

Ordinary Council Meeting

25 May 2021

Minutes

To: The President and Councillors

Here within the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the abovementioned date in the Council Chambers at the Shire of Toodyay, 15 Fiennes Street, Toodyay.

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

Vision: We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

Purpose: Local Government and community working together to obtain the best possible social, economic and environmental outcomes for the people of Toodyay.

Community Values: We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

Shire Values: To progress the community's aspirations, the Shire is guided by:

Integrity: We behave honestly to the highest ethical standard.

Accountability: We are transparent in our actions and accountable to the community.

Inclusiveness: We are responsive to the community and we encourage involvement by all people.

Commitment: We translate our plans into actions and demonstrate the persistence that produces results.

Disclaimer

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

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Public copies are available by contacting the Shire on (08) 9574 9300.




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Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 3 June 2021.

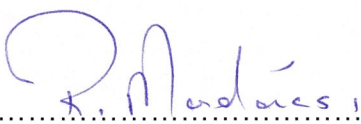


Suzie Haslehurst


CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 22 June 2021.

Signed: 

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



1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr Madacsi, Shire President, declared the meeting open at 4.00pm and read aloud an Acknowledgement of Country:

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

2. RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr T Chitty	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mr K Nieuwoudt	Manager Planning & Development
Mr H de Vos	Planning Officer
Mr M Werder	Acting Manager Corporate & Community Services
Mrs M Rebane	Executive Assistant

Visitors

M Sinclair-Jones
B Foley
E Twine
R Pearce
P Ruthven

2.1 APOLOGIES

Cr B Bell

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Madacsi informed Councillors that Cr Bell requested in writing that he be granted Approved Leave of Absence from 25 May 2021 to 21 June 2021 inclusive.

MOTION / COUNCIL RESOLUTION NO. 113/05/21

MOVED Cr Madacsi

That the Application for Leave of Absence by Cr Bell from 25 May 2021 to 21 June 2021 inclusive be granted.

MOTION CARRIED 7/0

3. DISCLOSURE OF INTERESTS

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

Cr Pearce declared a proximity interest pursuant to Section 5.60B of the Local Government Act 1995 in Agenda Item 9.1.1 Application for Development Approval – Continuation of Existing Extractive Industry (Clay Extraction) on Lot M1919 Chitty Road, Hoddy's Well, as her husband's property borders the pit of the extractive industry.

4. PUBLIC QUESTIONS *(responded to by the Shire President unless otherwise indicated)*

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 27 April 2021 the following question was taken on notice.

L Graham

Summary of Question Seven

I had asked a question at the last Council meeting about the loan proposed to finance the Recreation Centre and whether it constituted a major trading undertaking, or a trading undertaking as defined in the Local Government Act? Why did I not receive a response?

The response was not provided in writing to you prior to the April 2021 Ordinary Council Meeting because at the March 2021 Ordinary Council Meeting the question had been responded to as follows:

The Shire President advised that the question was complex and it will be responded to in writing.

Therefore, in accordance with Shire of Toodyay Standing Orders Local Law 2008 Standing Order 5.7(6) the response provided by the Shire President

at the March 2021 Ordinary Council Meeting was that the question was complex and it would be responded to in writing as normal business correspondence. This is why it did not appear in the April 2021 Ordinary Council Meeting Agenda.

A letter has now been sent to Mr Graham outlining why this does not constitute a major trading undertaking.

4.2 PUBLIC QUESTION TIME (responses from the Shire President unless otherwise indicated).

B Foley on behalf of the Toodyay Progress Association

Summary of Question One

When will the 2021/2022 Annual Budget be released for public consultation?

We are still in the process of deliberation in relation to the budget. It is not usually released for public consultation. This is an internal process between Councillors and Shire Officers. Once the budget has been adopted the community will have access to that.

Summary of Question Two

When will the community have access to that budget?

At this stage, I cannot give you a definite date but the deadline is that it must be into the Department by the end of August so it will be some time in that period.

Summary of Question Three

So that means that you will most likely not be getting any rates coming in until September. Is that correct?

The rates process is generally ongoing. You still have people who are paying their rates throughout the year either in instalments or late payments. That process is ongoing. It does not have a set time or a set cut off per say.

Summary of Question Four

When do you expect the majority of the first lot of rate money coming in?

CEO response:

Depending on the adoption of the budget, whether it is July or August, it is likely to be September.

E Twine

Summary of Question One

Did Council adopt the Long-Term Financial Plan in January this year?

No. The Long-Term Financial Plan is part of the budgetary process.

Summary of Question Two

Would I be correct in saying that the last time the Long-Term Financial Plan was reviewed and endorsed was at the 23 June 2020 Ordinary Council Meeting with a 7/0 vote? Is that correct?

The Shire President took the question on notice but also responded as follows:

The Long-Term Financial Plan might have been reviewed when we adopted the budget but I cannot recall the exact date of that. It is also reviewed as part of the budget review process but there are no changes made. It is merely balancing the budget itself.

Cr McKeown raised a Point of Order in accordance with Standing Order 8.4 pertaining to Standing Orders 5.7(7) which reads:

“A question may be taken on notice by the Council or committee for later response.”

Cr McKeown cited that under the Standing Orders the Shire President cannot take a question on notice. Only Council can take a question on notice.

The Shire President upheld the Point of Order in accordance with 8.5 pertaining to Standing Order 5.7(7) advising that this then makes it difficult in the process of responding to questions because it leaves the question open to debate of Council. The Shire President indicated that she would move a motion should any questions require being taken on notice rather than providing incorrect advice; thereby complying with Standing Orders. If Council chooses not to carry such motions there will be a dilemma.

Cr Twine

Summary of Question Three

From my understanding the Long-Term Financial Plan was reviewed and endorsed at that meeting. It was not just an ongoing review. Was the rate revenue adjusted in the Long-Term Financial Plan to reflect the effects of the rate freeze for 2020/2021?

May I ask you to repeat the question please?

When the Long-Term Financial Plan was reviewed on 23 June 2020, and endorsed, was the rate revenue adjusted in the plan?

CEO response:

I am afraid I cannot answer that, and our Acting Manager Corporate and Community Services who has been here for a few weeks cannot either.

MOTION/COUNCIL RESOLUTION NO. 114/05/21

MOVED Cr Madacsi

That the question be taken on notice.

MOTION CARRIED 7/0

M Sinclair-Jones

Summary of Question One

Would the letter that had been sent to Mr Larry Graham be included, since it was a response to a question, in the attachments to the Minutes of Council that will be published and whether the Shire President could just provide a very brief outline on what that response constituted?

Yes certainly. If we look at in the Local Government Act 1995, Part 3 Functions of local governments, section 3.59 defines and explains that commercial enterprises by local governments that (1) says:

(1) *In this section -*

major trading undertaking means a trading undertaking that -

(a) *in the last completed financial year, involved; or*

(b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking.

Now an exempt trading undertaking is defined in the regulations under Part 3, 8A(1)(a) and (b). What it does say though is that section 3.59 of the Local Government Act 1995 clarifies that the acquisition or construction of a facility, such as a recreation centre, owned and or operated by a Local Government is not operated for profit and that is a defining distinction between a major undertaking or a trading undertaking. Is it undertaken with the intention to create a profit? It was quite clearly put into the business management plan prior to proceeding with this with the loans and then later on with the building. It was stated within the plan that it was not expected to nor be anticipated that it would make a profit because historically we

know that local government recreation centres do not make a profit so it became exempt under that clause and is therefore not a major trading undertaking or a trading undertaking.

B Foley

Summary of Question Five

In the Agenda it shows the liquidity of the Shire to be about \$2m shy of the previous years. Seeing as you will not be getting any major money in for another four to five months does the Shire of Toodyay have sufficient cash reserves/cash on hand (not counting any reserve money) to operate for that period of time?

Can you please repeat the time period?

Between now and September 2021 when you get major rates coming in. What is the cash situation for the Shire? Do you have sufficient funds?

I am unable to answer that question at this point without speaking with the Finance Manager. Obviously if we had been in a situation we would have been informed. Are you able to respond to that question Mr Werder?

Acting Manager Corporate and Community Services response:

When we look at the current financial funding position we have got \$3,100,000 in our cash unrestricted funds at the moment. We have also got a number of receivables, almost \$1m in rates and \$700,000 in receivables. We have been working at bringing those in so I would say that we definitely have enough to take us through that period. We will monitor it and be careful about how we spend it in the meantime.

Summary of Question Six

Has any monies from any reserves been transferred around for uses other than what the reserve was allocated for?

CEO response:

No.

Cr McKeown

Summary of Question One

Did we not move money around in the budget review from one reserve to pay for the roller?

CEO response:

It was for Plant and Equipment replacement.

B Foley

Councillor Bell asked a question 12.1.1 and he was denied a response. I know you have seen some information going around. Why would a Councillor be denied information, especially on a tender? Under the Local Government Act I have an understanding that Councillors are allowed this information.

We need to correct that first. Cr Bell had originally asked the questions on 24 February 2021 which was the day after the OCM where we had actually adopted that contract so the question started after the contract was already endorsed by Council. What happened then was that he was answered. He received his answers in the March OCM. He then further provided more questions that were closely aligned to those questions, and he raised those at the April OCM for this matter. What has happened basically is that there may be a bit of a misunderstanding of the Act.

The Act, under section 5.92 says access to information by council, or committee members:

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.*

The function under the Act was the contract which had already been adopted. Then (2)(a) says:

- (2) Without limiting subsection (1), a council member can have access to —*
 - (a) all written contracts entered into by the local government;*

He had already had that. Then (b) reads:-

- (b) all documents relating to written contracts proposed to be entered into by the local government.*

What he was asking was extra information and getting down into the details of how that process worked. That had already been signed and delivered so under the Act it was time consuming, and unnecessary and not necessary under the Act to provide it so because of the pressure that everybody has been under what the CEO did was put forward to Council that we will have a workshop explaining all this to all of the councillors of how this works. That was conveyed to Cr Bell so he was aware of that; that there will be a workshop to cover that detail. This is why he did not receive a written response to those questions. Also to I think we need to be mindful that of the time and the resources in the community, of the organisation and whether their time has been gainfully employed for the community. If their

time is used constantly going over the historical data that does not lend itself to the decision making today that is actually contraindicated to the successful running of the organisation. So what we are trying to do is to find ways and mechanisms whereby Councillors have all the information they need but not necessarily. If they do not need it for that meeting. If they do not need it for some decision making coming, we defer that and try to provide information at a later date, at a time more convenient.

E Twine

Summary of Question Four

Can you please check the adjustments to the revenue because when I did numbers in June 2020 before the OCM the rate rise forecast from 20/21 works out as 6.1% then dropping back after that to the 2.5% which is said in the original Long-Term Financial Plan. Can you check that?

We will look into that and provide a written response.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 27 April 2021

Cr Ruthven moved the Officer's Recommendation as follows:

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 April 2021 be confirmed.

Clarification was sought.

Cr Peace moved an amendment to the motion as follows:

That the words "subject to the following amendments being made:

- **Cr Rayner is recorded as the Secunder to Resolution No. 94/04/21.**
- **On page 76, the words "2008 id" are amended to read "2028 is".**

Cr Rayner raised a Point of Order in accordance with Standing Orders 8.4 pertaining to Standing Order 8.1, citing that the gallery are being loud and it is difficult to hear conversations.

Cr Madacsi upheld the Point of Order in accordance with Standing Orders 8.5 and requested the gallery members observe meeting procedure and be silent during the meeting.

Cr Ruthven accepted the amendment.

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 115/05/21

MOVED Cr Ruthven

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 April 2021 be confirmed subject to the following amendments being made:

- Cr Rayner is recorded as the Seconder to Resolution No. 94/04/21.
- On page 76, the words "2008 id" are amended to read "2028 is".

MOTION CARRIED 8/0

5.1 Agenda Briefing held on 18 May 2021.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 116/05/21

MOVED Cr Rayner

That the Notes of the Agenda Briefing held on 18 May 2021 be received.

MOTION CARRIED 7/0

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil

6.2 DEPUTATIONS

Nil

6.3 PRESENTATIONS

Nil

6.4 SUBMISSIONS

Mr Foley, on behalf of the Toodyay Progress Association, addressed Council 9.1.1.

Cr Pearce departed Council Chambers at 4.31pm.

I presume that most of the Councillors know of an ongoing situation with another clay extraction pit and some of the system that has gone on could be applied to this application. I am mainly concerned with the rehabilitation of the pit once it has been finished. I know that the owner of the actual ground or area is a sign on for the extraction license but it is not a sign off on the clearance of it. That brings me to a point I about the one that is ongoing and the problem of who says what and what is the final outcome

especially when the bond has been repaid. I will not mention anything more about that because I know they have a meeting tomorrow on that.

Onto the new application I believe that on the rehabilitation side of things there were at least two submissions submitted by Doug Blanchford and the Toodyay Naturalists Club which I read through; especially Doug's submission which was fairly technical but it has not resulted in any information or any concerns by the officers. My concern is the scientific information and we have not asked whether any other scientist can look at what he is saying and whether it actually applies to this new application; or can be applied to this new application.

One good thing that I see on this application is that they have asked for 50% of the bond will be repaid at the final stage and 50% of the bond after 3 years so that gives the Shire some hold over the rehabilitation of that old gravel pit. What I would like to see, if any Councillors want to take that up, is that I want there to be a minimum of two Consultants to do the final report or one Consultant and a qualified person from the Shire. Bearing in mind the Chitty Road one has a ten-year life span, so we may have an Environmental Officer by that time (who knows) who can then do an appraisal and not rely on the information from a Consultant who may make errors.

Mr Foley is this part of your submission?

My submission is that I am asking one of the Councillors to move an amendment that instead of just one Consultant being referred to it is either two Consultants or one Consultant and a Technical Shire Officer and the other thing is that I am asking for an amendment to be made that the actual owner of the property is included in the sign off of the final release. That will preclude any problems.

Cr Pearce returned to Council Chambers at 4.35pm.

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

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

Toodyay is to benefit from a Federal Budget infrastructure boost, with \$64 million towards the Toodyay Road upgrade and from the Commonwealth Telecommunications Resilience Improvement, Round 1 of the STAND Battery Upgrade programs to upgrade mobile tower battery storage from 3 to 12 hours.

We recognise the resignations of senior managers, Mrs Chiley Luangala, Manager of Finance and Community Services and Mr Kobus Nieuwoudt, Manager of Planning and Development, to accept excellent opportunities in other Councils. We wish them

well and thank them for their dedication to the Toodyay community. Mr Maurice Werder will provide the financial bridging support between the exit and arrival of the finance managers.

The Shire notes the passing of Mr Robert (Bob) Somers of Euamaleek Farm, Bejoording. Bob, a local farmer, was a generous contributor of his time to his community on Council and off.

Bob served on Council between the years 1984 to 1994 and also 2007 to 2011. He was the Shire President between 1988 and 1994. As a past Elected Member, Mr Somers is remembered for his warmth, kindness and wit.

Shire President's Activities:

- Weekly President/CEO Operational Briefings
- Chalice meeting (15/4)
- Safer & Scenic Toodyay Road (16/4)
- Safer & Scenic Toodyay Road community meeting (19/4)
- Agenda Forum (20/4)
- Concept forum (20/4)
- Avon Midland Country Zone (23/4)
- ANZAC Services & wreaths (25/4)
- RSL Meeting (27/4)
- Ordinary Council Meeting (27/4)
- Toodyay Herald briefing (29/4)
- Inquiry Governance Required Training – full day (30/4)
- Moodyne Festival – opening address (2/5)
- Sports Toodyay & Shire meeting (6/5)
- Avon Region of Councils meeting (10/5)
- Probus - presentation (11/5)
- Provided articles for the Toodyay Community Newsletter, Toodyay Herald, OCM and weekly reports to council. Review, question and amend OCM and committee agendas, review Budget draft. Read OAG and departmental reports, Shire TRC Business Case and governance changes. Liaise with CEO, neighbouring Shires, government authorities and community groups. Respond to councillor and community queries and maintain records.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND DEVELOPMENT

Cr Pearce declared a proximity interest pursuant to Section 5.60B of the Local Government Act 1995 in Agenda Item 9.1.1 Application for Development Approval – Continuation of Existing Extractive Industry (Clay Extraction) on Lot M1919 Chitty Road, Hoddy’s Well, as her husband’s property borders the pit of the extractive industry. Cr Pearce declared that “as a consequence there may be a perception that my impartiality on the matter may be affected. I will therefore declare that I will depart the Council Chambers while the matter is being heard.”

Cr Pearce departed Council Chambers at 4.33pm.

9.1.1 Application for Development Approval – Continuation of Existing Extractive Industry (Clay Extraction) on Lot M1919 Chitty Road, Hoddy’s Well

Date of Report:	10 May 2021
Applicant or Proponent:	Land Insights / Capitary No. 3 (Midland Brick)
File Reference:	IPA74159/A4804/5CHI
Author:	H. de Vos – Planning Officer
Responsible Officer:	K. Nieuwoudt – Manager of Planning and Development
Previously Before Council:	Nil
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Quasi-judicial
Attachments:	<ol style="list-style-type: none"> 1. Lot M1919 Salt Valley Road - Clay Extraction Management Plan - Capitary No. 3 (Midland Brick) - January 2021 – via link: https://www.toodyay.wa.gov.au/Profiles/toodyay/assets/moduledata/publicnotices/2f96ee65-2b35-44b9-add2-bbf0ead1bb95/1.6/1055-Chitty-EIA-Rev2a-Jan21.pdf ; and 2. Schedule of Submissions

PURPOSE OF THE REPORT

Council is asked to consider an application for Development Approval and an Extractive Industry Licence for the continuation of a clay quarry at Lot M1919 Chitty Road in Hoddy’s Well.

BACKGROUND

Lot M1919 Chitty Road in Hoddy's Well is a 236.7-hectare property which is zoned Rural under Shire of Toodyay Local Planning Scheme No. 4 (the Scheme). The property is situated adjacent to Chitty Road and also has frontage along Salt Valley Road – approximately 13 kilometres to the south of the Toodyay town site.

The application is for a ten (10) year extension of the Development Approval (DA) and Extractive Industry Licence (EIL) for the continued extraction of clay at Midland Brick's 'Chitty' quarry, located at Lot M1919 Salt Valley Road, Hoddy's Well.

The DA and EIL application apply to the current/existing areas used for excavation (including overburden and topsoil stockpiles, clay stockpiles, water detention basins, access tracks etc.), and for the proposed expansion areas and new pit areas as shown on the attached plans. Refer Appendix B (Plans) in **Attachment 1**.

Development Approval and an Extractive Industry Licence were last issued on 12 October 2011 for a period of 10 years. A reapplication was made in 2016 for the addition of a separate pit. The revised DA and EIL were issued on 22 December 2016 for a period of 5 years (expiring October 2021).

A summary of the proposal is outlined in the table below:

SUBJECT	DESCRIPTION
Operating times	The hours of operation will be from 07:00 to 17:00 hours from Monday to Friday. No operation will occur on weekends or Public Holidays.
Life of project	Exceeding 10 years.
Volume extracted	Approximately 100,000 tonnes annually.
Site preparation	<ul style="list-style-type: none"> • Limited site preparation is required as the site is already established for clay extraction. • Only a few scattered trees will need to be cleared. • There is no requirement for bunding or vegetation screening as the pit cannot be seen from the road. • Internal access, signage and fencing has already been established.
Pit Area	The Chitty Main Pit is currently 3.3 hectares (open pit area). The Chitty Junior pit on the western side of the lot is approximately 0.4 hectares. The new White Schist pit is expected to be approximately 2.3 hectares over the next 10 years. Chitty Main Pit is expected to be approximately 10 hectares in size.

SUBJECT	DESCRIPTION
Staging	<p>Excavation has been progressing in a southerly direction within the Chitty Main Pit area. It will continue south as well as to the east.</p> <p>There is no staging proposed for the smaller 'Chitty Junior' pit.</p> <p>It is expected that excavation within the new White Schist pit to the north of the Chitty Main Pit will commence in approximately 5 years' time. Excavation will commence at the southern end of the pit and will move northwards over the next approximately 20 years.</p>
Depth	<p>Depth of excavation will reach approximately 20 metres over the lifetime of the operation.</p>
Excavation process	<p>Excavation of clay is being undertaken on site via an Excavation Campaign (i.e. removal of topsoil and overburden, excavation of clay to stockpile) and Carting Campaign (transport of clay from stockpiles to the factories). In general, the steps will involve the following:</p> <ul style="list-style-type: none"> • Topsoil will be removed and stockpiled for later use at the decommissioning stage. Topsoil stockpiles will be located close to the pit area so they can be used for later rehabilitation. • Overburden will be removed from the pit area if necessary and will be stockpiled for later use in site recontouring. The overburden stockpiles will be located adjacent to the pit area for readiness to push into the pit as part of land recontouring. They are approximately 2-3 metres in height. • Clay will be excavated by a bulldozer, scraper or excavator and will be moved to the 'stockpile area' located approximately 200m from the site entrance or onto stockpiles adjacent to the pit area. • The depth of excavation will vary depending on the availability of the resource; however the pits are expected to reach depths of up to 20 metres. • It is estimated that there will be approximately 5 – 10 trucks per hour over 90 days throughout the year. • Approximately 100,000 tonnes of clay will be

SUBJECT	DESCRIPTION
	<p>excavated and transported per annum.</p> <ul style="list-style-type: none"> Previously excavated areas will be used as a water detention basin and for drainage management.
Direction of excavation	The Chitty Main Pit will largely continue to be excavated to the south and east. There is no particular direction of excavation for the Chitty Junior pit. The White Schist pit will be excavated from south to north.
Stockpiling	A stockpile area is located at the northern end of the property near the site entrance and stockpiles are also located adjacent to the pit areas.
Access	Existing site access is located at the north-west corner of the site from Salt Valley Road. An internal access track provides access to the pits.
Vehicle movements	It is estimated that there will be approximately 5 – 10 trucks per hour over 90 days throughout the year.
Refuelling	The operation will use mobile refuelling. There will be no storage of fuel on site.
Structures	No temporary structures are proposed to be used on site.
Decommissioning	The pit will be recontoured and rehabilitated in accordance with the Rehabilitation Management Plan.

COMMENTS AND DETAILS

The applicant is seeking a renewal of the DA and EIL for a further 10 years.

Clay extraction has been occurring in this property for decades. To date, the Shire has not received any complaints regarding the operation.

It is noted that there has been a degree of public opposition raised during the consultation phase of this application. However, Officers consider that the issues raised can be adequately addressed through standard conditions of approval, and modifications of the management plan which will be required to the satisfaction of the local government.

Due to the low to medium risk score, it was considered that further independent advice beyond the standard departmental advice was not required in this instance.

Environmental impacts are being adequately addressed and managed in the conditions of approval being recommended to Council.

Truck movements:

The applicant is proposing 5-10 trucks per hour up to 90 days per year.

There is no change to the truck numbers between this application and the previous Council approval.

Ongoing monitoring of these numbers will be conducted by the Shire of Toodyay to ensure ongoing compliance. This will be undertaken through periodic random inspection of traffic numbers and included in the annual report of operations which is to be supplied to the Shire of Toodyay. It is recommended that the following words be included in any condition of approval:

“The applicant must have a traffic counter installed at the crossover point and the data must be made available to the Shire of Toodyay upon request. The licensee must also supply truck movement data as part of the annual report on operations which will be required with this approval.”

Final rehabilitation closeout

When the final stages of rehabilitation have been completed. The local government will appoint an independent consultant to produce a report on the closeout providing advice to the local government about the completeness and compliance of the closeout in relation to the approved management plan. This will be at the licensee's expense. It is recommended that this be included into any conditions of approval.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation in respect to the DA and EIL was undertaken in accordance with Level E of Council's Policy M.2 – Public Consultation Formal Matters.

An advertisement was placed in the March 2021 edition of the Toodyay Community Newsletter. The proposal was also placed on the Shire of Toodyay's website and made available at the Shire administration offices. All landowners within 1,000m of the property were advised of the proposal in writing and provided with an opportunity to comment. This was also sent to Main Roads WA, Department of Planning, Lands and Heritage, Department of Water and Environmental Regulation and the Department of Biodiversity Conservation and Attractions. The consultation period ran for 28 days and expired on 16 April 2021.

The Shire received six submissions (three (3) from State Government Agencies and three (3) public submissions), and these are addressed in the Schedule of Submissions which can be viewed as **Attachment 2** – Schedule of Submissions.

State Government Agencies provided standard advice notes, whereas the public submissions raised the following concerns:

- Perceived inadequate information in the Applicant's Clay Extraction Management Plan (including site-specific management plans);

- Perceived issues with regards to Rehabilitation Management Plan;
- Perceived Water Management and drainage issues;
- Perceived inaccuracies with regards to tonnages and number of truck movements; and
- Perceived issues with dust control in the past;

By far, the most prominent concern raised by submitters revolves around the lack of detail in the Applicant's Rehabilitation Management Plan. Those concerns are adequately addressed in the Schedule of Submissions (**Attachment 2**).

Where appropriate, Officers have recommended (as a condition of approval) the Applicant provides further detail to compliment the submitted Rehabilitation Management Plan. This is reflected in the Officer's Recommendation at 2.2 and 3.2 respectively.

Strategic:

State Planning Strategy 2050

A primary outcome of this strategy is for accessible and affordable supplies of basic raw materials made available close to demand. To this extent, the Shire of Toodyay is well located to support this strategic outcome and therefore has a number of priority resource locations that have been identified.

The strategy also recognises natural resources such as water, agricultural land, energy and mineral resources and basic raw material deposits are conserved for best future use and development.

