Waterwise.

Information on water sensitive urban design topics is available on the New Water Ways website: [www.newwaterways.org.au](http://www.newwaterways.org.au)

For information on the Water Efficiency Labelling and Standards (WELS) Scheme – tests; labels and products for water efficiency - visit their local government specific information on: [www.waterrating.gov.au/government](http://www.waterrating.gov.au/government)

Smart Approved Water Mark website: [www.smartwatermark.info/home](http://www.smartwatermark.info/home) provides information on Australia's outdoor water saving labelling program for products and services that help to reduce water use around the home.



**Appendix 1 Toodyay (Toodyay) Gardenwise Training Attendees List**

**Attendance at Irrigation Australia Irrigation Efficiency Water Auditing Training Bridgeley Centre Toodyay 11 & 12 March 2014**

Glen Rogers Parks & Gardens Supervisor
Lindsay Campbell Snr Parks & Gardens Officer

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## APPENDIX 2 Irrigation and Mowing Schedule

\* As per Watercorp guidelines

SHIRE OF YORK Watering & Mowing Program									
Parks	Retic Stations	Watering & Mowing	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Railway Street Memorial ("Memorial Park")	7	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
Peace Park	4	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
Avon Park - Lowe St, York	12	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
Womens Health Hub - 7 Glebe St, York	Hand watered	Watering	As needed (not regularly watered)						
		Mowing	As needed (not regularly mowed)						
Pioneer Cemetery - 83 Herbert Rd, York	5	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
York Museum - 5 Brook St, York	4	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
Avon Tce, York - Street trees & planter boxes	Hand watered	Watering	✓				✓		
		Mowing	N/A - no mowing required						
Depot - Wheeler St, York	N/A	Watering	N/A - no watering required						
		Mowing	N/A - no mowing required						
York Recreation & Convention Centre	Hand watered	Watering	As needed						
		Mowing	N/A - no mowing required						
Forrest Oval (sports grounds)	16	Watering	✓		✓		✓		
		Mowing			✓				
Radio Station - Barker St, York	N/A	N/A - Shire not responsible							
Garden - Balladong St, York ("Old Cemetery")	7	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
Shire bldg & Town Hall - Avon Tce, York	3	Watering	As needed						
		Mowing	N/A - no mowing required						
5 Joaquina St, York	N/A	N/A - Occupant responsible							

**Insert similar Waterwing Schedule for Toodyay Ovals Parks & Gardens**  
**Also Identify Scheme Source; Recycled Wastewater; Stormwater**

**SHIRE OF YORK**  
**Watering & Mowing Program**

Parks	Retic Stations	Watering & Mowing	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Park - Howick St, York	Hand watered	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
Swimming Pool - Georgiana St, York	4	Watering	✓	Once/fortnight					
		Mowing	✓	Once/fortnight					
38 Fraser St, York	N/A	N/A - Occupant responsible							
2 Dinsdale St, York	N/A	N/A - Occupant responsible							
24 Ford St, York	N/A	N/A - Occupant responsible							
Men's Shed - Carter Rd, York	N/A	N/A - Shire not responsible							
17 Forbes St, York	N/A	N/A - Occupant responsible							
Lot 17 South St, York - Garden	N/A	N/A - Occupant responsible							
Centennial Units - 40 Macartney St, York	6	Watering	✓	Once/month					
		Mowing	✓	Once/month					
Centennial Park - 27 Grey St, York	N/A	N/A - Not watered or mowed							
Waste Transfer Station	N/A	N/A - Not watered or mowed							
Shire Dam - 1 Trews Rd, York	N/A	N/A - Not watered or mowed							
Candice Bateman Park - Newcastle St	Hand watered	Watering	✓		✓		✓		
		Mowing	✓	Once/fortnight					
75 Osaburg Rd, York	N/A	N/A - Occupant responsible							
2 Roe St, York	N/A	N/A - Occupant responsible							

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