Shire of Toodyay Community Strategic Community Plan 2028

Toodyay is the source of significant quantities of basic raw materials for the Perth Metropolitan area. This includes clay, gravel, hard rock and sand. These activities are permitted and supported through State Planning Policies. Within the limitations of the State policy framework, the Shire seeks to regulate these activities through its Local Planning Scheme and an Extractive Industry Local Law. The Shire has the capacity to influence days and hours of operation, transport routes and conditions (including contributions) and rehabilitation requirements. All Shire decision making is subject to review by the State Administrative Tribunal.

The Shire will be able to regulate this activity through the proposed development approval conditions and licence conditions.

Shire of Toodyay Environmental Management Strategy (EMS)

A key outcome for the Shire with regards to land is to ensure that decisions are based on a systems framework for land management which recognises the capability of the land to support any proposed activity. This requires an improved understanding of the soil, water, vegetation and geological properties of the area and the ability to interpret this information within the context of the proposed action.

The land management objectives of the EMS are to:

- Incorporate natural resource management and environmental considerations into the Shire's planning processes; and
- Build and maintain relationships and partnerships with land managers including traditional owners to deliver improved environmental outcomes.

The Shire of Toodyay relies on its GIS capability to assist with the assessment of these proposals and seeks comment from relevant State Government agencies as part of the community consultation process. The information provided in submissions is then considered in the decision making and recommendation process.

An extractive industry should operate in a partnership between the landowner, the extractive industry licensee and the Shire of Toodyay. This is reflected first and foremost in any conditions of approval relating to reducing or eliminating environmental impacts occurring as a result of the industry and after through environmental rehabilitation.

Shire of Toodyay Local Planning Strategy 2017

The Shire's Local Planning Strategy maintains that extractive industries are an important industry within the Shire of Toodyay.

Planning for the rural areas of the Shire must have regard to the potential for extraction of basic raw materials and accommodate suitable buffer areas between sensitive land uses and extraction sites in accordance with the provision of the WAPC's State Planning Policy No. 2.5 – Rural Planning. The priority resource and extraction sites identified in SPP 2.5 are shown on the Local Planning Strategy Map No. 3. Further, Section 6.4 of SPP2.5 guides the implementation of the provisions of the policy into local planning schemes, which has been taken into account in this Strategy and will be implemented into LPS5.

Extractive industries are a discretionary land use in the Local Planning Scheme No. 4 and this Strategy proposes to maintain this level of permissibility.

The current Local Planning Strategy identifies lot M1919 as being adjacent to a priority clay resource location.

Policy related:

State Planning Policy 2.4 – Basic Raw Materials

This policy was superseded by State Planning Policy 2.5 – Rural Planning in 2016 for the Shires of Gingin, Chittering, Toodyay and Northam.

However, mapping for this policy still identifies Significant Geological Supplies (SGS) and priority resource locations within the Shire of Toodyay. Lot M1919 is located adjacent to a priority resource location for clay extraction.

State Planning Policy 2.5 – Rural Planning.

Section 5.9(a) of the policy states:

Significant Geological Supplies and their buffers are not to be developed for other purposes until the resource is extracted, or unless development is compatible with the future extraction of the resource;

Whilst at 5.9(e):

region and local planning schemes should not generally prohibit the extraction of basic raw material resources;

and (f)

sequential land use planning is encouraged whereby extraction and appropriate rehabilitation can take place on a programmed basis in advance of longer-term use and development;

Members Policy M.2 – Public Consultation Formal Matters

The Shire of Toodyay Members Policy M.2 – Public Consultation Formal Matters (M2) applies to the proposal and requires consultation in accordance with Level E – Locality.

Local Planning Policy No. 7 – Extractive Industries Road Maintenance Contribution (LPP7)

This is applicable to Extractive Industry Applications. This Policy provides a framework for contributions by Extractive Industries to help the Shire to recover the additional costs incurred from road use that will result from that land use.

The contributions consist of two components:

- **Construction and Rehabilitation:** Under the authority of State Planning Policy 3.6 Appendix 1 - the Shire of Toodyay may charge for the cost of upgrading any road or roads to be used by the Extractive Industry to ensure it is fit for purpose. The Shire will also charge a rehabilitation cost calculated on the rate of consumption of that road asset.
- **Repairs and Maintenance:** Under the authority of the *Road Traffic Act 1974*, the Shire of Toodyay will recover the cost of repairs and maintenance of any road or roads used by the Extractive Industry. The contribution will be based on a formula adopted by the Shire of Toodyay as part of its annual adoption of fees and charges.

Financial:

The proposed development does have financial implications for the Council in terms of any bonds or road maintenance contributions that may be sought. All bonds will be held in trust and will be refunded to the Applicant as outlined in the conditions of the Planning Approval and the Extractive Industry Licence.

The Shire of Toodyay's *Schedule of Fees and Charges* specifies that any extractive industry that extracts more than 2,000 tonnes per annum will need to make a road maintenance contribution.

Road Maintenance Contributions

The required road contribution would then be calculated as Marginal Cost X Vehicle ESA X Trips X Haul Distance. This figure can then be converted to a charge per tonne, but the charge would vary from project to project depending on the haul distance.

Should Council decide to approve this application, it is recommended that a standard condition that is used in current extractive industry applications be applied:

The Applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the clay extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer. This is to be done in accordance with the Shire of Toodyay's Local Planning Policy No. LPP.7 Extractive Industry - Road Maintenance Contributions.

The final amount will be determined in accordance with the policy.

Rehabilitation Bond

The Applicant is also required to pay a rehabilitation bond which is held in trust until the rehabilitation process of the site is completed to the satisfaction of the Shire of Toodyay. The Schedule of Fees and Charges stipulates that the following bonds are to be collected:

The current Shire of Toodyay Fees and Charges from the approved Budget 2020 - 21 are:

- Secured sum – Rehabilitation for gravel, clay or stone less than 3m deep per hectare = \$7,000
- Secured sum – Rehabilitation for gravel, clay or stone more than 3m deep per hectare = \$16,000

This rehabilitation bond is to be used by the local government if rehabilitation works have not been completed satisfactorily, in order to fund any additional rehabilitation work required.

Legal and Statutory:

Planning and Development Act 2005 (WA)

Planning and Development Regulations 2009 (WA)

Planning and Development (Local Planning Schemes) Regulations 2015 (WA)

Shire of Toodyay Local Planning Scheme No 4

The Scheme provides the mechanism for protecting and enhancing the environment of the district, controlling land and building development, setting aside land for future reserves and other matters authorised by the *Planning and Development Act 2005*.

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

Local Laws

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

The local government may, in respect of an application:

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

Reviews

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

Risk related:

As noted above, should Council resolve to refuse or conditionally approve the proposal, the applicant has a right of review through the State Administrative Tribunal (SAT) which will incur legal costs.

Additionally, there is a potential risk to the environment if an extractive industry operation is poorly managed.

Non-compliance of either development approval or extractive industry approval conditions is a serious matter and is dealt with under Part 13 of the *Planning and Development Act 2005 (WA)* and/or Section 2.1 of the Shire of Toodyay's *Extractive Industries Local Law 1999*. In each instance the Shire of Toodyay has the ability to fine and/or prosecute licensees for breaches where it is deemed appropriate to pursue that course of action.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council –

1. Receives and adopts the recommendations in the Schedule of Submissions that forms the subject of Attachment 2 to the report;
2. Pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the Application for Development Approval for an Extractive

Industry on Lot M1919 Chitty Road, Hoddy's Well subject to the following conditions:

- 2.1 This approval will expire and the use permitted by this approval must cease on or before 11 October 2031 unless, after a written request is made prior to that date, the approval is extended by the local government.
- 2.2 Development is to be in accordance with the Clay Extraction Management Plan that forms the subject of Attachment 1 to the report, but amended, to the satisfaction of the local government, by updating the Rehabilitation Management Plan in Appendix E to –
 - 2.2.1 provide further detail regarding the planting of native vegetation on slopes steeper than 1:4; and
 - 2.2.2 to provide further details with respect to how the rehabilitation of the site will be monitored.

Site specific

- 2.3 The location and total area of the excavation is to be limited to 16 ha as depicted on the application.
- 2.4 The extraction of material is limited to a depth detailed in the Clay Extraction Management Plan that forms the subject of Attachment 1 to the report.
- 2.5 The maximum permitted extraction is limited to 100,000 tonnes per annum.
- 2.6 Extraction is to be undertaken entirely within Lot M1919 Chitty Road, Hoddy's Well and is to be setback a minimum of 50 metres from the boundary.
- 2.7 Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- 2.8 Operating hours within the extraction area shall be restricted to 7:00am and 5:00pm Monday to Friday. No operations to occur on weekends or public holidays.
- 2.9 The Applicant is required to provide the local government a Surveyors Certificate every two years, prior to the annual renewal fee for that year being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report. At the same time the Applicant will provide an update and forecast on staging for the following two-year period.

Environment and Rehabilitation

- 2.10 The excavation site is to be rehabilitated in accordance with the Rehabilitation Management Plan in the Clay Extraction Management Plan (as amended) that forms the subject of Attachment 1 to the report, and the Shire of Toodyay's Extractive Industry Local Law or any subsequent programme approved thereafter. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter.
- 2.11 The applicant is required to pay, in accordance with the Shire's adopted Schedule of Fees and Charges, an additional bond as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three-year monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. The Shire of Toodyay will accept a Bank Guarantee.
- 2.12 A Pit Rehabilitation Compliance Report prepared by an independent and suitably qualified consultant appointed by the local government, must be submitted to the local government upon completion of the final stages of rehabilitation. The full cost of the Pit Rehabilitation Compliance Report, including any associated costs, shall be borne by the Pit Operator (the licensee).
- 2.13 The applicant is required to provide a Dieback Disease Management Plan to the satisfaction of the local government.
- 2.14 The Applicant is required to obtain approval from the Department of Water and Environment Regulation (DWER) prior to the removal of native vegetation on site.
- 2.15 The applicant is to provide a Bushfire Management Plan in accordance with SPP 3.7 – Planning for Bushfire Prone Areas – to the satisfaction of the local government.
- 2.16 The noise generated by the development is not to exceed the levels as set out under the *Environmental Protection Act 1986* (and the *Environmental Protection (Noise) Regulations 1997*).
- 2.17 Measures are to be taken to minimise the amount of dust pollution associated with the extraction site and are to comply with the *Environmental Protection Act 1986* and Department of Water and Environment Regulation Guidelines.

- 2.18 The operations are managed in accordance with “*Water Quality Protection Note 15 - Extractive Industries Near Sensitive Water Resources*”.
- 2.19 Any dewatering shall be in accordance with “*Water Quality Protection Note 13 - Dewatering of Soils*”.

Transport and roads

- 2.20 Operating hours for cartage shall be limited to 7:00am until 5:00pm Monday to Friday. No operation will occur on weekends and Public Holidays.
- 2.21 A traffic counter must be installed at the crossover point on Salt Valley Road, and the data must be made available to the local government upon request.
- 2.22 All trucks involved in the project shall comply with the Shire of Toodyay’s Council Administration Policy No. A.8. Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- 2.23 All truck loads leaving the site with materials are to be covered.
- 2.24 The Applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer. This is to be done in accordance with the Shire of Toodyay’s Local Planning Policy No. LPP.7 Extractive Industry - Road Maintenance Contributions.
- 2.25 The Applicant is to establish a level of communication with the Public Transport Authority (PTA) that will enable the Applicant to be aware of any changes to the school bus stop locations on Salt Valley Road and communicate such changes to all truck drivers involved travelling to and from this site. Council is to also be notified of any changes. No cartage operations from the site during school bus hours in line with RAV requirements.

Insurance

- 2.26 The Applicant must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the Applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation and transport operations.

3. Pursuant to clause 3.1(2)(b) of the *Shire of Toodyay Extractive Industries Local Law 1999*, approves an Extractive Industry Licence for Capitary No. 3 Pty Ltd (Midland Brick) to conduct clay extraction operations out of Lot M1919 Chitty Road, Hoddy's Well subject to the following conditions:
- 3.1 This approval will expire and the use permitted by this approval must cease on or before 11 October 2031 unless, after a written request is made prior to that date, the approval is extended by the local government.
- 3.2 Development is to be in accordance with the Clay Extraction Management Plan that forms the subject of Attachment 1 to the report, but amended, to the satisfaction of the local government, by updating the Rehabilitation Management Plan in Appendix E to –
- 3.2.1 provide further detail regarding the planting of native vegetation on slopes steeper than 1:4; and
- 3.2.2 to provide further details with respect to how the rehabilitation of the site will be monitored.

Site specific

- 3.3 The location and total area of the excavation is to be limited to 16 ha as depicted on the application.
- 3.4 The extraction of material is limited to a depth detailed in the Clay Extraction Management Plan that formed the subject of Attachment 1 to the report.
- 3.5 The maximum permitted extraction is limited to 100,000 tonnes per annum.
- 3.6 Extraction is to be undertaken entirely within Lot M1919 Chitty Road, Hoddy's Well and is to be setback a minimum of 50 metres from the boundary.
- 3.7 Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- 3.8 Operating hours within the extraction area shall be restricted to 7:00am and 5:00pm Monday to Friday. No operations to occur on weekends or public holidays.
- 3.9 The Applicant is required to provide the local government a Surveyors Certificate every two years, prior to the annual renewal fee for that year being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report. At the same time the Applicant will provide an update and forecast on staging for the following two-year period.

Environment and Rehabilitation

- 3.10 The excavation site is to be rehabilitated in accordance with the Rehabilitation Management Plan in the Clay Extraction Management Plan (as amended) that forms the subject of Attachment 1 to the report, and the Shire of Toodyay's Extractive Industry Local Law or any subsequent programme approved thereafter. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter.
- 3.11 The applicant is required to pay, in accordance with the Shire's adopted Schedule of Fees and Charges, an additional bond as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three-year monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. The Shire of Toodyay will accept a Bank Guarantee.
- 3.12 A Pit Rehabilitation Compliance Report prepared by an independent and suitably qualified consultant appointed by the local government, must be submitted to the local government upon completion of the final stages of rehabilitation. The full cost of the Pit Rehabilitation Compliance Report, including any associated costs, shall be borne by the Pit Operator (the licensee).
- 3.13 The applicant is required to provide a Dieback Disease Management Plan to the satisfaction of the local government.
- 3.14 The Applicant is required to obtain approval from the Department of Water and Environment Regulation (DWER) prior to the removal of native vegetation on site.
- 3.15 The applicant is to provide a Bushfire Management Plan in accordance with SPP 3.7 – Planning for Bushfire Prone Areas – to the satisfaction of the local government.
- 3.16 The noise generated by the development is not to exceed the levels as set out under the *Environmental Protection Act 1986* (and the *Environmental Protection (Noise) Regulations 1997*).
- 3.17 Measures are to be taken to minimise the amount of dust pollution associated with the extraction site and are to comply with the *Environmental Protection Act 1986* and Department of Water and Environment Regulation Guidelines.

- 3.18 The operations are managed in accordance with “*Water Quality Protection Note 15 - Extractive Industries Near Sensitive Water Resources*”.
- 3.19 Any dewatering shall be in accordance with “*Water Quality Protection Note 13 - Dewatering of Soils*”.

Transport and roads

- 3.20 Operating hours for cartage shall be limited to 7:00am until 5:00pm Monday to Friday. No operation will occur on weekends and Public Holidays.
- 3.21 The applicant must have a traffic counter installed at the crossover point on Salt Valley and the data must be made available to the Shire of Toodyay upon request.
- 3.22 All trucks involved in the project shall comply with the Shire of Toodyay’s Council Administration Policy No. A.8. Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- 3.23 All truck loads leaving the site with materials are to be covered.
- 3.24 The Applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer. This is to be done in accordance with the Shire of Toodyay’s Local Planning Policy No. LPP.7 Extractive Industry - Road Maintenance Contributions.
- 3.25 The Applicant is to establish a level of communication with the Public Transport Authority (PTA) that will enable the Applicant to be aware of any changes to the school bus stop locations on Salt Valley Road and communicate such changes to all truck drivers involved travelling to and from this site. Council is to also be notified of any changes. No cartage operations from the site during school bus hours in line with RAV requirements.

Insurance

- 3.25 The Applicant must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the Applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation and transport operations.

Cr McKeown moved the Officer’s Recommendation.

Clarification was sought.

Cr Chitty seconded the motion.

Debate commenced.

Further clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 117/05/21

MOVED Cr McKeown

SECONDED Cr Chitty

That Council –

1. Receives and adopts the recommendations in the Schedule of Submissions that forms the subject of Attachment 2 to the report;
2. Pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the Application for Development Approval for an Extractive Industry on Lot M1919 Chitty Road, Hoddy's Well subject to the following conditions:
 - 2.1 This approval will expire and the use permitted by this approval must cease on or before 11 October 2031 unless, after a written request is made prior to that date, the approval is extended by the local government.
 - 2.2 Development is to be in accordance with the Clay Extraction Management Plan that forms the subject of Attachment 1 to the report, but amended, to the satisfaction of the local government, by updating the Rehabilitation Management Plan in Appendix E to –
 - 2.2.1 provide further detail regarding the planting of native vegetation on slopes steeper than 1:4; and
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- 2.22 All trucks involved in the project shall comply with the Shire of Toodyay’s Council Administration Policy No. A.8. Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- 2.23 All truck loads leaving the site with materials are to be covered.
- 2.24 The Applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer. This is to be done in accordance with the Shire of Toodyay’s Local Planning Policy No. LPP.7 Extractive Industry - Road Maintenance Contributions.

2.25 The Applicant is to establish a level of communication with the Public Transport Authority (PTA) that will enable the Applicant to be aware of any changes to the school bus stop locations on Salt Valley Road and communicate such changes to all truck drivers involved travelling to and from this site. Council is to also be notified of any changes. No cartage operations from the site during school bus hours in line with RAV requirements.

Insurance

2.26 The Applicant must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the Applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation and transport operations.

3. Pursuant to clause 3.1(2)(b) of the *Shire of Toodyay Extractive Industries Local Law 1999*, approves an Extractive Industry Licence for Capitary No. 3 Pty Ltd (Midland Brick) to conduct clay extraction operations out of Lot M1919 Chitty Road, Hoddy's Well subject to the following conditions:

3.1 This approval will expire and the use permitted by this approval must cease on or before 11 October 2031 unless, after a written request is made prior to that date, the approval is extended by the local government.

3.2 Development is to be in accordance with the Clay Extraction Management Plan that forms the subject of Attachment 1 to the report, but amended, to the satisfaction of the local government, by updating the Rehabilitation Management Plan in Appendix E to –

3.2.1 provide further detail regarding the planting of native vegetation on slopes steeper than 1:4; and

3.2.2 to provide further details with respect to how the rehabilitation of the site will be monitored.

Site specific

3.3 The location and total area of the excavation is to be limited to 16 ha as depicted on the application.

3.4 The extraction of material is limited to a depth detailed in the Clay Extraction Management Plan that formed the subject of Attachment 1 to the report.

3.5 The maximum permitted extraction is limited to 100,000 tonnes per annum.

3.6 Extraction is to be undertaken entirely within Lot M1919 Chitty Road, Hoddy's Well and is to be setback a minimum of 50 metres from the boundary.

- 3.7 Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- 3.8 Operating hours within the extraction area shall be restricted to 7:00am and 5:00pm Monday to Friday. No operations to occur on weekends or public holidays.
- 3.9 The Applicant is required to provide the local government a Surveyors Certificate every two years, prior to the annual renewal fee for that year being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved Extractive Industry Report. At the same time the Applicant will provide an update and forecast on staging for the following two-year period.

Environment and Rehabilitation

- 3.10 The excavation site is to be rehabilitated in accordance with the Rehabilitation Management Plan in the Clay Extraction Management Plan (as amended) that forms the subject of Attachment 1 to the report, and the Shire of Toodyay's Extractive Industry Local Law or any subsequent programme approved thereafter. The rehabilitation works must be completed within the first winter months following the re-establishment of the final contour ground levels and maintained for a period of three years thereafter.
- 3.11 The applicant is required to pay, in accordance with the Shire's adopted Schedule of Fees and Charges, an additional bond as a performance guarantee against the satisfactory completion of the rehabilitation of the site. The performance guarantee will be refunded at a rate of 50% following completion of the final stage of rehabilitation works and 50% at the conclusion of the three-year monitoring period. The bond is to be accompanied by a bonding agreement and written authorisation from the owner of the land that the Shire may enter the site to complete or rectify any outstanding work. The Shire will recover the bond, or part thereof as appropriate, for any costs to the Shire in completing and/or rectifying the outstanding works. The Shire of Toodyay will accept a Bank Guarantee.
- 3.12 A Pit Rehabilitation Compliance Report prepared by an independent and suitably qualified consultant appointed by the local government, must be submitted to the local government upon completion of the final stages of rehabilitation. The full cost of the Pit Rehabilitation Compliance Report, including any associated costs, shall be borne by the Pit Operator (the licensee).
- 3.13 The applicant is required to provide a Dieback Disease Management Plan to the satisfaction of the local government.

- 3.14 The Applicant is required to obtain approval from the Department of Water and Environment Regulation (DWER) prior to the removal of native vegetation on site.
- 3.15 The applicant is to provide a Bushfire Management Plan in accordance with SPP 3.7 – Planning for Bushfire Prone Areas – to the satisfaction of the local government.
- 3.16 The noise generated by the development is not to exceed the levels as set out under the *Environmental Protection Act 1986* (and the *Environmental Protection (Noise) Regulations 1997*).
- 3.17 Measures are to be taken to minimise the amount of dust pollution associated with the extraction site and are to comply with the *Environmental Protection Act 1986* and Department of Water and Environmental Regulation Guidelines.
- 3.18 The operations are managed in accordance with “*Water Quality Protection Note 15 - Extractive Industries Near Sensitive Water Resources*”.
- 3.19 Any dewatering shall be in accordance with “*Water Quality Protection Note 13 - Dewatering of Soils*”.

Transport and roads

- 3.20 Operating hours for cartage shall be limited to 7:00am until 5:00pm Monday to Friday. No operation will occur on weekends and Public Holidays.
- 3.21 The applicant must have a traffic counter installed at the crossover point on Salt Valley and the data must be made available to the Shire of Toodyay upon request.
- 3.22 All trucks involved in the project shall comply with the Shire of Toodyay’s Council Administration Policy No. A.8. Oversize Vehicles and shall seek the approval of Main Roads Western Australia as appropriate.
- 3.23 All truck loads leaving the site with materials are to be covered.
- 3.24 The Applicant shall be responsible for the cost of maintaining and repairing damage to the roads controlled by the Shire which are used by heavy haulage traffic associated with the extractive industry operations to the extent that such traffic contributes to the need for such maintenance and repair. Prior to the commencement of operation of the Facility, a Road Maintenance Plan based on this principle and including the below shall be prepared and implemented, at the cost of the Applicant, throughout the duration of the operation of the development to the satisfaction of the Shire of Toodyay Chief Executive Officer. This is to be done in accordance with the Shire of Toodyay’s Local Planning Policy No. LPP.7 Extractive Industry - Road Maintenance Contributions.

3.35 The Applicant is to establish a level of communication with the Public Transport Authority (PTA) that will enable the Applicant to be aware of any changes to the school bus stop locations on Salt Valley Road and communicate such changes to all truck drivers involved travelling to and from this site. Council is to also be notified of any changes. No cartage operations from the site during school bus hours in line with RAV requirements.

Insurance

3.36 The Applicant must maintain a current public liability insurance policy in which the interests of the Shire of Toodyay are formally noted by the insurer, indemnifying the Applicant and the Shire of Toodyay for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation and transport operations.

MOTION CARRIED 7/0

Cr Pearce returned to Council Chambers at 4.42pm.

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – April 2021
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Date of Report:	11 May 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN6
Author:	C Murcott – HR/Finance Officer
Responsible Officer:	C Luangala – Manager Corporate & Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. List of Payments for month ending 30 April 2021.

PURPOSE OF THE REPORT

To present the cheques and electronic payments raised during the month of April 2021.

BACKGROUND

Creditor invoices are processed as they are received and, on the 15th, and final day of every month, cheques and electronic fund transfers are raised for payments.

OFFICER COMMENT / DETAILS

Electronic Funds Transfers (EFT) are for payments transferred directly to creditor bank accounts. Direct Debits are for direct debits against the bank account such as bank fees, leases, loans, and charges etc.

Payroll Direct Debits are for payroll and superannuation expenditures which are paid through Council's on-line (internet) banking system.

The report on payments for the month is generated directly from Datascape and contains more detail than previously included. This means that the report is longer and in months where the number of payments is significant, this could increase.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Objective 3: Ensure rigorous organisational systems.

S 3.1 Maintain long term financial and resourcing plans.

S 3.2 Operate to best practice management in all areas.

S 3.3 Ongoing review of customer service and satisfaction.

S 3.4 Embrace innovation in information and communication technologies.

Policy related:

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust Accounts.

Financial:

Payments of accounts are in accordance with Council's adopted 2020/21 Budget.

Legal and Statutory:

Section 5.42 of the *Local Government Act 1995* allows the local government to delegate its powers to the Chief Executive Officer.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

Risk related:

There is a compliance and reputational risk should Council choose not to approve the Officer recommendation.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 118/05/21

MOVED Cr Hart

That Council notes as being paid payments listed and presented for the month of April 2021 as follows:

1. Trust Fund Electronic Fund Transfers (EFT) \$10,252.27 and Trust Cheques payments \$0.00;
2. Municipal Fund Electronic Fund Transfers (EFT) payments amounting to \$720,996.27 and Municipal Fund Cheques numbered 12844 to 12848 amounting to \$30,355.08.
3. Direct Debit Loan amounting to \$4,533,115.91 and Direct Debit amounting to \$27,794.43; and
4. Payroll Direct Debits totalling \$240,030.10.

MOTION CARRIED 7/0

9.2.2 Monthly Financial Statements – April 2021

Date of Report:	13 May 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	M Werder – Acting Manager Corporate & Community Services
Responsible Officer:	C Luangala – Manager Corporate & Community Service
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for the month ending 30 April 2021; 2. Trust and Reserve Bank Reconciliations for the month ending 30 April 2021.

PURPOSE OF THE REPORT

To accept the Monthly Financial Statement, Outstanding Rates and Outstanding Sundry Debtors Information for the month ending 30 April 2021; and the Trust and Reserve Bank Reconciliations for the month ending 30 April 2021.

BACKGROUND

Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* states:

A statement of financial activity and the accompanying documents referred to in sub regulation (2) is to be –

- a) Presented at an ordinary meeting of the council within two months after the end of the month to which the statement relates; and*
- b) Recorded in the minutes of the meeting at which it is presented.*

These reports are prepared after all the end of month payments and receipts have been processed.

COMMENTS AND DETAILS

Attached are the Monthly Financial Statement, Outstanding Rates and Outstanding Sundry Debtors Information for the month ending 30 April 2021; and the Trust and Reserve Bank Reconciliation for the month ending 30 April 2021. Explanation of the

variance between the closing funding surplus (YTD Budget v YTD Actual) is included in Note 3 of the financial report.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Objective 3: Ensure rigorous organisational systems.

S 3.1 Maintain long term financial and resourcing plans.

S 3.2 Operate to best practice management in all areas.

S 3.3 Ongoing review of customer service and satisfaction.

S 3.4 Embrace innovation in information and communication technologies.

Policy related:

F.02 Authorised Signatories

F.03 Purchasing

F.11 Corporate Credit Cards

F.16 Financial Governance

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

Financial:

Budget variances are reported and explained in the attached financial statements.

Legal and Statutory:

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* sets out the form and content of the financial reports.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a statement of Financial Activity to be prepared each month which is to contain the following details:

- a) Annual budget estimates;
- b) Budget estimates to the end of the month;
- c) Actual amount of expenditure and revenue;
- d) Material variances between comparable amounts in b) and c) and above; and
- e) The net current assets at the end of the month to which the statements relates i.e.: surplus/deficit position.

The Statement is to be accompanied by:

- a) Explanation of the composition of net current assets, less committed assets and restricted assets;
- b) Explanation of the material variances; and
- c) Such other information considered relevant by the local government.

Risk related:

There is a compliance risk in relation to this report as it is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

Workforce related:

Officer resources continue to be focused on the transition of the Shire's enterprise software.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 119/05/21

MOVED Cr Ruthven

That Council accepts the Monthly Financial Statement, Outstanding Rates and Outstanding Sundry Debtors Information for the month ending 30 April 2021; and the Trust and Reserve Bank Reconciliation for the month ending 30 April 2021.

MOTION CARRIED 7/0

9.3 EXECUTIVE SERVICES

9.3.1 Elected Member Resignation and Election Process
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Date of Report:	13 May 2021
Applicant or Proponent:	Shire of Toodyay (in liaison with P Richards, Australian Electoral Commission)
File Reference:	ELT2/ ICR75978
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Resignation from Cr Greenway

PURPOSE OF THE REPORT

That Council, in accordance with the provisions of section 4.17(3) of the *Local Government Act 1995*, seeks the permission of the Electoral Commissioner for a vacancy on Council to remain unfilled until the October 2021 Ordinary Election.

BACKGROUND

Cr Greenway's term was due to expire in October 2021 however she submitted her resignation as an Elected Member effective 30 April 2021.

The Shire President requested that the CEO seek the views of the Electoral Commission as to whether the Commissioner would agree that the position would remain unfilled until the October 2021 Ordinary Election.

In addition, at a Concept Forum held on 20 April 2010, the option of investigating a change in representation i.e. reducing the number of offices of elected members was also discussed.

COMMENTS AND DETAILS

The Shire of Toodyay originally elected its representatives via a ward system with nine councillors elected. In April 2019, the Local Government Advisory Board approved an application to abolish the Shire's ward structure, and for the number of offices of Councillor to remain unchanged at nine.

In light of Cr Greenway's resignation and recent budget discussions, Councillors contemplated the reduction of the number of elected members from nine to seven. Advice was sought from the Local Government Advisory Board and it was determined that in order to undertake a review of representation a submission to the Advisory Board is required containing the following information:

- Copy of minutes from a Council Meeting with a resolution to change or review representation;
- Details of the background for the review;
- Details of the review and consultation process, including copies of advertising and promotional activities undertaken;
- Alternatively, reasons for determining the change is minor or does not require public submission (if relevant)
- Comprehensive, analysis and conclusion and a report submitted to the Advisory Board along with an executive summary of the request.

In addition, all local governments that are conducting reviews are requested to submit them to the Advisory Board by 31 January in any Local Government election year. It can take between 3-5 months for the local government to undertake the review and a further 3-4 months for any changes to be effected through the Advisory Board. Therefore, a reduction in the number of elected offices is not possible at this time.

Therefore, Council is requested to consider only whether to hold an extraordinary election to fill the vacancy left by Cr Greenway's resignation or to seek approval from the WA Electoral Commissioner for the vacancy to remain until the ordinary elections in October 2021.

Section (3) and (4A) of the *Local Government Act 1995* would apply, meaning that Council could decide, with the approval of the Electoral Commissioner, to allow the vacancy to remain unfilled and, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

A minimum of 80 days is required to call an extraordinary election. This means that the vacancy on Council could not be filled before end-July. This means that any newly elected Councillor would attend only three Ordinary Council meetings before returning to the polls.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation took place with the Department of Local Government on 21 April 2021 who referred the query to the Local Government Advisory Board in respect to the possibility of reducing the number of councillors from nine to seven. Advice provided by an Officer from the Local Government Advisory Board was as follows:

"For any proposed changes to take effect ahead of the 2021 LG elections, it is now too late for your Shire to conduct a representation review, and for that review to be considered by the Advisory Board prior to their recommendation being sent

to the Minister for Local Government and the Executive Council for subsequent approval.

You may not know that all LGs that are conducting reviews are requested to submit them to the Advisory Board by 31 January in any LG election year. In general, it can take between 3-5 months for a LG to work through all of the review requirements, then a further 3-4 months for any proposed changes to be effected through the Advisory Board (via final publication in the Government Gazette). As well, the Gazette publication must be completed by 30 June of the LG election year, as the process is then “handed over” to the WAEC for them to complete all of their statutory and administrative requirements prior to the October elections.

The good news is that if your Shire decides to commence a representation review (via council resolution) soon – then you will be well ahead of the game for the 2023 LG elections!

For the Shire’s current situation, you may have to consider conducting an extraordinary election – in which case it may be appropriate to contact the WAEC for further information.”

Mr Phil Richards, Manager of Election Events from the Western Australian Electoral Committee was contacted on 6 April 2021. He advised the CEO that “as the vacancy arose between the 3rd Saturday in January and the 3rd Saturday in July of the year when the term was to expire, all that is needed to be done is to write to the Electoral Commissioner advising of the vacancy and advising that Council is requesting under section 4.17(2) of the *Local Government Act 1995*, the vacancy remain unfilled until the October 2019 elections.

Mr Richards indicated that as he would be writing the response to a letter to the Electoral Commissioner he would be agreeing to Council’s request.

Strategic:

A key point of the Shire’s Strategic Community Plan – Toodyay 2028 (SCP) is Governance – the way the Shire leads and operates. The strategic outcome is that Council will engage with the community and provide good governance on behalf of the Community.

Policy related:

Nil

Financial:

The last Extraordinary Election was held in July 2020 at a cost to the Shire of \$22,000 including GST.

Legal and Statutory:

Section 4.17 (2-4) of the *Local Government Act 1995* states as follows:

4.17. Cases in which vacant offices can remain unfilled.

(2) *If a member’s office becomes vacant under section 2.32 —*

- (a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
 - (b) *before the third Saturday in July in that election year,*
the Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) *Subsection (3) applies —*

- (a) *if —*
 - (i) *the office is for a district that has no wards; and*
 - (ii) *at least 80% of the number of offices of member of the council in the district are still filled;*
 - or*
 - (b) *if —*
 - (i) *the office is for a ward for which there are 5 or more offices of councillor; and*
 - (ii) *at least 80% of the number of offices of councillor for the ward are still filled.*
- (4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

Risk related:

Legislatively, the local government is required to take action in regard to the vacancy. If Council chose to do nothing, the local government would be non-compliant which in terms of governance is a high risk.

Workforce related:

Should Council determine to hold an extraordinary election, there will be added impost on Shire officers who are already preparing for the Ordinary Elections to be held in October.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, in accordance with the provisions of section 4.17(3) of the *Local Government Act 1995*, seeks the permission of the Electoral Commissioner for the vacancy on Council resulting from the resignation of Cr Paula Greenway to remain unfilled until the October 2021 Ordinary Election.

Cr Pearce moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 120/05/21

MOVED Cr Pearce

That Council, in accordance with the provisions of section 4.17(3) of the *Local Government Act 1995*, seeks the permission of the Electoral Commissioner for the vacancy on Council resulting from the resignation of Cr Paula Greenway to remain unfilled until the October 2021 Ordinary Election.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

9.3.2 Strategic Community Plan 2021-2031

Date of Report:	6 April 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC1
Author:	M Lamb – Compliance and Communications Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Draft Strategic Community Plan 2021-2031

The CEO advised the Shire President that this Officer Report would be withdrawn pending more work on the Strategic Community Plan

9.3.3 Correspondence from the Department of Local Government, Sport and Cultural Industries

Date of Report:	10 May 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. DLGSC Correspondence 27 April 2021 to 12 May 2021.

PURPOSE OF THE REPORT

To present details of correspondence with the Department of Local Government, Sport and Cultural Industries (DLGSC) since the April 2021 Ordinary Council Meeting.

BACKGROUND

At the June 2018 Ordinary Council Meeting (Resolution No. 122/06/18) Council resolved:

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

This report details the correspondence with the DLGSC since the April 2021 Ordinary Council Meeting.

COMMENTS AND DETAILS

Correspondence from the DLGSC during the past month (Attachment 1) is as follows:

- Correspondence dated 29 April 2021 regarding the Department's response to significant matters in the 2019/2020 Audit Report; and
- Correspondence dated 12 May 2021 from the Director General in regard to the Shire of Toodyay's submission of a preferred candidate to conduct the independent governance review.

IMPLICATIONS TO CONSIDER

Consultative:

Department of Local Government, Sport and Cultural Industries

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community

Objective 2 Consistently improve our governance practices

Policy related:

Nil

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

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

Risk related:

There is a reputational and compliance risk if a Council resolution is not implemented. These are both rated high.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 121/05/21

MOVED Cr Rayner

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 15 April 2021 to 12 May 2021 as outlined in and attached to, this report.

MOTION CARRIED 7/0

9.3.4 Register of Delegations – Review 2021

Date of Report:	2 March 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN6
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	June 2020
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. REVISED Register of Delegations.

The CEO advised the Shire President that this Officer Report would be withdrawn pending a workshop being held prior to the June 2021 Ordinary Council Meeting on the Register of Delegations.

9.3.5 Local Recovery Coordinators

Date of Report:	12 May 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIR27
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Local Recovery Coordinators Aide Memoire

PURPOSE OF THE REPORT

To appoint Local Recovery Coordinators and authorise the CEO by way of delegation to ensure that Officers are appointed as key personnel to lead recovery processes in the future.

BACKGROUND

The position of a Local Recovery Coordinator (LRC) is to ensure the development and maintenance of effective recovery management arrangements for the local government in conjunction with the local recovery committee to implement a post incident recovery action plan and manage the recovery phase of the incident.

In accordance with the State Emergency Management (EM) Preparedness Procedures, the Shire of Toodyay is required to appoint officers and key personnel to lead the community recovery process in accordance with the requirements of the *Emergency Management Act 2005*, Section 41(4).

The Shire of Toodyay may appoint more than one person to the position of LRC by appointing and training more than one person to undertake the role of the LRC, thereby ensuring that coverage is assured in the event the primary appointee is unavailable when an emergency occurs.

Other key personnel required for a recovery process would be the appointment of someone to the position of a Local Government Welfare Liaison Officer to ensure that during an evacuation assistance will be provided to the Department of Communities by providing advice information and resources such as to:

- (a) open and establish a welfare centre at the nominated facility until the arrival of DC;

- (b) establish the registration process of evacuees until the arrival of DC;
- (c) provide advice, information and resources in support of the facility; and
- (d) assist with maintenance requirements for the facility.

COMMENTS AND DETAILS

Local Emergency Management Arrangements (LEMA) set out the local government's policies, strategies and priorities for emergency management (EM). They describe emergencies that are likely to occur, define roles and responsibilities, resources and facilities within the community, and detail recovery arrangements.

The recovery plan should be incorporated within the LEMA and be prepared prior to an emergency event occurring, with the Local Recovery Coordinators being nominated in the recovery plan by the local government in accordance with the requirements of section 41(4) of the *Emergency Management Act 2005*.

The previous LEMA was adopted by Council on 23 August 2016.

Whilst appointment of LEMC members (including the position of LRC's) is a function performed by Council in accordance with Section 38 of the *Emergency Management Act 2005* this report seeks to delegate local government authority to the CEO for the purpose of assigning a person's name to the membership role.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation in respect to the importance of a Local Recovery Coordinator position has been had with Yvette Grigg, District Emergency Management Advisor, Wheatbelt and Goldfields-Esperance Districts, Department of Fire and Emergency Services during a Local Emergency Management Committee held on 10 February 2021 and a workshop and LEMC Meeting held on 12 May 2021 wherein the review of the Local Emergency Management Arrangements (LEMA) was undertaken.

Strategic:

A key point of the Shire's Strategic Community Plan – Toodyay 2028 (SCP) is Governance – the way the Shire leads and operates. The strategic outcome is that Council will engage with the community and provide good governance on behalf of the Community.

An objective within the SCP is to Preserve and protect our natural assets for future generations by way of (S 1.4) Reduce the impact of extreme weather conditions through emergency management planning.

The Shire actively supports five Volunteer Bush Fire Brigades, a DFES Fire and Rescue Brigade and a State Emergency Service Unit in Morangup. The Shire gains excellent service from a committed force of volunteers, both in emergency service units and as volunteer Fire Control Officers. Our Local Emergency Management Committee ensures that the Shire is well prepared in the event of an emergency.

Policy related:

In accordance with section 38 “Local Emergency Management Committees” of the *Emergency Management Act 2005*, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

The State Emergency Management (EM) Preparedness Procedures provide information in respect to the nomination of Local Recovery Coordinators by the local government including the nomination within local recovery arrangements which form part of the LEMA (<https://semc.wa.gov.au/emergency-management/procedures>) ;

Financial:

There will be future training costs incurred in the 2021/2022 Annual Budget which will be associated with the appointment of personnel with emergency planning and preparation, response and recovery responsibilities.

Training of personnel is an expected requirement under SEMC procedures and as part of the local government responsibilities as defined in Section 36 of the *Emergency Management Act 2005*, the local government is obliged to adhere to the legislation.

Legal and Statutory:

Under the *Emergency Management Act 2005*, the local government is a public authority who has functions to perform as per Section 36 of the aforementioned Act, one function being to ensure that effective local emergency management arrangements are prepared and maintained for its district.

In the *Emergency Management Act 2005* Section 41 (4) of “Emergency management arrangements in local government district” states as follows:

- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.

In the *Emergency Management Act 2005* Section 42 of “Reviewing and renewing local emergency management arrangements” states as follows:

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

Risk related:

The LRC responsibilities are for the development and implementation of the recovery management arrangements for the local government.

The risk of not appointing a replacement, nor setting a precedent for future appointments of key personnel by way of delegation through the CEO puts the community at risk in the event of a recovery event occurring in the meantime without

key people in place to liaise with and work with other emergency management agencies. This report seeks to mitigate any current or future risk.

Workforce related:

The staff nominated as per the Officer's Recommendation have been approached by the Chief Executive Officer and they will accept their nomination to the roles of Local Recovery Coordinators.

In respect to any other roles required for the Shire's emergency response as part of the Shire's LEMA it is envisaged that Council could authorise the CEO to make those appointments, subject to the CEO informing Council of the decision and confirming the decision in writing as per regulation 19 of the *Local Government (Administration) Regulations 1996*.

The CEO would inform the CESM of the appointments, and the CESM would arrange their training and would also advise the LEMC and relevant agencies who receive our LEMA of the new appointments.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Nominates the Shire of Toodyay Community Development Officer to the position of Local Recovery Coordinator;
2. Nominates the Shire of Toodyay Development Services Officer to the position of Deputy Recovery Coordinator; and
3. Delegates to the Chief Executive Officer the authority to make any future appointments of personnel required for the purpose of emergency planning and preparation, response and recovery, subject to informing Council of such appointments.

CEO advised that at Point 2 the word "services" is required to be changed to "Support".

Cr Rayner moved a motion as follows:

That Council:

1. **Nominates the Shire of Toodyay Community Development Officer to the position of Local Recovery Coordinator;**
2. **Nominates the Shire of Toodyay Development Support Officer to the position of Deputy Recovery Coordinator; and**
3. **Delegates to the Chief Executive Officer the authority to make any future appointments of personnel required for the purpose of emergency planning and preparation, response and recovery, subject to informing Council of such appointments.**

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 122/05/21

MOVED Cr Rayner

That Council:

1. Nominates the Shire of Toodyay Community Development Officer to the position of Local Recovery Coordinator;
2. Nominates the Shire of Toodyay Development Support Officer to the position of Deputy Recovery Coordinator; and
3. Delegates to the Chief Executive Officer the authority to make any future appointments of personnel required for the purpose of emergency planning and preparation, response and recovery, subject to informing Council of such appointments.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

9.4 ASSETS AND SERVICES

No reports.

9.5 COMMITTEE REPORTS

No reports.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING (ref. Standing Orders 4.4)

Nil

12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

This section refers to Standing Orders 6.1 Questions on notice by Members.

12.1.1 Cr Bell – Item 10.3.3 of the February 2021 OCM

The Officer's Recommendation appeared to rely on (in part) the results of a scoring system used as part of the assessment. This Evaluation Criteria and Scoring System was based around a weighted qualitative criterion, and involved four separate criteria: namely, Capability (weighting 20%); Experience / Performance (weighting 20%), Service Provision and Innovation (weighting 25%) and Tendered Price (weighting 35%). In response to a series of questions outlined in Section 12.1 of the March 2021 Ordinary Council Meeting, the Shire stated that the maximum score a tenderer could potentially achieved under the Capability, Experience / Performance, Service Provision and Innovation and Tendered Price was 12.0, 2.0, 5.0 and 3.5, respectively. The Shire also stated that the maximum total score a tenderer could potentially achieve was 22.5.

If the maximum score a tenderer could potentially achieve under the Capability criteria was 12.0 and the maximum total score available was 22.5, doesn't this mean that the administration actually applied a 53% weighting to the Capability criteria (being 12 divided by 22.5) rather than a 20% weighting that was stated in the actual formal tender document?

Acting Manager Corporate and Community Services response:

Questions 12.1.1 to 12.1.8 are operational in nature and seek to extract information in relation to the deliberative processes of the government, undertaken by Officers on behalf of the local government agency. As such, any written response to these questions would be exempt from disclosure under Clause 6(1)(a) of the Freedom of Information Act 1992 as they would reveal an opinion, advice or recommendation that was prepared and recorded in the course of and for the purpose of deliberative

processes of the agency in considering submissions for the Cleaning Tender.

The Cleaning Contract has been awarded by a decision of Council.

A workshop will be held with Councillors when practicable to provide further detail regarding the tender/request for quotation process and their evaluation.

12.1.2 Cr Bell – Item 10.3.3 of the February 2021 OCM

If the maximum score a tenderer could potentially achieve under the Experience / Performance criteria was only 2.0 and the maximum total score available was 22.5, doesn't this mean that the administration actually applied an 8% weighting to the Experience / Performance criteria (being 2 divided by 22.5) rather than a 20% weighting that was stated in the actual formal tender document?

Refer to response at 12.1.1.

12.1.3 Cr Bell – Item 10.3.3 of the February 2021 OCM

If the maximum score a tenderer could potentially achieve under the Service Provision and Innovation criteria was 5.0 and the maximum total score available was 22.5, doesn't this mean that the administration actually applied a 22% weighting to the Service Provision and Innovation criteria (being 5 divided by 22.5) rather than a 25% weighting that was stated in the actual formal tender document?

Response to response at 12.1.1.

12.1.4 Cr Bell – Item 10.3.3 of the February 2021 OCM

If the maximum score a tenderer could potentially achieve under the Tendered Price criteria was 3.5 and the maximum total score available was 22.5, doesn't this mean that the administration actually applied a 15% weighting to the Tendered Price criteria (being 3.5 divided by 22.5) rather than a 35% weighting that was stated in the actual tender document?

Response to response at 12.1.1.

12.1.5 Cr Bell – Item 10.3.3 of the February 2021 OCM

Why was the maximum score a tenderer could potentially achieve under the Capability criteria 12.0, but the maximum score a tenderer could potentially achieved under the Experience / Performance criteria only 2, when the Capability criteria and the separate Experience / Performance criteria each had an equal weighting under the Evaluation Criteria and Scoring System stated in the actual tender document (being 20% weighting each)?

Response to response at 12.1.1.

12.1.6 Cr Bell – Item 10.3.3 of the February 2021 OCM

Why was the maximum score a tenderer could potentially achieve under the Tender Price criteria only 3.5 when it had a stated weighting of 35%, whereas the maximum score a tenderer could potentially achieve under the Capability criteria was 12.0 when it had a stated weighting of 20%?

Response to response at 12.1.1.

12.1.7 Cr Bell – Item 10.3.3 of the February 2021 OCM

Would you not agree that, as stated in Section 12.1 of the March 2021 Ordinary Council Meeting, the Capability criteria was assigned a weighting 3 times higher than the Tender Price criteria (12.0 compared to 3.5)?

Response to response at 12.1.1.

12.1.8 Cr Bell – Item 10.3.3 of the February 2021 OCM

As previously stated, the Evaluation Criteria and Scoring System was based around a weighted qualitative criterion, and involved four separate criteria: namely, Capability (weighting 20%); Experience / Performance (weighting 20%), Service Provision and Innovation (weighting 25%) and Tendered Price (weighting 35%). Given the total of these four weighted criteria equals 100 (being 20% + 20% + 25% + 35%), how did the administration's evaluation panel come to the position that the maximum total score a tenderer could potentially achieve was 22.5?

Response to response at 12.1.1.

12.2 Cr Bell – Use of Machinery

Why did the Shire of Toodyay advise a resident to stop all use of machinery in relation to moving rocks on their property despite the fact that, in the Shire of Toodyay's Manager of Planning & Development's own words (in an email dated 22 March 2021), there was no legal basis prohibiting them from clearing rocks?

Manager Planning and Development response:

Officers discussed and suggested this approach with the resident in order to –

- (a) help resolve a conflict situation between the resident and the resident's neighbour;***
- (b) minimise dust nuisance caused by the machinery; and***
- (c) negotiate the needs of both parties.***

12.3 Cr Bell – Proposed RSL Building

At the July 2017 Ordinary Council Meeting, the Council (amongst other things) passed a motion that the Shire would make the proposed RSL building "fit for purpose". I understand that the Shire has commenced this

work but do you have an indicative timing as to when this work to make the RSL premises “fit for purpose” will be completed?

Manager Planning and Development response:

No, there is no indicative timing as to when the work will be completed.

12.4 Cr Bell – Equine Management Plan

Which Shire of Toodyay Local Law or Policy, if any, specifically requires Toodyay residents to have a robust equine management plan in place when keeping horses?

Manager Planning and Development response:

There are no Shire local laws or adopted Shire policies on the topic. However, the Shire of Toodyay Local Planning Scheme No. 4 sets out the way land in the District is to be used and developed. The Scheme classifies areas for land use and includes provisions to coordinate infrastructure and development within the District.

The Shire’s Local Planning Scheme No. 4 states:

4.10.8 Livestock management

With the intention of preventing overstocking or other practices detrimental to the amenity of the zone and to prevent land degradation and nutrient export, any application for the keeping of livestock will have regard to advice from the relevant State Government departments including in relation to recommended stocking rates and protection of environmental attributes (such as native vegetation, watercourses, wetlands, ground and surface water quality and landform).

The primary document Planning staff use to determine stocking rates, is the ‘Stocking rate guidelines for rural small holdings, Swan Coastal Plain and Darling Scarp and surrounds, Western Australia’.

The guidelines state:

“Any increase in the base stocking rates will depend on pasture improvement, farm planning and nutrient management as well as statutory requirements. Proposals to carry stock in excess of the base stocking rate should be the subject of an approval from the relevant local government authority. A stock management plan (see Appendix 2, Increasing stocking Agriculture Western Australia Stocking Rate Guidelines for Rural Small Holdings 5 capacity) should form part of the proposal. Very high stocking rates, for example in a feedlot, are considered separately as a noxious industry.” (p. 4)

There is an additional statutory basis allowing the local government to request such a document under Schedule 2, Part 8, Clause 63 (1)(c)&(d) of the Planning and Development (Local Planning Schemes) Regulations 2015, which states:

63. Accompanying material

(1) An application for development approval must be accompanied by —

(c) a report on any specialist studies in respect of the development that the local government requires the applicant to undertake such as site surveys or traffic, heritage, environmental, engineering or urban design studies; and

(d) any other plan or information that the local government reasonably requires.

12.5 Cr Bell – Horse numbers

Which Shire of Toodyay Local Law or Policy, if any, specifies the maximum number of horses a Toodyay resident may have on their property at any given time?

Manager Planning and Development response:

Refer response at 12.4 above.

The primary document Planning staff use to determine stocking rates, is the 'Stocking rate guidelines for rural small holdings, Swan Coastal Plain and Darling Scarp and surrounds, Western Australia'.

12.6 Cr Bell – Finance related negotiations with the Department

Under which part of Section 2.8 of the Local Government Act was the Shire President relying upon when they unilaterally requested / directed the Shire's CEO to seek to enter into finance-related negotiations with the Department of Local Government without the Shire President first seeking approval from Council?

Chief Executive Officer response:

Firstly, finance-related negotiations with the Director General's office have not commenced, and any such negotiation would be an operational matter given that Council made decisions in response to the Director General's report on the Authorised Inquiry under Part 8, Division 1 of the Local Government Act 1995 on:

- 11 Aug 2020 to endorse Council's response to the Draft Inquiry;*
- 27 Oct 2020 to receive the report of the Inquiry, etc; and*

- *17 Nov 2020 to note the extension given by the Department; and*
- *24 Nov 2020 to endorse Council's written advice to the Minister.*

As you are aware, the Minister's letter dated 13 April 2021, provided to Council at the April 2021 Council Meeting, indicates "Implementation of recommendations from an Authorised Inquiry are normally to be completed within the resources and at the cost of the relevant local government."

Section 2.8 (d) and (f) are the sections whereby the Shire President is able to speak on behalf of the local government, but also liaise with the CEO on the local government's affairs and performance of its functions.

Section 5.41(c) of the Local Government Act 1995 enables the CEO to cause Council decisions to be implemented and (d) is to manage the day-to-day operations of the local government as well as (e) liaising with the Shire President.

12.7 Cr Bell – RSL Building

- (a) Will the proposed RSL building on Clinton Street be categorized a Class 9B (Public use) building?
- (b) If so, is this a 're-classification'?

Manager Planning and Development response:

- (a) **Yes.**
- (b) **Yes.**

12.8 Cr Bell – RSL Invoice

- (a) Has the Shire of Toodyay receive an invoice of \$20,000 from the RSL in accordance with the Shire's letter dated 26 July 2019 (Shire of Toodyay reference: LEG266//OCR43633)?
- (b) If so, has this invoice been paid?
- (c) If this invoice has not been paid, when does the Shire anticipate paying this invoice?

Chief Executive Officer response:

Yes an invoice was received and Yes it has been paid.

12.9 Cr Bell – Council decision in relation to RSL

- (a) In the past 5 years, has any decision by Council in relation to the RSL building on Clinton Street been rescinded by Council?
- (b) If so, which decisions were rescinded and at which Council Meeting/s did this occur?

Manager Planning and Development response:

- (a) **No.**
- (b) **N/A**

12.10 Cr Bell – Clinton Street blocks

Does the Clinton Street block (lots 3, 4, 5 and 6) currently confirm to reasonable draining standards?

Manager Planning and Development & Manager Assets and Services response:

Yes.

12.11 Cr Bell – Surface water Clinton Street

- (a) Does surface water from Clinton Street Lots 4 & 5 presently flow into Lots 3 & 6 during periods of rain?
- (b) If so, is it the Shire's responsibility to address this given that the Shire is the owner of Lots 4 and 5?

Manager Planning and Development & Manager Assets and Services response:

- (a) **Yes.**
- (b) ***As long as the natural surface water runoff across all four (4) lots does not impact on the common law rights of adjoining property owners (or the Shire's buildings on Lot 6), the Shire is technically not required to address natural runoff from lots 4 and 5.***



12.12 Cr Bell – RSL Project

Has the current Shire President at any time stated, implied or insinuated in any way to the RSL that she considers the RSL's current plans the Clinton Street block may be excessive or grandiose?

No.

12.13 Cr Bell – RSL Plans

Does the Shire President considers the RSL's current plans for the Clinton Street block excessive or grandiose?

No.

12.14 Cr Bell – RSL Construction costs

Is approximately \$75,000 of the construction costs related to the RSL building / development related to upgrading the load capacity of the main driveway so that the Shire's heavy vehicles can assess the rear portion of Clinton Street Lots 4 & 5 (which are blocks owned by the Shire)?

Manager Planning and Development response:

According to the RSL, the cost to "upgrade" the proposed driveway to a standard suitable for heavy vehicle access amounts to approximately \$75,000.

12.15 Cr Bell – Access to Clinton St Blocks

How does the Shire presently access the rear portion of Clinton Street Lots 4 & 5 (which are blocks owned by the Shire)?

Manager Planning and Development response:

Via the main entrance located on Clinton Street.

12.16 Cr Bell – MOU with RSL

Is the Shire open to entering into a Memorandum of Understanding (MoU) with the RSL WA to support the refurbishment of Clinton Street?

Chief Executive Officer response:

The Shire of Toodyay Administration met with the RSL on 27 April 2021 about a number of matters to do with the refurbishment of the Clinton Street property. If the Council is open to entering into an MOU with RSL WA it would be asked to do so via an Officer Report and relevant attachment as part of an Ordinary Council Meeting Agenda.

12.17 Cr Bell – RSL refurbishment

Has the Shire advised the RSL of the implications of doing staged refurbishment and how the RSL members may enjoy responsible and occasional use of the building during this process?

Manager Planning and Development response:

Yes. However, an onsite inspection was undertaken with an accredited building certifier on 4 March 2021 (RSL representatives present) who advised that the main outbuilding (approved as a Class 10a non-habitable building) on Lot 6, will require re-classification to Class 9b to enable full use of the structure as a public building.

12.18 Cr Bell – Equine Management Plans

During the period from 1 January 2018 and 8 May 2021, how many equine management plans have the Shire of Toodyay:

- (a) Requested
- (b) Received
- (c) Approved

Manager Planning and Development response:

- (a) 3*
- (b) 2*
- (c) 1*

It should be noted that the Shire of Toodyay receives many enquiries about the keeping of horses and not all reach an application stage. The standard advice given is to supply the various stocking documents at the time.

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14. CONFIDENTIAL BUSINESS

Nil

15. NEXT MEETINGS

Audit Committee	10 June 2021
Agenda Briefing	15 June 2021
Environmental Advisory Committee	21 June 2021
Council Meeting	22 June 2021

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.53pm.

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Attachments that formed part of the Meeting Agenda (separately indexed)

PLANNING AND DEVELOPMENT

9.1.1 Application for Development Approval – Continuation of Existing Extractive Industry (Clay Extraction) on Lot M1919 Chitty Road, Hoddy’s Well 1

1. Lot M1919 Salt Valley Road - Clay Extraction Management Plan - Capitary No. 3 (Midland Brick) - January 2021 – via electronic link:
<https://www.toodyay.wa.gov.au/Profiles/toodyay/assets/moduledata/publicnotices/2f96ee65-2b35-44b9-add2-bbf0ead1bb95/1.6/1055-Chitty-EIA-Rev2a-Jan21.pdf> ;
and
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1. REVISED Register of Delegations 87

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1. Local Recovery Coordinators Aide Memoire 310



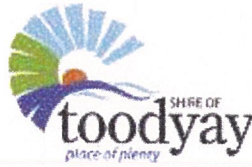
WORKS AND TECHNICAL SERVICES

No reports

COMMITTEE REPORTS

No reports





Agenda Briefing Notes

18 May 2021

Unconfirmed Notes

These notes were approved for distribution on 25 May 2021.

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

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.

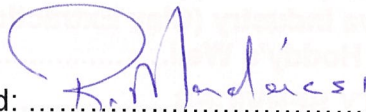
The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are put together as attachments to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as part of the Ordinary Council Meeting, in a separate Confidential Minuted Item (CMI).

Received Notes

These notes were received at an Ordinary Council Meeting held on 25 May 2021.

Signed: 

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

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The **ATTACHMENTS** to these notes were the attachments to the Ordinary Council Meeting Agenda dated 27 May 2021.

NOTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Madacsi, declared the meeting open at 4.01pm.
Acknowledgement of Country read out loud by the Shire President.

2. RECORDS OF ATTENDANCE/APOLOGIES

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr T Chitty	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mr K Nieuwoudt	Manager Planning & Development
Mr H de Vos	Planning Officer
Mrs M Lamb	Communication and Compliance Officer
Mrs M Rebane	Executive Assistant

Visitors

Nil

2.1 APOLOGIES

Cr B Bell

2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Name	Date from	Date To
Cr Bell	25 May 2021	21 June 2021

3. DISCLOSURE OF INTERESTS

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Application for Development Approval – Continuation of Existing Extractive Industry (Clay Extraction) on Lot M1919 Chitty Road, Hoddy's Well	9.1.1	Cr Pearce	Proximity	Lives near property

4. PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to the Council Meeting Agenda.

4.2 PUBLIC QUESTION TIME

Nil.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 27 April 2021

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 27 April 2021 be confirmed.

Clarification for the Agenda Briefing – 18 May 2021		
Councillor	Questions asked	Response to be provided by Officer
<i>Hart</i>	<i>PDF page 59: Below the Resolution box: I do not recall requesting that the votes of members be recorded (but my memory could well be mistaken!).</i>	The page in the Minutes is actually page 53 and it is a practice that the vote is recorded.
<i>Hart</i>	<i>PDF page 72: The Resolution Box names a Mover, but not a seconder. I believe that the seconder was Cr. Rayner.</i>	Cr Rayner was a seconder to an amendment but not the substantive motion.
<i>Hart</i>	<i>PDF page 76: There is a typographical error: "Strategic Community Plan 2008 id to Ensure safe". Should this be corrected in the approved minutes?</i>	2008 id can be amended to read "2028 is" Typographical amendment to be made.

5.2 Agenda Briefing held on 18 May 2021

OFFICER'S RECOMMENDATION

That the Notes of the Agenda Briefing held on 18 May 2021 be received.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil

6.2 DEPUTATIONS

Nil

6.3 PRESENTATIONS

Nil

6.4 SUBMISSIONS

Nil

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

Refer to the Council Meeting Agenda.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND DEVELOPMENT

Cr Pearce declared an interest and departed Council Chambers at 4.05pm.

9.1.1 Application for Development Approval – Continuation of Existing Extractive Industry (Clay Extraction) on Lot M1919 Chitty Road, Hoddy’s Well.

Questions and Points raised		
Councillor	Discussion	Response
Hart	On page 7 structures – no temporary structures proposed to be used on this site but the link provided in the attachments listing for Land Insights Clay Management Plan. On page 40 it says all light vehicles will be required to register at the transportable building on site. If there is a	<u>Manager Planning and Development deferred to the Planning Officer who responded as follows:</u> <i>This is a typographical error from the Consultant that wrote the report. An extractive industry approval covers any buildings as per the definition for it anyway. It does not need to be clarified in the report.</i>

Questions and Points raised		
Councillor	Discussion	Response
	transportable building on site in the management plan but it says no temporary structures in the Agenda can this be clarified?	
Rayner	There are probably already buildings on the site as they are extending bits on site. Is it just additions to the buildings or is it the addition of other new buildings?	<p><u>Planning Officer response:</u></p> <p><i>Clarification to be sought from the proponent. Any approval will cover any buildings associated with the operation.</i></p>
Hart	Page 12 rehabilitation for gravel clay or stone more than 3m deep per hectare it says \$16,000. Is that adequate as a general cost if we find ourselves in the position of rehabilitation. Will it be sufficient to cover our costs?	<p><u>Manager Planning and Development response:</u></p> <p><i>Whether it is sufficient is debatable but it is currently Council's adopted charge for it and we must abide by that.</i></p>
Madacsi	Is that a statutory charge or charge determined by policy by Council	<p><u>Manager Planning and Development response:</u></p> <p><i>This is a local government charge and is not statutory. My predecessor had done a lot of work on it several years ago. There is science behind that.</i></p> <p><u>Planning Officer response:</u></p> <p><i>Research was undertaken to compare other shires operating extractive industries on our borders. There is a mixed range e.g. The Shire of Chittering has a flat fee of \$17,190 per hectare but the Shire of Gingin has \$1,950 per hectare. That is a big difference. Other bigger Shires such as the City of Swan and Wanneroo do not mention a figure per tonne for rehabilitation. What we determined is that were it to proceed to that level, the proponent would be in breach of their planning approval or extractive industry licence and therefore that would be a compliance matter and that can be pursued by Shire Officers to</i></p>

Questions and Points raised		
Councillor	Discussion	Response
		<i>manage by taking steps to rectify the issue.</i>
<i>Madacsi</i>	Does anything prevent the road maintenance contribution being subject to an annual review tied with the local government cost index?	<u>Planning Officer response:</u> <i>No. That is one of the options provided in the current adopted policy to do that.</i>
<i>Madacsi</i>	With our current road contribution determined by the Shire how does it reflect to actual cost of asset consumption? Is it a reasonable percentage towards rehabilitation?	<u>Planning Officer response:</u> <i>I wrote these answers and supplied them to the Manager of Planning and Development.</i> <u>Planning Officer response:</u> <i>The way it is worked out is they take an average across the life of the project and it is actually specified in the Local Planning Policy how it is determined so we would ask you to go back and look at the policy to review the wording there.</i>
<i>Madacsi</i>	Within the document they speak of apportioning the Road Contribution costs along the effected road. However there are a number of different businesses along there as well as farming properties. How is it determined with the apportioning that the farming properties that have very little contribution than any other farmer in the district not affected by this decision?	<u>Planning Officer response:</u> <i>We look at the proportion of the tonnage compared to the overall tonnage for all the extractive industries that are operating in that sector. We have a spreadsheet into which we put figures.</i> <i>We look at the annual tonnage that the extractor is going to be extracting. We look at the (1) type of vehicles operating; (2) the length of shire roads being used to conduct that extractive industry business; and (3) we factor in the proportion of the tonnage against the total tonnage estimate.</i> <i>This gives us a percentage that is then applied.</i>
<i>Hart</i>	Page 15 at 2.21 it talks about traffic counter. It will give account of a number of vehicles. How can that be related to the tonnage actually	<u>Planning Officer response:</u> <i>The traffic counter will only look at vehicle numbers moving. We will obtain other records from the Operator</i>

Questions and Points raised		
Councillor	Discussion	Response
	moved rather than claimed to be moved.	<i>regarding the loads moved. We then compare it against the expected tonnage that they have said is going to be moved and any variances will be addressed.</i>
<i>Ruthven</i>	Going back to the \$16,000 rehabilitation figure. Are they seeking a renewal of the licence? With the renewal being approved can we increase the amount or are we tied into that figure by an agreement.	<u>Planning Officer response:</u> <i>We are applying the figure in the current Fees and Charges and we would apply that to any extended area that is being sought as part of the approval.</i>
<i>Rayner</i>	The amount of trucks using the road: Can we differentiate between which company is using the road when the traffic counter is on? I believe other trucks use the road. How will we differentiate between clay and rubbish trucks from different pits?	<u>Planning Officer response:</u> The counter is placed at the crossover so we would be able to determine whether there has been any movement from that property at that particular time. I think the traffic counters will be important for us to check compliance against the approval, if Council chooses to approve but it is also important data for us in any instances of complaint. For example, operating times and so on. If they are trying to operate outside their time that will come up in the data.
<i>Madacsi</i>	I noticed in the public responses and also from my own knowledge I would like to ask has further information been received to validate and provide confidence in the remediation given the schist soils identified in the proposal and that we know from experience for the Austral pit, the red pit, the white pit that the "schist soils" are unsustainable with erosion,	<u>Planning Officer response:</u> Yes, we have received further comment from the applicant this afternoon. <u>Response received from the Applicant:</u> <i>1. Topsoil will either be directly placed into a rehabilitation area as it's removed. Or stored in low form bunds that are not compacted (this is industry standard). 2. The soil is not particularly high in silica, in fact the silica (quartz) percentage is significantly less</i>

Questions and Points raised		
Councillor	Discussion	Response
		<p><i>than say the coastal plain. Surface riling of placed soils is controlled by management of water runoff.</i></p> <p><i>Cut off drains or low bunds are placed at the top of grades to control water from above and the surface will be furrowed perpendicular to the grade to increase infiltration.</i></p> <p><i>Subsoil/ overburden ripping will also assist infiltration. The surface will be seeded with pasture ASAP.</i></p> <p><i>On steeper slopes where pasture is not viable the slope will be furrowed perpendicular to grade with an excavator and trees / shrubs will be planted.</i></p>

Cr Pearce returned to the Council Chambers at 4.18pm.

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
<i>Madacsi</i>	How is the road contribution fund determined by the Shire - does this reflect pavement consumption as evident by actual costs incurred?	<p><u>Planning Officer response:</u></p> <p>This is determined as per the Shire's adopted <i>Local Planning Policy No. 7 - Extractive Industries - Road Maintenance Contribution.</i></p> <p>Road Maintenance contributions are a direct cost attribution. Funds collected may only be used for work directly attributable to the damage caused on the affected road. Road maintenance costs are not consistent over time on a particular road and can vary considerably from year to year.</p> <p>The policy smooths the contributions over the life of the freight task and allows for an additional charge or refund at the conclusion of the project.</p>

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
<i>Madacsi</i>	Does anything prevent the road maintenance contribution being subject to an annual review tied to the LGCI?	<p><u>Planning Officer response:</u></p> <p>No. And it is actually an option listed in the LPP.7 (4.3):</p> <p><i>“The rate charged will be the rate specified in the Shire of Toodyay’s Annual Schedule of Fees and Charges for the first year, inflated by the Perth CPI for each subsequent year of license period. The CEO may negotiate a flat rate for the life of the project based on the net present value of the projected contributions.”</i></p>
<i>Madacsi</i>	How is the road contribution costs apportioned along Salt Valley Road given two landfills and three clay extraction sites are intermingled with farms, and Clackline based extractive operators also used the road?	<p><u>Planning Officer response:</u></p> <p>In accordance with the approved Local Planning Policy 7 (5.1):</p> <p><i>“Each project and extractive industry is assessed in isolation from other projects.”</i></p> <p>When the figure is being calculated, the Shire of Toodyay will determine the proportion of use that can be attributed to each operator.</p> <p>E.g. If there are 4 operators carting a total of 400,000 tonnes per annum each with 100,000 tonnes – then they are responsible for 25% of the costs each.</p> <p>Notwithstanding the above we will also calculate the distance along Shire Roads travelled, the type of vehicle and the number of trips, in order to determine the rate.</p>
<i>Madacsi</i>	Has further information been received to validate confidence in the remediation as schist soils have been demonstrated to erode/rill? The adjacent Austral pit could not maintain batter integrity due to the high component of mica in the schist clays.	<p><u>Planning Officer response:</u></p> <p>Yes.</p> <p>We have been advised as follows:</p> <p>3. <i>Topsoil will either be directly placed into a rehabilitation area as it’s removed. Or stored in low form bunds that are not compacted (this is industry standard).</i></p> <p><i>The soil is not particularly high in silica, in fact the silica (quartz) percentage is significantly less than say the coastal</i></p>

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
		<i>plain. Surface riling of placed soils is controlled by management of water runoff. Cut off drains or low bunds are placed at the top of grades to control water from above and the surface will be furrowed perpendicular to the grade to increase infiltration. Subsoil/ overburden ripping will also assist infiltration. The surface will be seeded with pasture ASAP. On steeper slopes where pasture is not viable the slope will be furrowed perpendicular to grade with an excavator and trees / shrubs will be planted.</i>

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – April 2021

Questions and Points raised		
Councillor	Discussion	Response
<i>Ruthven</i>	Page 17. Over third way down page under list of water accounts. Figures there curious about old depot on harper road. \$903. I understood that was unauthorised use but still going on.	<u>Manager Assets and Services response:</u> <i>Further investigations revealed that it is the Men's Shed using the water so the use was not unauthorised. The Shire is charging the Men's Shed on a monthly basis to reclaim water usage as per lease agreement.</i>
<i>Ruthven</i>	That amount of use seems excessively high when compared with others such as VC and Connors Mill. Other premises like Bendigo Bank as well. Why is it high?	<u>Manager Assets and Services response:</u> <i>The water usage is not excessive, there are the service charges that are the higher amount.</i> <i>Further investigation will be carried out on the service charges.</i>
<i>Chitty</i>	P&G washing vehicles at old depot site response given when a public member asked a question.	No response required.

Questions and Points raised		
Councillor	Discussion	Response
<i>Madacsi</i>	Does anyone know if there are two metres down there?	There are two meters at the old depot.
<i>Hart</i>	One payment listed to hire community hall including domain name Toodyay.com – what benefit flowed to the community from having that brand name.	<u>Communication & Compliance Officer response:</u> <i>This allows the website for the Visitor Centre to take precedence during searches of Toodyay and it is the domain name we have held for a long time and maintained mainly for the Visitor Centre.</i>
<i>Pearce</i>	<p>Payment C12890 on page 23 says WALGA Proposed Website SSL Certificate Toodyay. Com domain \$300; but in March when question taken on list of payments concerning Westnet services for Morangup, \$339.95 query; The answer was Reply domain Toodyay.com \$30.00 (1 yr.) and web hosting +</p> <p>I business standard email 5 x \$240</p> <p>\$69.95 monthly for toodyayshire@westnet.com</p> <p>Question is why are we now paying to WALGA \$300 for proposed website for the Toodyay.com domain when it appeared to have it already?</p>	<p><u>Cr Hart response:</u></p> <p><i>Magic words are “SSL certificate” which is crucial if taking money from people over the internet. We are looking at a complex situation. Domain name entitling us to use Toodyay.com. Web hosting by someone on our behalf to have the Toodyay.com website which electronic visitors can access. SSL provides secure means of visitors to the website paying the Shire. It significantly reduces the risk of fraudsters, hackers and other impersonators. Security mechanism to protect us and anyone making purchases from us.</i></p>
<i>Madacsi</i>	Paying WALGA to provide that service	<u>Communication & Compliance Officer response:</u> <i>SSL certificate was applied for by Market Creations (under contract with WALGA) who created our website launched in February.</i>

Questions and Points raised		
Councillor	Discussion	Response
Ruthven	Page 19 of the Agenda. C12678. Solar lease library and depot.	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>Alleasing provides the lease for the solar on the Depot and Library and \$1,407.46 is paid by direct debit each quarter. This reduces the power usage as in the next query.</i></p>
Ruthven	Inconsistencies in the electricity charges. C12695 top of page 20 synergy account Coondle fire station \$500 and under that streetlights \$3,393 and then further down we have New Depot \$572. Seems a bit odd that fire station not manned so long has that much electricity use when compared with the depot.	<p><u>CEO response:</u></p> <p>Assume it could be related to solar leasing so depot gets a rebate for solar reducing electricity bill but will investigate further.</p> <p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>See the Alleasing response in the previous query.</i></p> <p><u>Cr McKeown response:</u></p> <p>In the fire station there will be refrigerators and radios running and on all the time.</p> <p><u>Manager Assets and Services response:</u></p> <p><i>The Coondle fire station is on alert with equipment (e.g. fire trucks) on electrical chargers at all times.</i></p>
Pearce	C12659 Avon Waste Music Festival \$480 how is this expense recouped?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>This is a community contribution from the Council as the Toodyay Music Festival is a free family event for all to enjoy in March.</i></p>
Pearce	C12650 Green waste mulching \$9,800 – how often and what happens to the mulch?	<p><u>Communication & Compliance Officer response:</u></p> <p>The Waste Transfer Station does sell some of it and some is offered free to the community.</p> <p><u>Manager Assets & Services response as follows:</u></p>

Questions and Points raised		
Councillor	Discussion	Response
		<i>Generally once a year. Mulch is available free of charge for the public.</i>
Pearce	C12662 Christmas 360 a wreath making activity \$385 are they recouped for that activity?	<p><u>CEO response:</u></p> <p><i>This was part of a program cost for the library so programmed activity. Council allocated budget for programs.</i></p> <p><u>Library Coordinator response:</u></p> <p><i>The library holds four events a year with a budget of approx. \$450 per event.</i></p> <p><i>These types of activities are free events for the community.</i></p>
Pearce	C12687 Grove Wesley Library Bags – is this cost recouped?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>Library Bags are listed on the Fees and Charges at \$5.00 each.</i></p> <p><i>Revenue is received on account 115334 Library Income/Revenue.</i></p>
Pearce	C12752 Fire mitigation \$32,780 says 50% completed. Will all funds be used and will it be completed by 30 June?	<p><u>CESM response:</u></p> <p><i>This relates to Mitigation Activity Fund (MAF) Treatment ID: 5659 for which an \$8,200 instalment was paid in line with (50%) progress to date.</i></p> <p><i>The remaining portion of this treatment is expected to be completed by the end of grant terms (June 30).</i></p> <p><i>The invoice to which this transaction relates include full payment of three other treatments completed.</i></p>
Pearce	C12698 Safer Toodyay Inc. for provision of road safety campaign and materials for road wise \$4779. How is this used?	<p><u>CEO response:</u></p> <p><i>This was part of a grant received and conditions of the grant were to conduct a RoadWise campaign. We used the funding for that campaign.</i></p>
McKeown	Water Corporation Accounts – no account for TRC Mentioned. What was	<u>CEO response:</u>

Questions and Points raised		
Councillor	Discussion	Response
	the latest value and what period did it cover? Has the matter been determined or rectified and if not when will Council be advised of the investigation result?	<p><i>Excessive water usage is being investigated. We have gone through a number of steps in respect to the investigation of water usage. Engineers are looking at the situation. Once we have outcome of the report it will be brought to Council</i></p> <p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>There is no Water Corporation account payable for the TRC for this month. The next account will be checked for any anomalies and usage as part of the operational monitoring.</i></p>
McKeown	Page 18 CI2649 is that for the whole of the shire electricity? Does it include the TRC?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>The Synergy electricity account 802970900 from 26th Feb to 26th March for \$17,533.21 is a combined account covering 24 locations. \$5,372.99 applies to the TRC.</i></p>
McKeown	C12581 to Commonwealth Bank what was the payment – what was it for?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>As shown on the list of payments this is for the Merchant Fee which apply for the provision of the EFTPOS terminals. This also applies to the payments CI2680, CI 2681 and CI2682.</i></p> <p><u>CEO response:</u> <i>Commentary will be addressed.</i></p>
McKeown	C12883 Avon Skip Bins for TRC. Should this have been paid by the Shire?	<p><u>CEO response:</u> <i>It is either us or Clublinks. Either way the Shire pays the account.</i></p>
McKeown	\$4,533,115 Treasury Corporation. Does this mean we have rolled over the Short-term loan to the long-term loan?	<p><u>CEO response:</u> <i>Yes it does.</i></p>

Questions and Points raised		
Councillor	Discussion	Response
McKeown	Page 24, CI12851: what was this payment of \$1,385.78 for?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>This payment is for Computer Software and Licences and is on a lease contract and paid on a Direct Debit to the Commonwealth Bank to Equigroup - IT Hardware & Software Lease.</i></p>

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
Madacsi	Is Connors Cottage a reimbursed expense of water rating (\$128.63)?	<p><u>Compliance and Communications Officer Response:</u></p> <p><i>According to the Lease document, all service charges such as electricity and water are the responsibility of the Lessee of Connors Cottage.</i></p>
Madacsi	p.44 What explains the difference in Note 13 - Capital Acquisitions between the Annual Budget and YTD Budget for Morangup, a difference of \$57,000 less	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>The Annual Budget is \$351,670 and the YTD Budget to 30 April is \$293,050 as the budget is phased over the year and the difference YTD is entirely appropriate.</i></p>
Madacsi	<p>What accounts for the water accounts of the following given we have had two big rain events since February?</p> <p>Bendigo Bank \$445.60?</p> <p>\$411.88 for Memorial Hall</p> <p>Duke St toilets with a shower are only \$384.02.</p> <p>Old Depot \$903.40?</p> <p>VC & Connors Mill \$637.35.</p> <p>Newcastle Park \$742.70?</p> <p>Admin \$1,088.76?</p>	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>The differences are mainly due to the size of the property and the actual usage during the period of the Water Corp bill. This will be monitored.</i></p>

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
	Pavilion & Oval \$8,498.27?	
<i>Madacsi</i>	Duidgee Park at \$4,591.95 for 2 months.	<u>Manager Assets and Services Response:</u> <i>Due to a bore pump error. The pump is getting repaired at the moment.</i>
<i>Madacsi</i>	CI2621: Management Of Toodyay Recreation Centre (4/21 - 6/21) \$103,826.80	<u>Acting Manager Corporate & Community Services Response:</u> <i>Payment for the management of TRC from April to June 2021 to Clublinks Management Pty Ltd.</i>
<i>Madacsi</i>	Electricity (5/21-6/21) \$17,533.21	<u>Acting Manager Corporate & Community Services Response:</u> <i>Synergy account for 24 electricity meters including TRC which is for \$5,372.99.</i>
<i>Madacsi</i>	<p>I will raise to be included within the Officers Recommendation for Item 9.1.1 the following, subject to review.</p> <ul style="list-style-type: none"> The proponent is to reimburse the Shire for the costs of the Shire appointed independent close out consultant. The proponent is liable for sustaining the remediate site conditions for a period of 3 years from completion of the Remediation Concept Plan objectives before remediation is deemed completed by a Pit Rehabilitation Compliance Report. The road maintenance contribution indexed to the LGCI, is to be 	<p><u>Manager Planning and Development Response:</u></p> <p>Noted.</p>

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
	reviewed and adjusted annually throughout the life of the license.	
<i>Pearce</i>	C12828 FLY Uas Course face to face BRPC \$1,540 – what is this for?	<u>Acting Manager Corporate & Community Services Response:</u> <i>For a training course for flying a drone related to the bush fire management. To be done in the next few weeks. Funded by DFES.</i>

9.2.2 Monthly Financial Statements – April 2021

Questions and Points raised		
Councillor	Discussion	Response
<i>McKeown</i>	Page 31 Operating Expense, Other Property and Services the explanation of the overspend of \$501,336 is “Need to recover costs.” What costs need to be recovered and from whom?	<u>Acting Manager Corporate & Community Services Response:</u> <i>The Statutory Program Other Property and Services is a cost centre to collect Public Works Overheads, Plant Operating Costs, etc which are to be allocated or recovered from individual projects to represent the full cost of these projects.</i> <i>These allocations are behind and should have been posted already and are being calculated to be journaled asap.</i>
<i>McKeown</i>	Page 28, Operating Revenues, General Purpose Funding – Rates: the YTD Actual \$6,288,794 for April is lower than the YTD \$6,290,226 for March. Why?	<u>Acting Manager Corporate & Community Services Response:</u> <i>There was an Interim Rates adjustment applied to a ratepayer for \$1,432.08 in April to 10313010 which accounts for the difference.</i>
<i>McKeown</i>	Page 28, Operating Expense, Other Property and Services: the YTD Actual \$755,346 compared to YTD Budget \$254,010. What expenses or over-	<u>Acting Manager Corporate & Community Services Response:</u> <i>The Statutory Program Other Property and Services is a cost centre to collect Public Works Overheads, Plant Operating Costs, etc which are to be</i>

Questions and Points raised		
Councillor	Discussion	Response
	spends are included in the YTD Actual that are not included in the YTD Budget?	<i>allocated or recovered from individual projects to represent the full cost of these projects. These allocations are behind and should have been posted already and are being calculated to be journalled asap.</i>
McKeown	Page 29, Capital Expenses, Infrastructure – Roads: YTD Actual \$1,276,523 does not match YTD Actual for Roads \$1,324,374 in Note 13 on page 45. The Clinton St footpath seems to have been included on page 45 but not on page 29. Which page is correct?	<u>Acting Manager Corporate & Community Services Response:</u> <i>On the Statement of Financial Activity on page 29 there are lines for Infrastructure – Roads for \$1,276,523 and Infrastructure – Footpaths for \$47,852. On note 13, page 45 they are consolidated however we can separate out the Footpaths to make the Note 13 Report more user friendly and transparent.</i>
McKeown	Page 31, Operating Expense, Other Property and Services: the explanation of the over-spend of \$501,336 is “Need to recover costs”. What costs need to be recovered and from whom?	<u>Acting Manager Corporate & Community Services Response:</u> <i>The Statutory Program Other Property and Services is a cost centre to collect Public Works Overheads, Plant Operating Costs, etc which are to be allocated or recovered from individual projects to represent the full cost of these projects. These allocations are behind and should have been posted already and are being calculated to be journalled asap.</i>
McKeown	Page 32, Adjustment for Current Borrowings: YTD 30 Apr 2021 is \$4,582,088. Is this the amount outstanding on the short-term loans for the construction of the Toodyay Recreation Precinct? If not, what is it?	<u>Acting Manager Corporate & Community Services Response:</u> <i>In Note 3 Net Current Funding Position the short-term loans are a current borrowing however the recently negotiated long term loan for the Recreation Centre is a non-current borrowing.</i> <i>Finance staff are making the adjustment to account for this Loan movement and the review of each reported transaction in the Monthly report in Note 3 and Note 10 will be examined, confirmed and</i>

Questions and Points raised		
Councillor	Discussion	Response
		<i>appropriately reported in the May report.</i>
<i>McKeown</i>	Page 36, Note 7: Cash Backed Reserve: there are five Reserve accounts for which there are Budget Transfers In for 2020/21. None of these transfers has been made YTD. Will these transfers be made before the end of June? If not, why not?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>These five transfers into Reserves will be completed in June prior to the end of the financial year</i></p>
<i>McKeown</i>	Page 39, 10. Information on Borrowings, Loan 72 – Land – Rec Precinct: Principal Repayments Actual \$4,521,451 cannot be correct. How should this line read?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>This entry is being reviewed as it reflects the adjustment from a short-term loan to the long-term loan.</i></p> <p><i>This number should read \$21,451 the same as the March report.</i></p> <p><i>Finance staff are making the adjustment to account for this Loan movement and the review of each reported transaction in the Monthly report in Note 3 and Note 10 will be examined, confirmed and appropriately reported in the May report.</i></p>
<i>McKeown</i>	Page 39, 10. Information on Borrowings, Loan 72 – Land – Rec Precinct: if the answer to Question 4 is yes, how should the line for Loan 75 now read?	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>I believe that this number should read \$21,451 the same as the March report. Our review will confirm the long-term loan status, not a 'temporary' loan status.</i></p>
<i>McKeown</i>	Page 46, Note 13 Capital Acquisitions: the YTD Actual \$2,805,009 for April is lower than the YTD \$3,824,298 for March, that is, lower by \$1,019,289. The reason given is that the YTD figure was "reduced by	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>This is the reversal of \$1,019,228.98 for the June 2020 accrued expenses journal relating to invoices received but not paid by June 30, 2020.</i></p>

Questions and Points raised		
Councillor	Discussion	Response
	<p>\$1m as the June 2020 accrual for these expenses has now been reversed". Could Council please be advised:</p>	
	<p>(a) which actual accruals were reversed, that is, payments due to whom for what amounts, and why they were reversed,</p>	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>Prior to the end of the 2020 financial year works were completed on the Works in Progress. They were appropriately accrued as capital expenditure into the 2019/2020 year. The invoices were paid to the suppliers after the 1st of July 2020 and the accrual reversal is designed that the expenditure offsets this payment.</i></p>
	<p>(b) what impact the reversal of the accruals made in June 2020 would have on the Shire of Toodyay Financial Report for the Year Ended 30 June 2020, and</p>	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>The original accrual ensures that the works done in 2019/2020 is accounted for in that year.</i></p> <p><i>The reversal of the accrual in 2020/2021 ensures that there is no impact on the new year when the original invoices are paid.</i></p>
	<p>(c) what impact an extra \$1,019, 289 would have had on the Budget Review passed by Council at the March OCM.</p>	<p><u>Acting Manager Corporate & Community Services Response:</u></p> <p><i>The Budget Review report would have been manually adjusted to cater for this anticipated reversal journal. Check the April Statement of Financial Activity (Statutory Reporting Program) report in the agenda. Most of the Infrastructure – Work in Progress will be capitalised to the Land and Buildings line where there is an adequate budget for the expenditure.</i></p>

Questions asked pre-Agenda Briefing – 18 May 2021		
Councillor	Questions	Response to be provided by Officer
<i>Pearce</i>	March 31st April 30th Capital Expenses YTD Actual 5,092,809 4,480,256 Would Officer please explain how the capital expenses decreased?	<u>Finance Coordinator response:</u> Infrastructure – roads has increased by \$202k, however, WIP has decreased by \$1.02m. This relates to the reversal of the June 2020 journal for accrued expenses relating to the Recreation Centre as at the 30 June 2020.
<i>Pearce</i>	Net Operations Capital and financing YTD Budget YTD Actual Variance YTD Budget YTD Actual Variance 2,096,823 1,437,385 (659,438) 1,160,606 1,620,813 460,207 Would Officer please explain how the YTD budget figure decreased from March to April?	<u>Finance Coordinator response:</u> Attached is a summary of all the movements in relation to the YTD Budget.

Questions asked pre-Agenda Briefing – 18 May 2021

Councillor	Questions	Response to be provided by Officer		
	Net Operations, Capital and Financing			
		APRIL	MARCH	
		YTD BUDGET	YTD BUDGET	
		1,160,606	2,096,823	
	Net Cash from Operations	1,632,045	2,161,809	
				movement
	OPER REV	- 9,076,114	- 8,889,364	186,750
	OPER EXP	10,331,989	9,326,683	- 1,005,306
	DEPN	- 2,940,880	- 2,646,792	294,088
	PROFIT/LOSS ON ASSET DISP	52,960	47,664	- 5,296
		- 1,632,045	- 2,161,809	- 529,764
		APRIL	MARCH	movement
	Governance	- 645,474	- 590,198	55,276
	General Purpose Funding	- 293,530	- 264,177	29,353
	Law, Order and Public Safety	- 1,596,000	- 1,436,400	159,600
	Health	- 258,210	- 232,389	25,821
	Education and Welfare	- 38,570	- 34,713	3,857
	Housing	- 31,000	- 27,900	3,100
	Community Amenities	- 986,110	- 887,499	98,611
	Recreation and Culture	- 1,630,585	- 1,476,148	154,437
	Transport	- 3,760,240	- 3,384,216	376,024
	Economic Services	- 838,260	- 754,434	83,826
	Other Property and Services	- 254,010	- 238,609	15,401
		- 10,331,989	- 9,326,683	- 1,005,306
		APRIL	MARCH	movement
	Net Cash from Capital Activities	- 381,869	15,627	- 397,496
	Total Capital Revenues	- 5,604,601	- 5,403,450	201,151
	Total Capital Expenditure	5,986,470	5,387,823	598,647
		april	march	movement
	Grants, Subsidies and Contributions	5,472,101	5,284,200	187,901
	Proceeds from Disposal of Assets	132,500	119,250	13,250
		5,604,601	5,403,450	201,151
	Land and Buildings	2,762,760	2,486,484	276,276
	Infrastructure - Roads	1,650,550	1,485,495	165,055
	Infrastructure - Footpaths	43,330	38,997	4,333
	Infrastructure - Bridges	387,500	348,750	38,750
	Infrastructure - Other	107,660	96,894	10,766
	Plant and Equipment	1,034,670	931,203	103,467
		5,986,470	5,387,823	598,647
	Net Cash from Financing Activities	- 89,570	- 80,613	
Pearce	Closing Funding surplus (deficit) (698,656) 420,989	Finance Coordinator response: YTD budget figure grows every month until at period 12 (June 2021) it will show the total Annual Budget figure. So for		

Questions asked pre-Agenda Briefing – 18 May 2021												
Councillor	Questions	Response to be provided by Officer										
	<p>No Question here. It appears the bottom line improved.</p> <p>Capital Revenue</p> <p>March 31st April 30th</p> <p>Proceeds from Disposal Assets</p> <table border="1"> <thead> <tr> <th>YTD Budget</th> <th>YTD Actual</th> </tr> <tr> <th>YTD Budget</th> <th>YTD Actual</th> </tr> </thead> <tbody> <tr> <td>119,250</td> <td>179,658</td> </tr> <tr> <td>132,500</td> <td></td> </tr> <tr> <td>164,112</td> <td></td> </tr> </tbody> </table> <p>Would Officer please explain: The March YTD budget balance is more than April balance and the YTD Actual has decreased in April. I also do not understand why the YTD budget figure varies?</p>	YTD Budget	YTD Actual	YTD Budget	YTD Actual	119,250	179,658	132,500		164,112		<p>April file the Budget YTD is showing the budget total as at the end of April 2021.</p> <p>April YTD actual balance reduced compared to YTD actual March \$179,658 due to the trade in of vehicle (2017 Subaru Forester) for \$15,545. This amount was deducted from the purchase price of the replacement vehicle.</p>
YTD Budget	YTD Actual											
YTD Budget	YTD Actual											
119,250	179,658											
132,500												
164,112												
<i>Pearce</i>	<p>Rating Information Note 9</p> <p>Total Revenue</p> <p>6,368,446 6,367,024</p> <p>Would Officer please explain: A difference of 1,500 less than last month</p>	<p><u>Finance Coordinator response:</u></p> <p>The movement relates to interim rates in the GRV – Rural Residential and the UV – General. See table attached:</p>										

Questions asked pre-Agenda Briefing – 18 May 2021								
Councillor	Questions			Response to be provided by Officer				
Differential General Rate	march	april	movement					
GRV Residential	991,072.91	991,072.91	-					
GRV - Commercial	183,800.37	183,800.37	-					
GRV - Industrial	52,278.82	52,278.82	-					
GRV - Rural	169,479.81	169,479.81	-					
GRV - Rural Residential	1,447,721.29	1,447,640.21	- 81					
UV - General	885,497.03	884,146.03	- 1,351					
UV - Rural	1,444,015.74	1,444,015.74	-					
	5,173,865.97	5,172,433.89	- 1,432					
		-						
april								
GRV - Rural Residential	11.26	880	12,858,860	1,447,907.72	-	267.51	-	1,447
march								
GRV - Rural Residential	11.26	880	12,858,860	1,447,907.72	-	186.43	-	1,447
						81.08	-	-
april								
UV - General	1.17	405	75,698,000	884,152.64		268.36	-	274.97 884
march								
UV - General	1.17	405	75,698,000	884,152.64		1,619.36	-	274.97 885
						1,351.00	-	-
						1,432.08		
Pearce	<p>Note 12 Trust Funds March / April Key Bonds 700 18,525</p> <p>Would the officer please explain Where the increase in the key bonds came from?</p> <p>In Dec Crossover bond balance 52,400, at Jan 31st Balance was 0.</p> <p>Would the officer please explain, How and to whom were these bonds money repaid? I could not find in payments list of November, December.</p>			<p><u>Finance Coordinator response:</u> Adjustments have been made to ensure accounting for Trusts is in line with OAG guidelines. This is part of a process of continuous improvement.</p>				

9.3 EXECUTIVE SERVICES

9.3.1 Elected Member Resignation and Election Process

Nil

9.3.2 Strategic Community Plan 2021-2031 (***) Withdrawn)

Questions and Points raised		
Councillor	Discussion	Response
<i>Ruthven</i>	Page 52 of the attachments. Disclaimer third paragraph. Says This is the Shire of Kalamunda which is not.	Document amended.
<i>Rayner</i>	Have we had 11% of our population?	<u>CEO response:</u> There is a target but there is not an actual regulation or figure. 10% was the target.
<i>Madacsi</i>	Where do you get the 11%	<u>Cr Rayner response:</u> Do not know the regulations. <u>CEO response:</u> The Integrated Planning and Reporting Advisory Standard, dated September 2016, and published by the Department of Local Government and Communities states firstly that If a Council has not adopted a Strategic Community Plan that meets all of the regulatory requirements. It also states that: Achieving Standard is met when: <ul style="list-style-type: none"> ▪ A Council has adopted a Strategic Community Plan that meets all of the regulatory requirements¹ ▪ The local government has a community engagement policy or strategy. ▪ Community engagement² involves at least 500 or 10% of community members, whichever is fewer, and is

¹ Note that the IPR Framework and Guidelines refers to community aspirations encompassing vision, outcomes and priorities. These elements will meet the regulatory requirements; however the terminology is flexible. It is acknowledged that different local governments will use different terms, such as goals, objectives, key result areas or key focus areas instead of outcomes.

² Refers to Major Strategic Review

Questions and Points raised		
Councillor	Discussion	Response
		<p>conducted by at least 2 documented mechanisms.</p> <ul style="list-style-type: none"> A Strategic Review is undertaken every two years, alternating between a Minor Strategic Review and a Major Strategic Review <p>Community engagement involved, as stated on page 65 of the Agenda attachments, that there were nine mechanisms used and based on the ratepayer base of 3,500 persons, as 354 people had submitted their views this was seen as being 10% of the population even though the population is listed on page 60 of the Agenda as being 4,641.</p>
Pearce	<p>Cannot find reference to financial capacity and how to address this? Will this be possible</p>	<p><u>CEO response:</u> <i>The detail can be added.</i></p> <p><i>The SCP has been drafted based on feedback from the community and a lot of feedback about economic development which means rates have to go up and things are expensive.</i></p> <p><i>We will review it and add something in about the financial capacity of the Shire as an organisation in accordance with the DLG Guideline which states “Has regard to current and future resource capacity, demographic trends and strategic performance measurement.”</i></p>
Pearce	<p>Inconsistencies with grammar and spelling. Will it be corrected?</p>	<p><u>CEO response:</u> Yes</p>
Ruthven	<p>Page 3 headed About Toodyay first line 2nd paragraph has word missing or additional word and does not make sense.</p> <p>Apostrophe in shires that should not be there.</p>	<p>Document amended.</p>

Questions and Points raised		
Councillor	Discussion	Response
<i>Madacsi</i>	Number of grammatical errors within the structure that does not fundamentally change the report. Can Councillors make a list of these and submit them to the CEO? If you have clarification regarding others	<u>CEO response:</u> <i>We can issue a revised attachment prior to the OCM.</i>
<i>Pearce</i>	Strategic outcome the Shire responsible for immunisation - not sure this should be a strategic direction the Shire should follow?	Document amended.
<i>Ruthven</i>	Page 4 several references to applying metrics – unsure what it means.	<u>CEO response:</u> This is about applying data we have to ensure consistency. This was the intent. To make sure we are applying consistent methodology in the way we do things.
<i>Ruthven</i>	Reference made within the document to the shire expenditure on tourism. Tourists come to Toodyay and spend money in the main street. How does that benefit the wider community in Toodyay?	<u>Cr Rayner response:</u> <i>If tourism supports shops and businesses in the main street they have a lot better chance of staying open. If lose a business gone. Tourism does help in that way.</i> <u>Cr Madacsi response:</u> <i>Tourists come here and end up as residents. Improving property market and overall valuation of people's property and in the future more people we have here more we can invest in infrastructure that we would otherwise not have.</i> <u>Cr McKeown response:</u> <i>Tourism provides employment and not just in the main street. Means people living in the town and staying in town.</i>
<i>Ruthven</i>	Costs to the Shire associated with tourism	<u>Cr Madacsi response:</u> Debate

Questions and Points raised		
Councillor	Discussion	Response
McKeown	Tourism Strategy we adopted. When is it coming up for Review?	The Tourism Strategy currently 2018 – 2021 – so due for review.
Pearce	Economic development section page 38 and it is S2 – see ways etc. With planning and development it is statutory so how can we have an objective to reduce red tape?	<u>Manager Planning and Development response:</u> <i>By reducing time frames which sits well with applicants.</i>
Pearce	How does that occur?	<u>Manager Planning and Development response:</u> <i>Excellent customer service.</i> <u>CEO response:</u> <i>Just improving processes to ensure process from time applicant makes application to time they receive approval or not is consistent and that there is no going back and forth constantly to clarify things that we are providing decent accurate advice. That objective is more about internal processes to improve our customer service</i>
Pearce	Natural environment page 88 develop walk bike and bridle trails. Do we have any?	<u>CEO response:</u> <i>Yes. They refer to horse-riding trails. Something that came up in consultation.</i>
Ruthven	Officers Report quotation from framework and guidelines – include clear definition of Council’s strategic priorities and resourcing implications. Why are the resourcing implications not included in the plan?	<u>CEO response:</u> The capacity of local government resources and the anticipated capacity of its future resources will be included into the Strategic Community Plan prior to its final adoption in accordance with regulation 19C(5)(a), (b) and (c) Strategic community plans, requirements for (Act s. 5.56) and in line with the expectations of the DLG guideline.

9.3.3 Correspondence from the Department of Local Government, Sport and Cultural Industries

Nil

9.3.4 Register of Delegations – Review 2021 (Withdrawn)**

Questions and Points raised		
Councillor	Discussion	Response
<i>Madacsi</i>	Will submit her questions after the agenda briefing	<u>CEO response:</u> <i>Is this something you would prefer to workshop?</i>
<i>Pearce</i>	Will do the same	
<i>McKeown</i>	We were supposed to workshop on 3 May 2021	<u>CEO response:</u> The report will be withdrawn for the purpose of conducting a Councillor workshop.

9.3.5 Local Recovery Coordinators

Nil

9.4 WORKS AND TECHNICAL SERVICES

No reports

9.5 COMMITTEE REPORT

No reports

10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Refer to the Council Meeting Agenda.

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

13.1 MEMBERS

Nil

13.2 EMPLOYEES

Nil

14. CONFIDENTIAL BUSINESS

No reports.

15. NEXT MEETINGS

Refer to the Agenda.

16. CLOSURE OF MEETING

There being no further business, the Shire President, declared the Agenda Briefing closed at 5.01pm.

Lot M1919 Chitty Road, Hoddy's Well – Proposed Clay Extractive Industry SCHEDULE OF SUBMISSIONS

Submitter	Comment	Shire Response / Comments
AGENCY SUBMISSIONS		
<p>1. Department of Biodiversity, Conservation and Attractions (DBCA)</p>	<p>It is noted that the proposed extraction area may contain native vegetation in varying condition. Clearing of native vegetation is prohibited in Western Australia, unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Regulation, or is of a kind that is exempt in accordance with Schedule 6 of the <i>Environmental Protection Act 1986</i> or <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>. The proponent should be made aware that in accordance with the Clearing of Native Vegetation Regulations, no clearing of vegetation to facilitate extraction can proceed unless authorised by an appropriate permit, irrelevant of any development approvals received.</p>	<p>Noted.</p> <p>The proponent has indicated that a native vegetation clearing permit will be applied for should any clearing of native vegetation be required.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>There is no record of previous approvals to permit clearing of native vegetation at this location.</p>	<p>Noted.</p> <p>The proponent indicates that this claim is incorrect as there have been two previously approved Clearing Permits for Lot M1919 as follows:</p> <ul style="list-style-type: none"> • Purpose Permit 6378/1 • Purpose Permit 4719/1 <p>Officer Recommendation: Modification of the proposal not recommended.</p>

Submitter	Comment	Shire Response / Comments
<p>2. Department of Planning, Lands and Heritage – Heritage Services</p>	<p>A review of the Register of Places and Objects as well as the DPLH Aboriginal Heritage Database concludes that the proposed industry intersects with the boundaries of the following registered Aboriginal site:</p> <ul style="list-style-type: none"> • Place ID 15979 (Avon River) <p>As such, any works that may impact this registered place, such as through ground disturbing works, will require a section 18 referral to avoid breaching the Aboriginal Heritage Act. This should include consultation with the local native title group and local knowledge holders.</p> <p>For more guidance, it is recommended that the proponent take into consideration the DPLH's Aboriginal Heritage Due Diligence Guidelines, which have been developed to assist proponents to identify any risk.</p>	<p>Noted.</p> <p>The proponent has undertaken a search of the DPLH Aboriginal Heritage Database. The results are discussed in Chapter 2.6 of the application report. A copy of the results are also at Appendix D in the report.</p> <p>Place ID 15979 is discussed in the report. It is located on the Jimperding Brook, approximately 700 metres to the south of the closest extraction area.</p> <p>The heritage site will not be impacted by the extractive industry.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
<p>3. Department of Water and Environmental Regulation</p>	<p>Native Vegetation Clearing</p> <p>Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact</p>	<p>Noted.</p> <p>Refer response to DBCA. The proponent has indicated that A native vegetation clearing permit will be applied for from the Department should clearing be required to facilitate the operation.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>

'CHITTY QUARRY' CLAY EXTRACTIVE INDUSTRY, HODDYS WELL

Submitter	Comment	Shire Response / Comments
	<p>routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations). Based on the information provided, no exemption applies to the proposed clearing and a clearing permit is required. The Department has not received a clearing permit application relating to this proposal.</p>	
	<p>Waterway Management Minor waterways traverse the site. The site is located within the Avon River Catchment, proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>, where a permit to interfere with the bed and banks of a watercourse may be required.</p> <p>It is noted that there will be a setback of around 70 metres between the mining activities and these waterways. The Department is satisfied with this setback along with the proposed water management measures.</p>	<p>Noted.</p> <p>The proponent has indicated that a bed and banks Permit will be applied for should one be required, however no additional crossings are proposed as part of the operation.</p> <p>The setback of 70 metres to the watercourse will be maintained.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
PUBLIC SUBMISSIONS		
Submitter	Comment	Shire Response / Comments
<p>4. Doug Blanchford (address supplied)</p>	<p>The report is very heavily biased towards planning and statutory requirements, and operational protocols</p>	<p>Noted.</p> <p>Statutory and planning information is included as this is an application for Planning Approval and therefore this information is relevant. Operational</p>

Submitter	Comment	Shire Response / Comments
		<p>information is included as required by the Shire's Extractive Industry Local Law as this is an application for an Extractive Industry Licence.</p> <p>The application is for a Development Application under the Local Planning Scheme, and Extractive Industry Licence under the Local Government Act. It is not a 'resources' project under the Mining Act – and thus the focus of the application is guided by the Shire's Local Planning Scheme. Consistency with the policy framework is an important component of an application made under the Scheme and thus the emphasis is correct.</p> <p>The report includes detailed descriptions of the on-site environment, including hydrology, native vegetation, soils, separation distances, views etc. Management plans are provided to address environmental protection and mitigation of impact and protection of amenity. These have been prepared in accordance with the relevant guidelines.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>The lack of science-supported environmental management plans means that in the many risk assessment tables, the assessment values are unsupported and therefore quite meaningless.</p>	<p>Noted.</p> <p>The proponent advises that a risk assessment for this proposal has been undertaken in accordance with DWER's <i>Guidance Statement: Risk Assessments (2017)</i> to identify if there are any 'medium', 'high' or 'extreme' risks to the environment and amenity, and then to inform management practices. It should be noted that the risk assessment considers the likelihood of an event occurring and the consequence, therefore is a thorough consideration of whether the risk of an event would need further study.</p> <p>The risk assessment did not identify any 'unmanaged' high or extreme risks, therefore the application does not include detailed, site-specific investigations on soils, geology, hydrology, vegetation etc. In addition, the management of many of these factors provides additional reassurance that the risks to the environment and amenity are low.</p>

Submitter	Comment	Shire Response / Comments
		<p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>Geological information is inadequate.</p>	<p>Noted.</p> <p>In addition to the information provided on the government database, the report includes site-specific information from Landform Research (BSc Geology, MSc Plant Ecology).</p> <p>Further geological information is not considered necessary or relevant to the operational and management controls being assessed by the local government for the site.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>The information on soils has not been used to describe actual site conditions and therefore the risk assessment and management is lacking.</p>	<p>Noted.</p> <p>Soil information is provided on page 9 of the report which lists the soils as gravels, loams and sands over clay. The relevance of this information and the need for it should be considered in context of the site and the likely risks and impacts from the operation. It is not considered that there is a high or extreme risk of soil degradation or erosion.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>Information on hydrology is incorrect and direction of flow for watercourses has not been described.</p>	<p>Noted.</p> <p>The proponent advises that the information on hydrology is from the relevant government databases, and that site specific information is provided where relevant.</p> <p>It is considered in the context of the operation that separation distances and management are the most relevant issues with extractive industries and these are addressed in the report.</p>

Submitter	Comment	Shire Response / Comments
		<p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>Rehabilitation – issues with regards to topsoil storage and use, final slopes and erosion control post recontouring.</p>	<p>Noted.</p> <p>As is mentioned in Section 4, page 35 of the consultant's report, '<i>there is minimal topsoil and overburden as the clay resource is almost directly underneath</i>'. Therefore, there will not be much topsoil to store.</p> <p>The report states that Midland Brick have obligations under the <i>Mines Safety and Inspection Act 1994</i> to rehabilitate the site to be safe and stable. This involves the preparation of a Mine Closure Plan and the site needs to be signed off as 'safe' by DMIRS. This will provide further reassurance to the local government that the applicant is aware of its responsibilities under the Act, and also that DMIRS will inspect and sign off on the site at decommissioning.</p> <p>The proponent advises that they would be happy to update and provide further detail in the Rehabilitation Management Plan with regards to planting of native vegetation on slopes steeper than 1:4.</p> <p>Officer Recommendation: Modification of the proposal recommended. It is recommended that the Rehabilitation Management Plan be updated to provide further detail regarding the planting of native vegetation on slopes steeper than 1:4.</p>
	<p>Impact on vegetation along the watercourse.</p>	<p>Noted.</p> <p>The proponent advises that the vegetation along the watercourse to the north of the Chitty Main Pit comprises terrestrial species and not wetland or groundwater dependent species. The watercourse does not flow frequently and is not a low-lying waterlogged area.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>

Submitter	Comment	Shire Response / Comments
	<p>Water management and drainage, including management of water from storms is inadequate. The <i>'rainfall event with a return period of ten years, 1:10, and duration of 2-hours has been stated as the design storm. This is a very short time frame for a design storm for this length of project'</i>.</p>	<p>Noted.</p> <p>Noted.</p> <p>The 1 in 10, 2 hour event is recommended by DWER's <i>Water Quality Protection Note (WQPN) No. 15 – Basic Raw Materials Extraction</i> (DWER, 2019) which recommends that <i>ponds are used to manage turbidity (i.e. settling ponds) and that they are designed to handle up to a 2 hour, 1 in 10 (10 per cent) annual exceedance probability event.</i></p> <p>It is considered that the pit area within the existing Chitty Main Pit will have the capacity to capture water from an extreme storm event. In addition to this, there are two other dams to the north of the pit to capture water runoff. It should also be noted that as extraction progresses, the overall size of the Chitty Main Pit will increase, therefore increasing the capacity to capture stormwater runoff.</p> <p>While a detailed assessment by a hydrologist has not been carried out, it has not been considered necessary given the size of the pit area.</p> <p>The proponent advises that, if there is any soil movement and erosion caused by a large storm, Midland Brick will undertake the necessary earthworks as is their normal practice in these rare occasions. This may involve the use of earth-moving equipment to move sediment that may have moved into the pit area, rectification of bund walls etc. as required. The design of the pit area to direct stormwater and sediment into the operation area is a benefit as it means that less sediment will flow into the surrounding area.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>Proposed monitoring is not outlined.</p>	<p>Noted.</p>

Submitter	Comment	Shire Response / Comments
		<p>The proponent advises that the monitoring section of the Rehabilitation Management Plan can be updated with further details.</p> <p>Officer Recommendation: Modification of the proposal recommended. It is recommended that the monitoring section in the Rehabilitation Management Plan be updated, to the satisfaction of the local government, to provide further details with respect to how the rehabilitation of the site will be monitored.</p>
	<p>Refuelling management – no information is provided on the material infiltration rates.</p>	<p>Noted.</p> <p>It is considered the Refuelling Management Plan provides for the safe and proper refuelling protocols and provides actions should a spill occur. This is to address the potential for impact on surface and groundwater. It is not considered necessary to provide information on infiltration rates.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
<p>5. Robert Pearce</p>	<p><u>Topsoil storage</u></p> <p>I could not find the Agriculture WA Soil Conservation guidelines. I question how topsoil could be retained or stored for use after 10 years or 20 years of operation and remain suitable for rehabilitation.</p>	<p>Noted.</p> <p>The proponent advises that the Agriculture WA Soil Conservation guidelines have possibly been repealed. Regardless of this, topsoil is stockpiled around the edge of the pit area to allow for ease of distribution across the pit area following decommissioning. The location of topsoil stockpiles is shown on the plans in the application.</p> <p>The proponent further advises that timing associated with the operation cannot be amended substantially. However, where possible, topsoil will be directly transferred from an area where extraction is commencing to an area being rehabilitated.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Truck numbers and tonnage</u></p>	<p>Noted.</p>

Submitter	Comment	Shire Response / Comments
	<p>Inaccuracies with regards to tonnages and truck numbers.</p> <p>Concerns regarding impacts to local roads.</p> <p>Concern is also expressed with the lack of transparency in the number of truck movement and tonnes proposed to be extracted annually.</p>	<p>There is no inaccuracy in the report. The proponent advises that figures relating to tonnage and truck numbers are estimates only based on past figures for the site and anticipated demand over the next 10 years. The proponent further advises that a figure of 90 days of truck movements is provided to allow flexibility for carting. It is not expected that the full 90 days will be required but there may be peaks and troughs within this 90-day period.</p> <p>Truck numbers and tonnages are provided to the local government annually, therefore the 'experience' with regards to these operations is that they are regulated and do not exceed anticipated or estimated truck or tonnage amounts. The proponent advises that tonnage at this site were estimated to be 100,000 annually, and the site has not exceeded this amount in the last 10 years since the pit was opened.</p> <p>Midland Brick pays an annual road maintenance fee to the local government for repairs and maintenance to Salt Valley Road and Fernie Road. The amount is based on the annual report provided to the local government on truck numbers and tonnages.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Water Management Plan</u></p> <p>There is no explanation as to how water runoff is contained on site and who will check compliance.</p> <p>The report also states that water quality will be tested annually with purpose to gather data. There is no mention what is the purpose of the data collection.</p>	<p>Noted.</p> <p>Water is retained on-site through the use of bunding to direct water into the pit basin.</p> <p>It is the local government's responsibility to check compliance with the Water Management Plan and the approvals.</p> <p>The proponent advises that there is no purpose for the collection of water quality except to keep a database to assist in ongoing current and future management. The proponent further advises that there have been no</p>

'CHITTY QUARRY' CLAY EXTRACTIVE INDUSTRY, HODDYS WELL

Submitter	Comment	Shire Response / Comments
	<p>The applicant sees risk as low, (run off contained) but a minor watercourse, runs between two of the pits, approximately 70m from the proposed expansion of the Chitty Main Pit. There is no mention in the report if this watercourse runs into the Jimperding Brook. Water quality is an issue in agricultural pursuits.</p> <p>Inconsistencies regarding transportable buildings and portalos.</p>	<p>particular issues of concern with regards to water quality in this or any other clay pit in the general area.</p> <p>Water flows from east to west in the minor watercourse to the north of the Chitty Main Pit. It appears to flow into the Jimperding Brook to the west of the site. The proponent advises that there doesn't appear to be any water quality information shared with the applicant on the water quality in the watercourses downstream of the site.</p> <p>A transportable building and portaloos may be required to be on site temporarily during operations. Additional local government approval for these facilities is not required.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Dust Management Plan</u> Dust management has been an issue in the past, however no complaint was issued as 'little is achieved'.</p>	<p>Noted.</p> <p>Dust management protocols are in place if a complaint is received. The more detail provided with the complaint (such as time of day, the specific issue etc) the better it can be investigated. Midland Brick has a complaints procedure in place should a complaint be received. The complaint is investigated by checking the activities on the site at the time of the complaint to determine the source of the issue. If the source of the issue is determined, a resolution or corrective action will be proposed if the complaint is substantiated. The results of the investigation are then reported to the local government or DWER (depending on who records the complaint). It is understood that Midland Brick also keeps records of all complaints received.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Refuelling Management Plan</u></p>	<p>Noted.</p>

Submitter	Comment	Shire Response / Comments
	<p>How will refuelling management be monitored to ensure compliance.</p>	<p>It is considered the Refuelling Management Plan provides for the safe and proper refuelling protocols and provides actions should a spill occur. This is to address the potential for impact on surface and groundwater.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Bushfire Management Plan</u></p> <p>The plan states p 41 “that earth moving equipment and water tanker will also be available for firefighting (if located on site)”. Surely, a filled water tanker should be located on site at all times of operation. How will bushfire management be checked and monitored?</p>	<p>Noted.</p> <p>The proponent has indicated that a water tanker will be located on site at all times of operation. This water tanker is used for dust suppression.</p> <p>Compliance with the Bushfire Management Plan will be monitored by the Shire.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Dieback Management Plan</u></p> <p>There appears no inspection, trucks enter, loaded and out. Does the local government have the resources to monitor this plan?</p>	<p>Noted.</p> <p>As is stated in the Dieback Management Plan (page 43), ‘Vehicles are cleaned down using high pressure hoses before leaving the factory or the point of origin.’ As is stated in the management plan on page 44, the Project Manager/Quarry Manager will be responsible for checking trucks/vehicles entering and exiting the site.</p> <p>It is the operator’s responsibility to implement and abide by the Dieback Management Plan. This has been included as a condition of approval in the Officer’s Report.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Road Maintenance Contribution Local Planning Policy</u></p>	<p>Noted.</p> <p>The Policy is administered annually – Midland Brick provides an annual report regarding tonnages and truck numbers, and a monetary contribution</p>

Submitter	Comment	Shire Response / Comments
	<p>The Shire can request a surveyor's certificate to certify the amount extracted. How many times has the Local Government administered this local law during the past 10 years of operation of this site?</p>	<p>is made to the local government for upkeep of the road in accordance with the Policy. They are also required to provide a surveyor's certificate every 2 years.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Rehabilitation Management Plan</u></p> <p>There is no indication of what is safe or a stable slope. The 1:3 and 1:2 batter slopes might be prone to erosion and be unstable. Monitoring actions have not been defined.</p>	<p>Noted.</p> <p>The report states that Midland Brick have obligations under the <i>Mines Safety and Inspection Act 1994</i> to rehabilitate the site to be safe and stable. This involves the preparation of a Mine Closure Plan and the site needs to be signed off as 'safe' by DMIRS. This will provide further reassurance to the local government that the applicant is aware of its responsibilities under the Act, and also that DMIRS will inspect and sign off on the site at decommissioning.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p><u>Previous rehabilitation of other pits.</u></p> <p>Midland Brick has failed on a previous occasion to comply with the Extractive Industry Local Law (Local Law s5.2 (1) (b) and S7.3 Cessation of operations), specifically rehabilitation of the pit on Lot 1 Salt Valley Road.</p>	<p>Noted.</p> <p>Previous pits managed and operated by Midland Brick are not the subject of this application.</p> <p>Although track record of the applicant is a consideration, the rehabilitation of other pits could be subject to a number of different circumstances – whether the Shire's Extractive Industry Local Law was in effect during the operation of those pits, whether a Rehabilitation Management Plan was in place, what the Rehabilitation Management Plan proposed, the agreement between the seller and purchaser of the land, subsequent Shire approvals for other land uses etc.</p> <p>It should be noted that Midland Brick have successfully rehabilitated other decommissioned pits within the District.</p>

Submitter	Comment	Shire Response / Comments
	<p>The community has an expectation that reports should be presented in an accountable manner with supporting data to substantiate processes the applicant makes.</p>	<p>Officer Recommendation: Modification of the proposal not recommended.</p> <p>Noted.</p> <p>It is considered the application provides information on the existing environment, statutory justification, operations, activities on site and various management plans including water management, dieback management, refuelling management, dust management, noise management, rehabilitation management, waste management and bushfire management.</p> <p>It is not considered that the material submitted with the application is lacking data or information to justify the ongoing operation, and that it can be managed satisfactorily.</p> <p>It is considered that the application is accountable, with a variety of management plans that the community has access to.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<p>I ask the planning officers to give due regard to the above concerns and if the recommendation to council is to support the application, conditions are imposed, that limit the potential impact on the development application to surrounding landholders.</p>	<p>Noted.</p> <p>A careful assessment of the need for each condition in the Officer's Recommendation has been undertaken, having regard to the merits of the proposal.</p> <p>A number of management plans have been provided to ensure that potential impact to surrounding areas is limited.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
<p>6. Toodyay Naturalists Club Inc.</p>	<p>Raises concerns regarding:</p> <ul style="list-style-type: none"> • inadequacy of the Rehabilitation Management Plan; 	<p>Noted.</p> <p>The report states that Midland Brick have obligations under the <i>Mines Safety and Inspection Act 1994</i> to rehabilitate the site to be safe and stable.</p>

Submitter	Comment	Shire Response / Comments
		<p>This involves the preparation of a Mine Closure Plan and the site needs to be signed off as 'safe' by DMIRS. This will provide further reassurance to the local government that the applicant is aware of its responsibilities under the Act, and also that DMIRS will inspect and sign off on the site at decommissioning.</p> <p>Overall, Officers are generally satisfied with the Rehabilitation Management Plan, but it is recommended (as per the recommendation on pages 6 and 8 of the Schedule of Submissions), the Plan is updated to provide further detail regarding the planting of native vegetation on slopes steeper than 1:4, and to provide further details with respect to how the rehabilitation of the site will be monitored.</p> <p>Officer Recommendation: Modification of the proposal recommended. It is recommended that:</p> <ul style="list-style-type: none"> • the monitoring section in the Rehabilitation Management Plan be updated, to the satisfaction of the local government, to provide further details with respect to how the rehabilitation of the site will be monitored; and • the Rehabilitation Management Plan be updated to provide further detail regarding the planting of native vegetation on slopes steeper than 1:4.
	<ul style="list-style-type: none"> • long term use of the site after the eventual closure of the pits (i.e. potential future use of the site as landfill site); 	<p>Noted.</p> <p>The Rehabilitation Management Plan states that the excavation areas are to be rehabilitated consistent with the Rehabilitation Concept Plan in Appendix A of the Applicant's Clay Extraction Management Plan.</p> <p>A suspicion that it is likely that the site may be developed and used as a landfill site post closure, is not a valid and/or relevant planning consideration.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>

Submitter	Comment	Shire Response / Comments
	<ul style="list-style-type: none"> the fact that the opening of a new pit is subsumed under the notion of expansion and licence extension (claims the opening of the "White Schist Pit" is more than just expansion, but a new phase in the development of the site); and 	<p>Noted.</p> <p>Officers are recommending a ten year time-limited approval subject to appropriate development conditions. Whether the White Schist Pit is activated or not (even after five years) is irrelevant, and normally not a relevant planning consideration.</p> <p>Officer Recommendation: Modification of the proposal not recommended.</p>
	<ul style="list-style-type: none"> inadequacy of the Bushfire Management Plan. 	<p>Noted.</p> <p>Officers are recommending that the Applicant provides, to the satisfaction of the Shire, a Bushfire Management Plan in accordance with the requirements of State Planning Policy No. 3.7 – Planning for Bushfire Prone Areas.</p> <p>Officer Recommendation: Modification of the proposal recommended. Officers recommend that Council, as a condition of development approval, requires the applicant to provide a Bushfire Management Plan in accordance with the requirements of State Planning Policy No. 3.7 – Planning for Bushfire Prone Areas.</p>

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Shire of Toodyay

List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021

Pay/Type	Date	Name	Description	Amount
12844	15/04/2021	Department Of Transport	12 Months Vehicle Registration - T0018	79.35
12845	15/04/2021	Old Gaol Museum	Old Gaol Honorariums For May 2021	400.00
12846	15/04/2021	Water Corporation	Water Account - Toodyay Oval & Showgrounds	8,498.27
12847	30/04/2021	Telstra Corporation Ltd	Telstra Mobile & Data Accounts - Mar 2021	1,822.96
12847	30/04/2021	Telstra Corporation Ltd	Telstra Account 7852285500 - Mar 2021	314.28
12847	30/04/2021	Telstra Corporation Ltd	Telstra Account 0293288400 - Mar 2021	6,919.37
12848	30/04/2021	Water Corporation	Water Account For Connors Cottage 12/02/2021 To 12/04/2021	128.63
12848	30/04/2021	Water Corporation	Water Account - Duke St Toilets 12/02/2021 To 12/04/2021	384.02
12848	30/04/2021	Water Corporation	Water Account - Old Railway Reserve 12/02/2021 To 12/04/2021	231.59
12848	30/04/2021	Water Corporation	Water Account - Railway Station Lawns 12/02/2021 To 12/04/2021	149.07
12848	30/04/2021	Water Corporation	Water Account - Memorial Hall 12/02/2021 To 12/02/2021	411.88
12848	30/04/2021	Water Corporation	Water Account - Library 12/02/2021 To 12/04/2021	68.30
12848	30/04/2021	Water Corporation	Water Account - Old Depot Harper Road 12/02/2021 To 12/04/2021	903.40
12848	30/04/2021	Water Corporation	Water Account - VC & Connors Mill 12/02/2021 To 12/04/2021	637.35
12848	30/04/2021	Water Corporation	Water Account - Bendigo Bank 12/02/2021 To 12/04/2021	445.60
12848	30/04/2021	Water Corporation	Water Account - Mrs O'Reillys Cottage 12/02/2021 To 12/04/2021	314.68
12848	30/04/2021	Water Corporation	Water Account - Medical Centre & Community Centre 12/02/2021 To 12/04/2021	419.01
12848	30/04/2021	Water Corporation	Water Account - Newcastle Park 12/02/2021 To 12/04/2021	742.70
12848	30/04/2021	Water Corporation	Water Account - Cemetery 12/02/2021 - 13/04/2021	87.85
12848	30/04/2021	Water Corporation	Water Account 19A Clinton St 15/02/2021 - 15/04/2021	244.52
12848	30/04/2021	Water Corporation	Water Account 19B Clinton St 15/02/2021 - 14/04/2021	281.06
12848	30/04/2021	Water Corporation	Water Account Admin 15/02/2021 To 15/04/2021	1,088.76
12848	30/04/2021	Water Corporation	Water Account Old Gaol 15/02/2021 - 15/04/2021	306.13
12848	30/04/2021	Water Corporation	Water Account Admin 15/02/2021 - 15/04/2021	26.62
12848	30/04/2021	Water Corporation	Water Account Anzac Park 15/02/2021 - 15/04/2021	417.93
12848	30/04/2021	Water Corporation	Water Account Donegans Cottage 12/02/2021 - 13/04/2021	64.28
12848	30/04/2021	Water Corporation	Water Account New Works Depot 15/02/2021 - 13/04/2021	165.04
12848	30/04/2021	Water Corporation	Water Account Pelham Reserve Toilets 15/02/2021 - 13/04/2021	15.97
12848	30/04/2021	Water Corporation	Water Account 33 Telegraph Rd 12/02/2021 - 13/04/2021	44.18
12848	30/04/2021	Water Corporation	Water Account Parkers Cottage 12/02/2021 - 13/04/2021	47.83
12848	30/04/2021	Water Corporation	Water Account Waste Transfer Station 15/02/2021 - 13/04/2021	55.90
12848	30/04/2021	Water Corporation	Water Account Duidgee Park 15/02/2021 - 13/04/2021	4,591.95
12848	30/04/2021	Water Corporation	Water Account - Community Standpipe Stirling Tce 12/02/2021 - 12/04/2021	46.60

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
CI2515	15/04/2021	Mayday Earthmoving	Hire Of Water Truck - February 2021		7,150.00
CI2593	15/04/2021	Mr Robert Millar	Refund Of Excess Rates Due To Subdivision And Sale Of Land		235.99
CI2594	15/04/2021	Toodyay Chamber Of Commerce & Industry Inc	TCCI 2021 Membership Fees		180.00
CI2621	15/04/2021	Clublinks Management Pty Ltd	Management Of Toodyay Recreation Centre - April To June 2021		103,826.80
CI2622	15/04/2021	Southern Cross Austereo Pty Ltd	Around The Towns Radio Chat - March 2021		88.00
CI2623	15/04/2021	Jason Signmakers	4 X Handheld Stop/Slow Bats		252.87
CI2624	15/04/2021	Jason Signmakers	Freight Charges For Multiple Orders		410.67
CI2625	15/04/2021	Jason Signmakers	2 X Directional Signs - Kyela Sound		117.04
CI2626	15/04/2021	Jason Signmakers	Street Blade - Chitty Road		45.18
CI2627	15/04/2021	Jason Signmakers	Corona Virus Funded Signage		969.43
CI2628	15/04/2021	Jason Signmakers	Various Traffic Advisory Signs		1,836.34
CI2629	15/04/2021	Avon Waste - Stondon Pty Ltd	Rubbish Collection Charges For The Fortnight Commencing 1 March 2021		13,927.79
CI2630	15/04/2021	Blackwell Plumbing	Plumbing Maintenance At Memorial Hall, Newcastle Gaol, Alma Beard Med Centre & Mrs O'Reillys Cottage		925.95
CI2631	15/04/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC X 1		132.00
CI2632	15/04/2021	Easifleet	Easisalary Deductions PPE 30/03/2021		852.19
CI2634	15/04/2021	Officeworks	Admin Stationery		76.01
CI2635	15/04/2021	Officeworks	Admin Stationery		58.59
CI2636	15/04/2021	Ms Alison Downie	VC Consignment Sales - Mar 2021		33.68
CI2637	15/04/2021	Deborah Termann	VC Consignment Sales - Mar 2021		18.00
CI2638	15/04/2021	Mrs Leah Carvell	VC Consignment Sales - Mar 2021		26.00
CI2639	15/04/2021	Mr Barry Keens	VC Consignment Sales - Mar 2021		40.00
CI2640	15/04/2021	Quilts By Robyn	VC Consignment Sales - Mar 2021		130.00
CI2641	15/04/2021	Mrs Misty Rogers	VC Consignment Sales - Mar 2021		38.77
CI2642	15/04/2021	Mrs Tanya Stuart	VC Consignment Sales - Mar 2021		84.67
CI2643	15/04/2021	Lindsay Burke	VC Consignment Sales - Mar 2021		11.53
CI2644	15/04/2021	Southern Sharpening Services	VC Consignment Sales - Mar 2021		19.23
CI2645	15/04/2021	Robert Van Oosten	VC Consignment Sales - Jan To Mar 2021		39.00
CI2646	15/04/2021	Aquarius Freight	Water Tank Refilling Inc #516923		560.00
CI2648	15/04/2021	Autopro Northam	Service Kit For Truck 9		162.73
CI2649	15/04/2021	Synergy	Electricity Account 802970900 26 Feb To 26 Mar 2021		17,533.21
CI2650	15/04/2021	Western Tree Recyclers	Green Waste Mulching At Toodyay Waste Transfer Station		9,889.00
CI2651	15/04/2021	Forth Consulting Pty Ltd	Lightpole Footing Remediation Peer Review		563.75
CI2652	15/04/2021	Hays Specialist Recruitment (Aust) Pty Ltd	Finance Coordinator Temp For WE 28 March 2021		2,295.48

Shire of Toodyay

List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021

Pay/Type	Date	Name	Description	Amount
CI2653	15/04/2021	Synergy	Electricity Account - New Shire Depot 10/02/2021 To 10/03/2021	462.30
CI2655	15/04/2021	Sunny Industrial Brushware	New Brushes For Road Sweeper	473.99
CI2656	15/04/2021	Toodyay Tyre & Exhaust	Replacement Tyres On Shire Vehicles	4,586.00
CI2657	15/04/2021	Truckline	Replacement Guard Mounts - Prime Mover	51.13
CI2658	15/04/2021	Advanced Traffic Management	Traffic Management 7 April 2021 - Hall Road Construction	280.50
CI2659	15/04/2021	Avon Waste - Stondon Pty Ltd	Rubbish Bins For Toodyay Music Festival 2021	480.00
CI2660	15/04/2021	Bunnings - Midland	H/Duty Shelving Units - Museum	592.80
CI2661	15/04/2021	C & F Building Approvals	NCC Compliance Assessments & Issue Of CDC X 3	396.00
CI2662	15/04/2021	Christmas 360 - Sean Byron	Christmas Event At Library - Wreath Making	385.00
CI2663	15/04/2021	Dunning Investments Pty Ltd	1 X Bulk Water Bottles - VC	12.80
CI2664	15/04/2021	Dunning Investments Pty Ltd	6 X Bulk Water Bottles - VC	76.80
CI2665	15/04/2021	Dunning Investments Pty Ltd	Diesel & Unleaded Fuel	31,956.73
CI2667	15/04/2021	Autopro Northam	Brake Pads For T0014	72.55
CI2667	15/04/2021	Toodyay Tyre & Exhaust	Replacement Of Tyres On Iveco, Hino Prime Movers & Trailer	3,920.00
CI2668	15/04/2021	Blackwell Plumbing	Emergency Repairs To Toodyay Race Course Water Line	709.30
CI2669	15/04/2021	Bitumen Surfacing	Bejoording Road Sealing	55,168.53
CI2670	15/04/2021	Neo Civil Pty Ltd	Progress Claim #1 - Toodyay Bindi Bindi 0700 Culvert Conversion	106,890.30
CI2671	1/04/2021	Bendigo & Adelaide Bank Ltd	Transfer Fee	10.00
CI2672	1/04/2021	Bendigo & Adelaide Bank Ltd	Monthly Service Fee	15.00
CI2673	1/04/2021	Bendigo & Adelaide Bank Ltd	Overdraft Fee	15.00
CI2674	1/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	3.39
CI2675	1/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	0.06
CI2676	1/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	0.15
CI2677	1/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	7.15
CI2678	1/04/2021	Alleasing	Solar Lease Depot Solar Lease Library	1,407.46
CI2679	1/04/2021	Bendigo & Adelaide Bank Ltd	BPAY Monthly Fee	327.25
CI2680	6/04/2021	Commonwealth Bank Of Australia	Merchant Fee	178.59
CI2681	6/04/2021	Commonwealth Bank Of Australia	Merchant Fee	192.21
CI2682	6/04/2021	Commonwealth Bank Of Australia	Merchant Fee	62.54
CI2684	15/04/2021	Easifleet	Payroll Deductions PPE 13/04/2021	852.19
CI2685	15/04/2021	Fuji Xerox Australia Pty Ltd	Admin Photocopier Readings - March 2021	1,086.72
CI2686	15/04/2021	Equifax	Fit2Work Integrity Checks - March 2021	120.45
CI2687	15/04/2021	Grove Wesley Design Art	50 X Library Bags - Includes Printing & Freight	359.15
CI2688	15/04/2021	Broderick Waste Solutions	Management Of Waste Transfer Station Fortnight Ending 23 March 2021	5,500.00

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
CI2689	8/04/2021	Fuji Xerox Australia Pty Ltd	Photocopier Lease - Depot/VC/Library		470.34
CI2690	12/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		0.30
CI2691	12/04/2021	CNH Industrial Capital Aust Pty Ltd	Iveco Truck Lease		3,207.70
CI2695	15/04/2021	Synergy	Electricity Account - Coondle Nunile Fire Station 321395980		500.86
CI2696	15/04/2021	Synergy	Electricity Account Streetlights 25/0/2021 To 24/03/2021		3,393.05
CI2698	15/04/2021	Safer Toodyay Inc	Provision For Road Safety Campaigns And Materials For Toodyay Roadwise Committee		4,779.50
CI2699	30/04/2021	Kleen West Distributers	Admin Cleaning Products		107.47
CI2700	30/04/2021	Kleenheat Gas	Annual Hire Of 2 LPG 45Kg Gas Bottles - Toodyay Recreation Centre		85.80
CI2702	30/04/2021	Air Liquide WA Pty Ltd	Annual Rental Of 4 Oxygen Cylinders For Toodyay Recreation Centre 01/02/2021 To 01/02/2022		735.20
CI2703	15/04/2021	Andrew Carr Welding And Carpentry	Pelham Reserve And Lookout Maintenance - 2 Hours Per Week For 12 Weeks		960.00
CI2705	30/04/2021	Datacom Solutions (Au) Pty Ltd	Datascape ERP Implementation - Milestones 3, 4 & 5		24,139.20
CI2718	15/04/2021	Advanced Autologic	4 X 20Kg Super Soak & 40 X 450G Ep2 Grease Cartridges		464.00
CI2719	30/04/2021	Australia Post	Postage Charges For March 2021		467.47
CI2720	15/04/2021	Toodyay Tyre & Exhaust	Replacement Tyres And Wheel Alignment		1,413.00
CI2721	15/04/2021	Toodyay Tyre & Exhaust	Replacement Tyres & Wheel Alignment		1,043.00
CI2722	30/04/2021	Auscoinwest	VC Stock - Souvenir Coins & Capsules		310.75
CI2723	30/04/2021	Total Green Recycling	Waste Transfer Station Recycling - March 2021		1,054.45
CI2724	30/04/2021	URL Networks Pty Ltd	Sip Trunks - PAYG, Landlines & Mobiles		423.60
CI2725	15/04/2021	Wacwil Landscaping & Earthworks Pty Ltd	Profiling Works At 3 Access Points On Clinton Street Footpath		800.00
CI2726	15/04/2021	Wright Express Aust Pty Ltd	SES Fuel Card Management Fee - March 2021		20.64
CI2727	30/04/2021	Shred-X Pty Ltd	Paper Shred For March 2021		499.03
CI2728	30/04/2021	Spacetoco Pty Ltd	Host Parterpro Bundle - Online Booking - March 2021		165.00
CI2729	15/04/2021	Kennards Hire	Hire Of Temporary Traffic Lights - Julimar Road 12/03/2021 To 26/03/2021		2,200.00
CI2730	15/04/2021	Kennards Hire	Hire Of Temporary Traffic Lights - Julimar Road 26/03/2021 To 09/04/2021		2,200.00
CI2731	15/04/2021	Synergy	Electricity Account - New Depot 10/03/2021 To 13/04/2021		572.28
CI2732	30/04/2021	Professional PC Support Pty Ltd	Wi-Fi Link - Ubiquiti M5 Nanostation - Museum		341.00
CI2733	30/04/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Billable Hours - Request 85937		880.00
CI2734	30/04/2021	Winc Australia P/L	Admin Stationery - Part Order		25.19
CI2735	30/04/2021	Winc Australia P/L	Admin Stationery - Part Order		16.36
CI2736	30/04/2021	Winc Australia P/L	Admin Stationery - Part Order		20.94
CI2737	30/04/2021	Winc Australia P/L	Admin Order - Final		521.63
CI2738	15/04/2021	Toodyay Traders	2 X 3.6 Farm Gates With Strainer Posts		433.80

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
CI2739	15/04/2021	Toodyay Traders	2 X Rakes - Parks & Gardens		39.96
CI2740	15/04/2021	Toodyay Traders	Storage Containers - Toodyay Rec Centre		10.00
CI2741	30/04/2021	Winc Australia P/L	Stationery Order - Admin & CESM		2,020.21
CI2742	30/04/2021	Winc Australia P/L	Stationery Order - Admin & CESM - Final		31.81
CI2743	30/04/2021	Mr Gary Horsfield	Window Cleaning - Library		560.00
CI2744	30/04/2021	Cadds Fashions Sportfirst Northam	1 Pair Of Safety Boots		179.99
CI2745	30/04/2021	Heatley Sales Pty Ltd	Depot Staff Uniforms		8,142.21
CI2746	30/04/2021	Toll	Freight Charges To 21 March 2021		48.13
CI2747	30/04/2021	Toll	Freight Charges To 28 March 2021		300.69
CI2748	30/04/2021	Toll	Freight Charges To 4 April 2021		53.79
CI2749	30/04/2021	Strategic Leadership Consulting Group	Consultancy - Undertake Strategic Community Planning		14,080.00
CI2750	30/04/2021	Datacom Solutions (Au) Pty Ltd	Datapay Payroll & Direct Access - March 2021		377.85
CI2751	30/04/2021	Grove Wesley Design Art	Info Bay Panels		198.00
CI2752	30/04/2021	Fire Mitigation Services Pty Ltd	MAF 20/21 - Treatment Id'S 5651, 5665, 5668 & 5659 (50% Complete)		32,780.00
CI2753	30/04/2021	Toodyay Pumps	Toodyay 12.2 Delivery Valve Seal Renewal		784.20
CI2754	30/04/2021	Country Copiers	Printing & Binding - BFB Training Learner Resources		1,706.00
CI2755	30/04/2021	Formby's Lawyers	Finalisation Costs - Extinguishment Of Easement - DP 413074, Morangup		3,716.57
CI2756	30/04/2021	Toodyay Tyre & Exhaust	2 X Batteries - Toodyay 12.2		380.00
CI2757	30/04/2021	Hills Fire Equipment Service	SES Fire Equipment Servicing		508.20
CI2758	30/04/2021	Mrs Rosemary Madacsi	April 2021 Members Monthly Attendance Allowance		3,114.95
CI2759	30/04/2021	Beth Ruthven	April 2021 Members Monthly Attendance Allowance		1,484.90
CI2760	30/04/2021	Brian Rayner	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2761	30/04/2021	Mr Benjamin Bell	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2762	30/04/2021	Mrs Therese Chitty	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2763	30/04/2021	Philip Hart	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2764	30/04/2021	Mrs Susan Pearce	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2765	30/04/2021	Michael McKeown	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2766	30/04/2021	Paula Greenway	April 2021 Members Monthly Attendance Allowance		1,022.94
CI2767	30/04/2021	Avon Waste - Stondon Pty Ltd	Rubbish Collection Charges For The Fortnight Commencing 15 March 2021		13,876.48
CI2783	30/04/2021	Automatic Gate Solutions	50% Upfront Payment - Supply And Install Automatic Gate System To Depot Yard		12,170.35
CI2785	30/04/2021	Jacaru Australia Pty Ltd	VC Stock Plus Freight		594.15
CI2786	14/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		7.81

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
CI2787	15/04/2021	Toyota Finance	BRPC Vehicle Lease		1,359.73
CI2788	30/04/2021	Toodyay IGA	IGA Account For March 2021		769.02
			<i>Community Engagement Consultation - Milk & Biscuits</i>	16.49	
			<i>Admin - Newspapers, Milk, Cleaning products, Drinks, sugar, tea</i>	140.89	
			<i>VC - Milk, Cleaning Products</i>	60.97	
			<i>Library - Newspapers, Milk, Coffee, cleaning products, Easter eggs</i>	122.83	
			<i>BFB - Refreshments for Training courses</i>	241.10	
			<i>Depot - Milk, Coffee, Sugar</i>	93.42	
			<i>Clean Up Aust Day - Refreshments, Hand Sanitiser</i>	93.32	
CI2789	15/04/2021	Commonwealth Bank Of Australia	Bpoint Fee		36.49
CI2790	30/04/2021	Vanguard Press	Event Entry Signs - Theatre Production & Fairytale Farm		407.00
CI2791	30/04/2021	Wedlake Plumbing	Supply & Installation Of 3 Water Tanks - Emergency Water Facilities		65,603.00
CI2792	30/04/2021	LGISWA	Workforce Risk Forum		209.00
CI2793	30/04/2021	Public Transport Authority Of WA	TransWA Tickets Sales For March 2021		531.06
CI2794	30/04/2021	Mr John Hansen	Reimbursement Of BRPC Expenses - 20/04/2021		645.75
CI2795	15/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		5.17
CI2796	15/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		0.60
CI2797	15/04/2021	Fuji Xerox Australia Pty Ltd	Photocopier Lease - Planning & Development		155.10
CI2798	15/04/2021	Fuji Xerox Australia Pty Ltd	Photocopier Lease - Admin		370.70
CI2799	30/04/2021	Toll	Freight Charges To 11 April 2021		16.94
CI2800	30/04/2021	Mrs Shirley Kemp, Mr Darryl Kemp	Refund Of Excess Rates As Requested By Owner		100.75
CI2801	30/04/2021	Uniforms @ Work	Staff Uniform - D Hobley (Some Cost To Be Recouped From Staff Member)		438.90
CI2802	30/04/2021	West Wide Auto Electrics	Electrical Repairs To Pneumatic Tyre Roller		756.50
CI2803	30/04/2021	West Wide Auto Electrics	Electrical Repairs To Backhoe		236.50
CI2804	30/04/2021	West Wide Auto Electrics	Electrical Repairs To Graffiti Trailer		356.00
CI2805	30/04/2021	West Wide Auto Electrics	Batteries For Komatsu Grader		736.00
CI2806	30/04/2021	West Wide Auto Electrics	Electrical Repairs To Mitsubishi Triton - RMO		163.00
CI2807	30/04/2021	West Wide Auto Electrics	Electrical Repairs To Hino Tip Truck		300.00
CI2808	30/04/2021	Wendouree Tearooms	Catering - Clublinks Executives & Elected Members		225.00
CI2809	30/04/2021	Toodyay Hardware & Farm	20 X Star Posts		171.00
CI2810	30/04/2021	Toodyay Hardware & Farm	Argon Shield Gas For Mig Welder		140.00
CI2811	30/04/2021	Toodyay Hardware & Farm	2 X Hay Bales		29.00
CI2812	30/04/2021	Toodyay Hardware & Farm	Ant & Roach Dust		13.95
CI2813	30/04/2021	Toodyay Hardware & Farm	Antex Granules		19.98

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
CI2814	30/04/2021	Toodyay Hardware & Farm	Roll Of Caution Tape		7.36
CI2815	30/04/2021	Toodyay Hardware & Farm	3 X Hay Bales		43.50
CI2816	30/04/2021	Toodyay Hardware & Farm	3 X Hay Bales		43.50
CI2817	30/04/2021	Toodyay Hardware & Farm	2 X Hay Bales		29.00
CI2818	30/04/2021	Tenderlink	Tenderlink - RFQ Heating		190.30
CI2819	30/04/2021	Ezi-Fix Welding & Handyman Services	Repairs To Side Tipper Trailer & Replacement Of Rotten Floorboards To Donegans Cottage		555.00
CI2820	30/04/2021	Bunnings - Midland	Replacement Cupboard For Admin Kitchen		224.20
CI2821	30/04/2021	Afgri Equipment Australia Pty Ltd	Replacement Inserts For Grader Blade		1,573.48
CI2822	30/04/2021	WA Hino & Sales	Remove Gearbox & Clutch And Check For Damage On 700 Series Hino		4,667.50
CI2823	30/04/2021	Mayday Earthmoving	Hire Of Padfoot Roller - March 2021		5,227.20
CI2825	30/04/2021	Toodyay Tyre & Exhaust	Tyre Fitted And Balanced - BRPC Vehicle		260.00
CI2826	30/04/2021	Fire Mitigation Services Pty Ltd	MAF Project 2020/2021 - Treatment Id 5650		4,620.00
CI2827	30/04/2021	E & M J Rosher Pty Ltd	Replacement Blades For Front Deck Mower		244.38
CI2828	30/04/2021	Fly UAS Pty Ltd	Repl Course (Drone) - Face To Face - BRPC		1,540.00
CI2829	30/04/2021	Shire Of Northam	Waste Tipping Fees For March 2021		10,473.12
CI2830	30/04/2021	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS Fee - March 2021		3,300.00
CI2831	16/04/2021	Komatsu Australia Corporate Finance Pty Ltd	Front Wheel Loader Lease		4,901.37
CI2832	19/04/2021	Gear Select	Drum Roller Lease		2,296.91
CI2833	30/04/2021	Charles Service Company	Contract Cleaning Of Shire Facilities - April 2021 & Admin & Youth Hall Cleaning		13,330.79
CI2834	26/04/2021	Commonwealth Bank Of Australia	Equigroup - IT Hardware & Software Lease		1,982.20
CI2835	30/04/2021	Industrial Automation Group	Northam Toodyay Road Standpipe - Operational Cost - Cloud Server Fee & Scada Subscription		666.05
CI2836	26/04/2021	Komatsu Australia Corporate Finance Pty Ltd	Grader Lease		4,560.99
CI2837	30/04/2021	Broderick Waste Solutions	Management Of Waste Transfer Station For Fortnight Ending 6 April 2021		5,500.00
CI2838	30/04/2021	Broderick Waste Solutions	Cartage Of Waste To Northam For The Month Of March 2021		3,940.20
CI2839	30/04/2021	Broderick Waste Solutions	Delivery Of E-waste And/or Plastics To Perth On 26/03/2021		660.00
CI2841	30/04/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - May 2021		8,332.26
CI2842	30/04/2021	Professional PC Support Pty Ltd	Managed Phone Services - May 2021		1,050.92
CI2843	30/04/2021	Toodyay Tyre & Exhaust	4 X Drive Tyres For Truck		1,430.00
CI2846	30/04/2021	Blackwell Plumbing	Plumbing Repairs To Various Shire Facilities		733.15
CI2847	30/04/2021	Northam Betta Home Living	LG Top Load Washing Machine - 19A Clinton St		698.00
CI2848	30/04/2021	Aquarius Freight	4X Loads Water - Bfs Inc #516715		1,120.00

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
CI2849	30/04/2021	Professional PC Support Pty Ltd	Toners For BFB & SES Printers		3,120.78
CI2850	30/04/2021	Toodyay Cricket Club	Community Sponsorship 2020/2021 - Toodyay Cricket Club		2,750.00
CI2851	27/04/2021	Commonwealth Bank Of Australia	Payout Invoice: lau00155125 For The Purchase Order - P11025		1,385.78
CI2852	30/04/2021	Toodyay Hardware & Farm	Insecticide & Rodent Control - BFB		371.94
CI2853	30/04/2021	Toodyay Hardware & Farm	Marine Ply - SES		1,836.00
CI2854	30/04/2021	Toodyay Hardware & Farm	BFB - Masks		1,390.40
CI2855	30/04/2021	Toodyay Hardware & Farm	200 Metres Of 4Mm Dia Safety Rope		64.80
CI2856	30/04/2021	EAG Electrical Air-Conditioning & Gas	Replace Led Uplight At Anzac Park		234.30
CI2857	30/04/2021	Ezi-Fix Welding & Handyman Services	Fit Cupboard To Wall In Lesser Hall - Memorial Hall		200.00
CI2858	30/04/2021	Wurth Australia P/Ty Ltd	Replacement Stock Items At Depot		1,377.08
CI2859	30/04/2021	Blackwell Plumbing	Installation Of 25Lt Rheem Hot Water System To Admin Chambers Kitchen		1,232.00
CI2860	30/04/2021	Jive Media Solutions	Design Of 2021 Toodyay Brochure		3,300.00
CI2861	30/04/2021	Kleenheat Gas	Fee For Overdue Payment Of Account 4354655		8.34
CI2862	28/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		7.70
CI2863	14/04/2021	Credit Card CESM	Credit Card - CESM - R Koch		734.50
			<i>Fuel - Julimar 1.4 - Dunnings</i>	48.70	
			<i>BFS INC#516923 - Toodyay Pizza Shack</i>	150.00	
			<i>SES Storm Event March - Stihl nut, Fuel Stabiliser, Bar & cutter lube, HP 2 Stroke oil</i>	127.00	
			<i>CESM vehicle Fuel - Dunnings</i>	84.90	
			<i>BFS INC#516715 - Dunnings</i>	319.90	
			<i>BFS INC#516715 - Dunnings</i>	4.00	
CI2864	30/04/2021	Dymark Australia Pty Ltd	Marking Paint		573.41
CI2865	30/04/2021	Easifleet	Easisalary Payroll Deductions PPE 28-04-2021		852.19
CI2866	30/04/2021	Toodyay RSL	Contribution To Building Refurbishment (Parks & Gardens Depot - Clinton St) As Per Council Approved Budget Variation At Council OCM 23 March 2021 To Honour Agreement With The RSL (LEG266/OCR43633)		20,000.00
CI2867	30/04/2021	Bigstep Holdings Pty Ltd T/As Pacific Safety Wear	1 Pair Safety Boots		160.05
CI2868	30/04/2021	Bigstep Holdings Pty Ltd T/As Pacific Safety Wear	1 X Pair Safety Boots Plus Freight		186.30
CI2869	30/04/2021	Mayday Earthmoving	Hire Of Water Truck - April 2021		7,150.00
CI2870	14/04/2021	Credit Card MCCS	Credit Card - MCCS		625.01
			<i>EG Fuelco - Joondalup - Fuel</i>	67.93	
			<i>Caltex - Yanchep - Fuel</i>	30.03	
			<i>Caltex - Yanchep - Fuel</i>	25.09	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
			<i>Adobe subscription</i>	462.91	
			<i>Caltex - Joondalup - Fuel</i>	35.05	
			<i>Monthly card fee</i>	4.00	
CI2872	14/04/2021	Credit Card MPD	Credit Card - MPD		3,100.19
			<i>Hire vehicle for Ranger Couper - Northam Hyundai</i>	806.00	
			<i>Hire vehicle for Ranger McMillan - AVIS</i>	1,898.19	
			<i>Puma Energy Wooroloo - Fuel</i>	20.00	
			<i>Hire vehicle for Ranger McMillan repair - Northam Hyundai</i>	372.00	
			<i>Monthly card fee</i>	4.00	
CI2874	30/04/2021	Toodyay Hardware & Farm	Enamel Gloss Paint & Lacquer Spray Paint		18.24
CI2875	14/04/2021	Credit Card CEO	Credit Card - CEO		54.25
			<i>Parking - Crown Perth - Conference</i>	20.24	
			<i>BP Baldivis - Fuel</i>	30.01	
			<i>Monthly card fee</i>	4.00	
CI2877	14/04/2021	Credit Card MAS	Credit Card - MAS		304.54
			<i>Spot device - J Hansen - Find me spot annual subscription</i>	2,291.79	
			<i>International transaction fee</i>	8.75	
			<i>Monthly card fee</i>	4.00	
CI2883	30/04/2021	Avon Skip Bins	Front Lift Bin Empty For April 2021 - Toodyay Rec Centre		250.00
CI2884	30/04/2021	Avon Skip Bins	Front Lift Bin Empty For April 2021 - Depot		50.00
CI2885	30/04/2021	Avon Skip Bins	Front Lift Bin Empty For April 2021 - Memorial Hall		150.00
CI2886	30/04/2021	Avon Skip Bins	Front Lift Bin Empty For April 2021 - Sportsground		50.00
CI2887	30/04/2021	Major Motors Pty Ltd	Repairs Toodyay Central 4.4B - New Clutch And Wheel Alignment		2,790.65
CI2889	30/04/2021	Toodyay Herald	3 Ads - Short Term Accom, Car Parking And Gym Leases		366.15
CI2890	30/04/2021	WALGA	Proposal #Bj84 Website SSL Certificate - Toodyay.Com Domain		330.00
CI2894	30/04/2021	Bendigo & Adelaide Bank Ltd	Bank Fee		8.25
EFT28555	9/04/2021	Construction Training Fund	CTF Levies - February 2021		870.55
EFT28556	9/04/2021	Shire Of Toodyay	CTF Levy Commissions Nov 2020 To Feb 2021		99.00
EFT28557	15/04/2021	Construction Training Fund	CTF Levies - March 2021		1,352.58
EFT28558	15/04/2021	Department Mines, Industry Regulation & Safety	BS Levies - March 2021		7,365.14
EFT28559	15/04/2021	Timothy Paul Haydon	Refund Of Standpipe Swipe Card #2560662 - Timothy Haydon		250.00
EFT28560	15/04/2021	Shire Of Toodyay	BS Commissions Nov 2020 To Feb 2021		315.00
EFT28561	22/04/2021	Western Australian Treasury Corporation	Loan No. 75 Interest Payment - Recreation Precinct		4,533,115.91
	14/04/2021	Payroll PPE 13/04/2021	Payroll PPE 13/04/2021		102,091.92

Shire of Toodyay					
List of Payments Presented to Council for Period 1 April 2021 to 30 April 2021					
Pay/Type	Date	Name	Description		Amount
	15/04/2021	Aware Super	Superannuation PPE 13/04/2021		18,490.00
	28/04/2021	Payroll PPE 27/04/2021	Payroll PPE 27/04/2021		101,692.36
	28/04/2021	Aware Super	Superannuation PPE 27/04/2021		17,755.82
			Total Payments		5,562,544.06

Direct Debit	\$	27,794.43
Trust EFT	\$	10,252.27
Muni EFT	\$	720,996.27
DD Payroll	\$	203,784.28
DD Super	\$	36,245.82
DD Loans	\$	4,533,115.91
Muni Chqs	\$	30,355.08
Trust Chqs	\$	-
TOTAL	\$	5,562,544.06

SHIRE OF TOODYAY
MONTHLY FINANCIAL REPORT

For the Period Ended 30 April 2021

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 April 2021

	Note	2020/2021 Annual Budget (a)	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Operating Revenues							
Governance		59,500	49,570	96,692	47,122	95.06%	▲
General Purpose Funding - Rates	9	6,319,984	6,319,984	6,288,794	(31,190)	(0.49%)	
General Purpose Funding - Other		815,041	679,150	593,764	(85,386)	(12.57%)	▼
Law, Order and Public Safety		649,813	541,450	514,656	(26,794)	(4.95%)	
Health		67,500	56,230	56,071	(160)	(0.28%)	
Housing		11,780	9,810	12,765	2,955	30.12%	
Community Amenities		758,275	743,385	754,285	10,900	1.47%	
Recreation and Culture		110,500	92,040	131,721	39,681	43.11%	▲
Transport		220,985	220,735	271,024	50,289	22.78%	▲
Economic Services		249,866	208,160	270,306	62,146	29.86%	▲
Other Property and Services		186,752	155,600	164,576	8,976	5.77%	
Total Operating Revenue		9,449,996	9,076,114	9,154,655	78,541		
Operating Expense							
Governance		(756,240)	(645,474)	(629,403)	16,071	2.49%	
General Purpose Funding		(352,322)	(293,530)	(345,639)	(52,109)	(17.75%)	▼
Law, Order and Public Safety		(1,915,647)	(1,596,000)	(1,303,722)	292,278	18.31%	▲
Health		(309,960)	(258,210)	(164,240)	93,970	36.39%	▲
Education and Welfare		(46,314)	(38,570)	(20,669)	17,901	46.41%	
Housing		(37,268)	(31,000)	(20,831)	10,169	32.80%	▲
Community Amenities		(1,183,837)	(986,110)	(1,289,705)	(303,595)	(30.79%)	▼
Recreation and Culture		(2,027,379)	(1,630,585)	(1,455,825)	174,760	10.72%	▲
Transport		(4,512,600)	(3,760,240)	(3,648,689)	111,551	2.97%	
Economic Services		(1,006,282)	(838,260)	(882,972)	(44,712)	(5.33%)	
Other Property and Services		(285,257)	(254,010)	(755,346)	(501,336)	(197.37%)	▼
Total Operating Expenditure		(12,433,106)	(10,331,989)	(10,517,039)	(185,050)		
Funding Balance Adjustments							
Add back Depreciation		3,529,141	2,940,880	3,230,944	290,064	9.86%	
Adjust (Profit)/Loss on Asset Disposal	8	(63,550)	(52,960)	0	52,960	(100.00%)	
Adjust Provisions and Accruals		5,000	0	640	640		
Net Cash from Operations		487,481	1,632,045	1,869,199	237,154		
Capital Revenues							
Grants, Subsidies and Contributions	11	6,345,520	5,472,101	4,178,414	(1,293,687)	(23.64%)	▼
Proceeds from Disposal of Assets	8	159,000	132,500	164,112	31,612	23.86%	▲
Total Capital Revenues		6,504,520	5,604,601	4,342,526	(1,262,075)		

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 April 2021

	Note	2020/2021 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Capital Expenses							
Land and Buildings	13	(3,315,361)	(2,762,760)	(26,591)	2,736,169	99.04%	▲
Infrastructure - Roads	13	(1,980,879)	(1,650,550)	(1,276,523)	374,027	22.66%	▲
Infrastructure - Footpaths	13	(52,000)	(43,330)	(47,852)	(4,521)	(10.44%)	
Infrastructure - Bridges	13	(465,000)	(387,500)	(97,346)	290,154	74.88%	▲
Infrastructure - Other	13	(129,208)	(107,660)	(62,755)	44,905	41.71%	▲
Plant and Equipment	13	(1,241,600)	(1,034,670)	(164,181)	870,489	84.13%	▲
Infrastructure - Work in Progress	13	0	0	(2,805,009)	(2,805,009)		▼
Total Capital Expenditure		(7,184,048)	(5,986,470)	(4,480,256)	1,506,215		
Net Cash from Capital Activities		(679,528)	(381,869)	(137,729)	244,140		
Financing							
Transfer from Reserves	7	431,670	359,710	0	(359,710)	100.00%	
Repayment of Debentures	10	(344,167)	(286,770)	(105,507)	181,263	63.21%	▲
Transfer to Reserves	7	(195,100)	(162,510)	(5,150)	157,360	96.83%	▲
Net Cash from Financing Activities		(107,597)	(89,570)	(110,656)	(21,086)		
Net Operations, Capital and Financing		(299,644)	1,160,606	1,620,813	460,207		
Opening Funding Surplus/(Deficit)	3	301,670	301,670	262,452	(39,218)		
Closing Funding Surplus(Deficit)	3	2,026	1,462,276	1,883,265	420,989	28.79%	▼

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 April 2021

	Note	2020/2021 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Rates	9	6,319,984	6,319,984	6,288,794	(31,190)	(0.49%)	
Operating Grants, Subsidies and Contributions	11	1,677,906	1,434,745	1,552,913	118,168	8.24%	
Fees and Charges		1,357,013	1,242,155	1,307,798	65,643	5.28%	
Interest Earnings		31,543	26,270	5,150	(21,120)	(80.40%)	▼
Profit on Disposal of Assets	8	63,550	52,960	0	(52,960)	(100.00%)	
Total Operating Revenue		9,449,996	9,076,114	9,154,655	78,541		
Operating Expense							
Employee Costs		(4,376,502)	(3,632,873)	(3,241,567)	391,306	10.77%	▲
Materials and Contracts		(3,577,196)	(3,013,032)	(2,913,360)	99,672	3.31%	
Utility Charges		(346,468)	(288,570)	(428,637)	(140,067)	(48.54%)	▼
Depreciation on Non-Current Assets		(3,529,141)	(2,940,880)	(3,230,943)	(290,063)	(9.86%)	
Interest Expenses		(255,707)	(148,915)	(253,569)	(104,654)	(70.28%)	▼
Insurance Expenses		(253,090)	(228,169)	(234,202)	(6,033)	(2.64%)	
Other Expenditure		(95,000)	(79,550)	(214,761)	(135,211)	(169.97%)	▼
Total Operating Expenditure		(12,433,104)	(10,331,989)	(10,517,039)	(185,050)		
Funding Balance Adjustments							
Add back Depreciation		3,529,141	2,940,880	3,230,944	290,064	9.86%	
Adjust (Profit)/Loss on Asset Disposal		(63,550)	(52,960)	0	52,960	(100.00%)	
Adjust Provisions and Accruals		5,000	0	639	639		
Net Cash from Operations		487,483	1,632,045	1,869,199	237,154		
Capital Revenues							
Grants, Subsidies and Contributions	11	6,345,520	5,472,101	4,178,414	(1,293,687)	(23.64%)	▼
Proceeds from Disposal of Assets		159,000	132,500	164,112	31,612	23.86%	▲
Total Capital Revenues		6,504,520	5,604,601	4,342,526	(1,262,075)		
Capital Expenses							
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(3,315,361)	(2,762,760)	(26,591)	2,736,169	99.04%	▲
Infrastructure - Roads	13	(1,980,879)	(1,650,550)	(1,276,523)	374,027	22.66%	▲
Infrastructure - Footpaths	13	(52,000)	(43,330)	(47,852)	(4,521)	(10.44%)	
Infrastructure - Bridges	13	(465,000)	(387,500)	(97,346)	290,154	74.88%	▲
Infrastructure - Other	13	(129,208)	(107,660)	(62,755)	44,905	41.71%	▲
Plant and Equipment	13	(1,241,600)	(1,034,670)	(164,181)	870,489	84.13%	▲
Infrastructure - Work In Progress		0	0	(2,805,009)	(2,805,009)		
Total Capital Expenditure		(7,184,048)	(5,986,470)	(4,480,256)	1,506,215		
Net Cash from Capital Activities		(679,528)	(381,869)	(137,729)	244,140		
Financing							
Transfer from Reserves	7	431,670	359,710	0	(359,710)	(100.00%)	
Repayment of Debentures	10	(344,167)	(286,770)	(105,507)	181,263	63.21%	▲
Transfer to Reserves	7	(195,100)	(162,510)	(5,150)	157,360	96.83%	▲
Net Cash from Financing Activities		(107,597)	(89,570)	(110,656)	(21,086)		
Net Operations, Capital and Financing		(299,644)	1,160,606	1,620,814	460,208		
Opening Funding Surplus(Deficit)	3	301,670	301,670	262,452	(39,218)		
Closing Funding Surplus(Deficit)	3	2,026	1,462,276	1,883,265	420,989		

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

This statement is to be read in conjunction with the accompanying Financial Statements

Shire of Toodyay
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 2: EXPLANATION OF MATERIAL VARIANCES

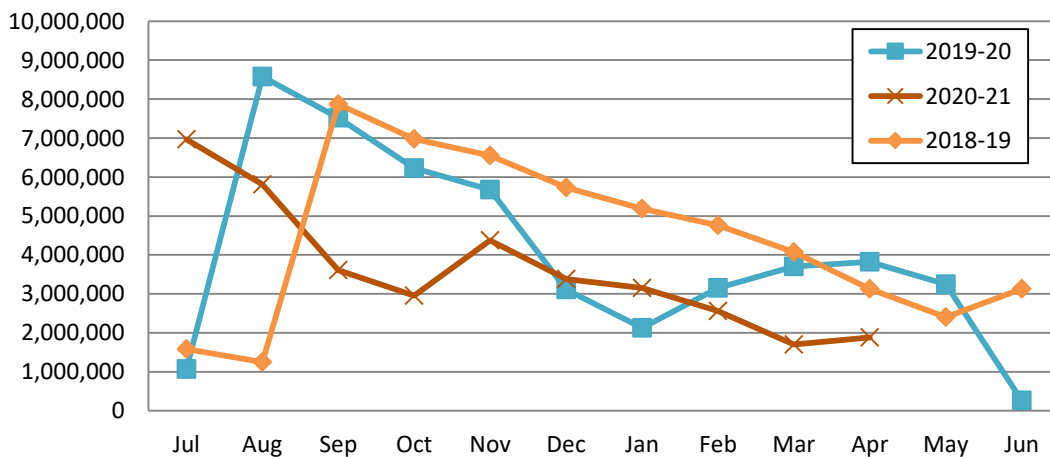
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	47,122	95.06%	▲		Additional grant income
General Purpose Funding - Rates	(31,190)	(0.49%)			
General Purpose Funding - Other	(85,386)	(12.57%)	▼		
Law, Order and Public Safety	(26,794)	(4.95%)		Timing	
Health	(160)	(0.28%)		Timing	
Housing	2,955	0.00%			
Community Amenities	10,900	1.47%			
Recreation and Culture	39,681	43.11%	▲	Timing	
Transport	50,289	22.78%	▲	Timing	
Economic Services	62,146	29.86%	▲	Timing	More revenue for standpipe
Other Property and Services	8,976	5.77%			
Operating Expense					
Governance	16,071	2.49%		Timing	
General Purpose Funding	(52,109)	(17.75%)	▼	Timing	
Law, Order and Public Safety	292,278	18.31%	▲	Timing	progress bills for MAF yet to be received
Health	93,970	36.39%	▲	Timing	Building maintenance expense and rental offset yet to occur
Education & Welfare	17,901	46.41%			
Housing	10,169	32.80%	▲	Timing	Housing costs relating to maintenance less than budgeted to date
Community Amenities	(303,595)	(30.79%)	▼	Timing	Rubbish Collection and Waste Management requires further investigation
Recreation and Culture	174,760	10.72%	▲	Timing	to be investigated
Transport	111,551	2.97%		Timing	
Economic Services	(44,712)	(5.33%)		Timing	Visitors Centre floor stock, Advertising and Building Maintenance Expense less than budgeted to date.
Other Property and Services	(501,336)	(197.37%)	▼	Timing	Need to recover costs
Capital Revenues					
Grants, Subsidies and Contributions	(1,293,687)	(23.64%)	▼		waiting for grants to be received
Proceeds from Disposal of Assets	31,612	23.86%	▲	Timing	Sale of Assets
Capital Expenses					
Land and Buildings	2,736,169	99.04%	▲	Timing	projects to be completed
Infrastructure - Roads	374,027	22.66%	▲	Timing	projects to be completed
Infrastructure - Footpaths	(4,521)	(10.44%)		Timing	
Infrastructure - Bridges	290,154	74.88%	▲	Timing	projects to be completed
Infrastructure - Other	44,905	41.71%	▲	Timing	projects to be completed
Plant and Equipment	870,489	84.13%	▲	Timing	projects to be completed
Work In Progress			▼		
Financing					
Loan Principal	181,263	63.21%	▲	Timing	Loan Repayments for Recreation Precinct

Shire of Toodyay
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021

Note 3: NET CURRENT FUNDING POSITION

				Positive=Surplus (Negative=Deficit)		
				YTD 30 Apr 2021	30th June 2020	YTD 30 Apr 2020
				\$	\$	\$
Current Assets						
	4		3,100,031	1,307,821	2,144,419	
	4		1,643,812	1,638,663	1,567,298	
	6		944,990	818,474	2,016,654	
	6		694,508	328,154	543,118	
			118,774	81,244	97,791	
			6,502,115	4,174,356	6,369,280	
Less: Current Liabilities						
			(6,449,080)	(6,057,132)	(628,436)	
			(803,170)	(598,130)	(695,294)	
			(527,306)	(527,306)	0	
			(7,779,556)	(7,182,568)	(1,323,730)	
Less: Cash Reserves						
	7		(1,643,812)	(1,638,663)	(1,567,298)	
			4,582,088	4,687,594	95,531	
			222,430	221,733	250,286	
			1,883,265	262,452	3,824,068	

Note 3 - Liquidity Over the Year



Comments - Net Current Funding Position

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 4: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal		1,757,395				1,757,395	Bendigo Bank	At Call
Trust				150,610		150,610	Bendigo Bank	At Call
(b) Term Deposits								
Municipal NCD: 3546421	0.15%		1,643,812			1,643,812	Bendigo Bank	16.08.21
Trust - T83	1.00%			0		0	Bendigo Bank	19.07.21
Trust - T84	1.00%			0		0	Bendigo Bank	19.07.21
Trust - T794	0.55%			0		0	Bendigo Bank	27.03.21
Trust - T100	0.40%			141,398		141,398	Bendigo Bank	27.05.21
Trust - T4	0.40%			124,901		124,901	Bendigo Bank	26.05.21
Trust - T114	0.40%			208,099		208,099	Bendigo Bank	26.05.21
Trust - T214	0.40%			49,399		49,399	Bendigo Bank	26.05.21
Trust - T458	0.45%			451,213		451,213	Bendigo Bank	26.06.21
Trust - T793	0.40%			23,926		23,926	Bendigo Bank	26.05.21
Trust - T797	0.40%			32,836		32,836	Bendigo Bank	26.05.21
Trust - T805	0.50%			24,370		24,370	Bendigo Bank	14.04.21
Trust - T809	0.35%			123,585		123,585	Bendigo Bank	18.04.21
Trust - T810	0.55%			0		0	Bendigo Bank	16.03.21
Trust - T811	0.55%			9,547		9,547	Bendigo Bank	16.03.21
Total		1,757,395	1,643,812	1,339,886		4,741,093		

Comments/Notes - Investments

The above totals reflect the actual balance of the bank statements held at the Bank at month end. These balances will not include items such as unrepresented cheques and payments, and monies received by the Shire on the last day of the month.

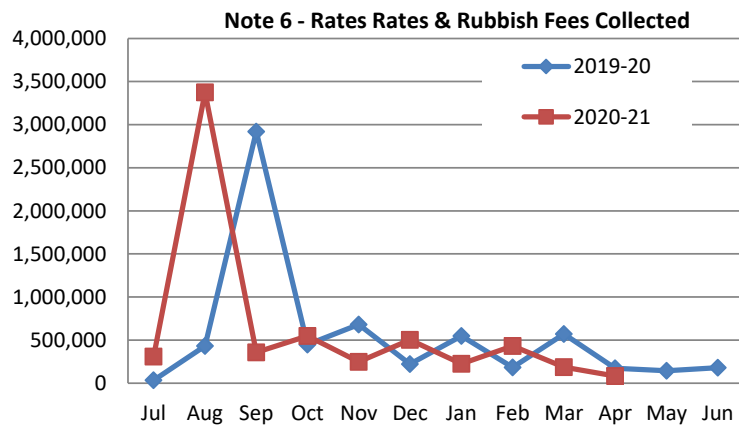
Trust monies held by the Shire of Toodyay are not reflected in Note 3: Net Current Funding Position.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 6: RECEIVABLES

Receivables - Rates Receivable

	YTD 30 Apr 2021	30 June 2020
	\$	\$
Opening Arrears Previous Years	700,084	681,435
Levied this year	6,367,024	6,557,391
<u>Less</u> Collections to date	<u>(6,122,118)</u>	<u>(6,538,742)</u>
Equals Current Outstanding	944,990	700,084
Net Rates Collectable	944,990	700,084
% Collected	86.63%	90.33%



Comments/Notes - Receivables Rates

Comments/Notes - Receivables Rates and Rubbish

ESL	32,022
Legal Action	17,157
Services (Rubbish, Waste)	64,815
Penalties	26,468
Rates and Arrears	655,778
Properties in Credit	<u>(127,308)</u>
Other	1736.59
Total Current	670,669
Deferred Pensioners	274,322
(not collectable till Pensioner property is sold or paid)	
Total	944,990

Please note that deferred pensioners are rates outstanding from previous years and deferral is permitted under the Local Government Rates and Defferment Act.

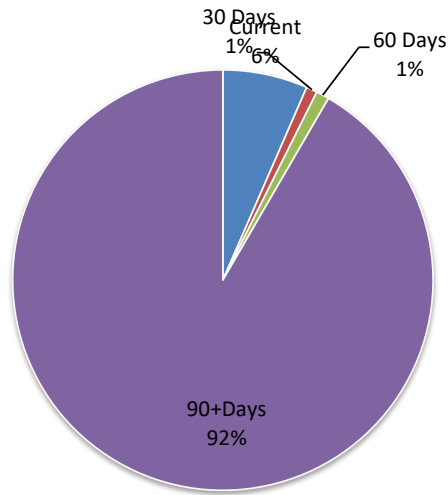
Please note the figure on Note 3 - Rates Collected refers only to those rates that are the 20/21 current financial year. The figure in Note 6 are for the 20/21 financial year as well as all rate arrear from previous years.

SHIRE OF TOODYAY
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	13,995	1,818	2,145	196,368
Total Receivables General Outstanding				214,327

Amounts shown above include GST (where applicable)

Note 6 - Accounts Receivable (non-rates)



Comments/Notes - Receivables General

This note reflects Sundry Debtors only. It does not include other debtors such as GST due from the ATO & Pensioner Rebates due from the State.

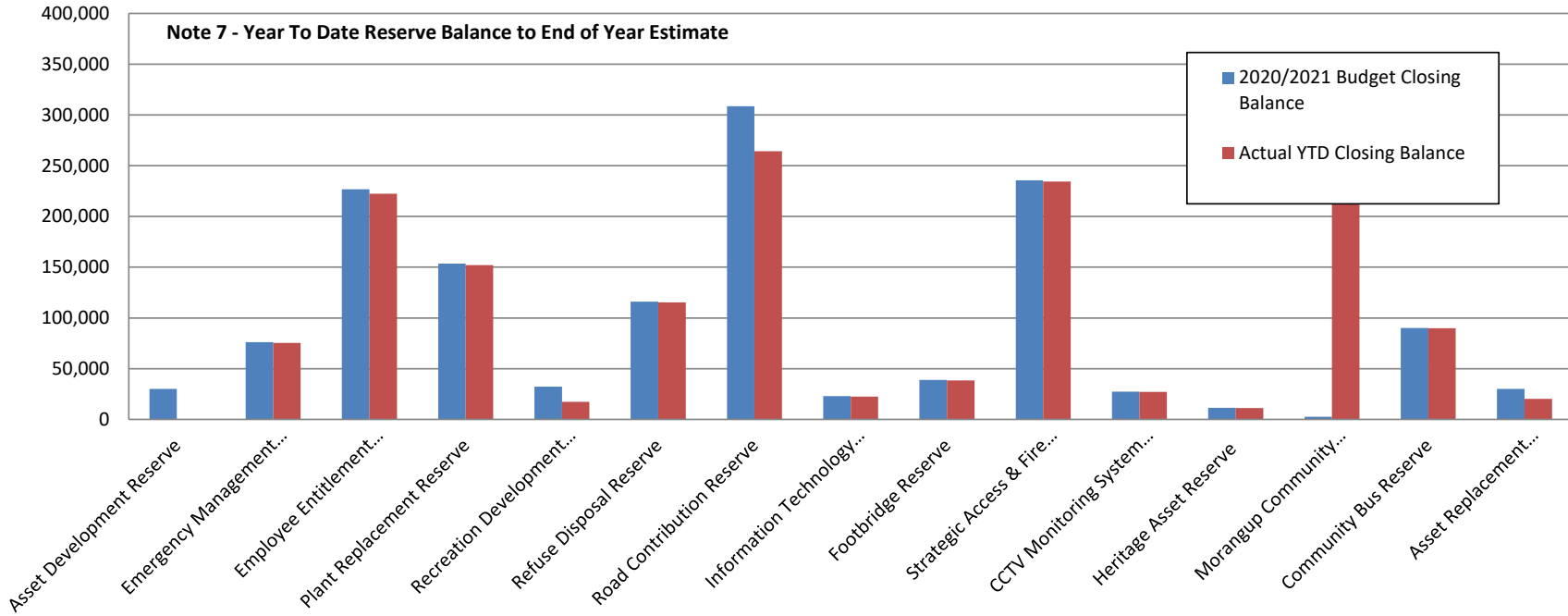
No Action Required	480,181
Total Receivables - Other	694,508

SHIRE OF TOODYAY
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021

Note 7: Cash Backed Reserve

2020-21 Name	Opening Balance	2020/2021 Budget Interest Earned	Actual Interest Earned	2020/2021 Budget Transfers In (+)	Actual Transfers In (+)	2020/2021 Budget Transfers Out (-)	Actual Transfers Out (-)	2020/2021 Budget Closing Balance	Actual YTD Closing Balance
Asset Development Reserve	\$ 0	\$ 0	\$ 0	\$ 30,000	\$ 0	\$ 0	\$ 0	\$ 30,000	\$ 0
Emergency Management & Recovery Reserve	75,114	1,000	236	0	0	0	0	76,114	75,350
Employee Entitlement Reserve	221,733	5,000	697	50,000	0	(50,000)	0	226,733	222,430
Plant Replacement Reserve	151,529	2,000	476	0	0	0	0	153,529	152,005
Recreation Development Reserve	17,299	500	54	14,500	0	0	0	32,299	17,353
Refuse Disposal Reserve	115,017	1,000	361	0	0	0	0	116,017	115,379
Road Contribution Reserve	263,457	5,000	828	70,000	0	(30,000)	0	308,457	264,285
Information Technology Reserve	22,507	500	71	0	0	0	0	23,007	22,578
Footbridge Reserve	38,373	500	121	0	0	0	0	38,873	38,494
Strategic Access & Fire Egress Reserve	233,585	2,000	734	0	0	0	0	235,585	234,319
CCTV Monitoring System Reserve	27,031	350	85	0	0	0	0	27,381	27,116
Heritage Asset Reserve	11,130	250	35	0	0	0	0	11,380	11,165
Morangup Community Centre Reserve	352,199	2,000	1,107	0	0	(351,670)	0	2,529	353,306
Community Bus Reserve	89,499	500	281	0	0	0	0	89,999	89,780
Asset Replacement Reserve - Rec Precinct	20,189	0	63	10,000	0	0	0	30,189	20,252
	1,638,663	20,600	5,150	174,500	0	(431,670)	0	1,402,092	1,643,812

SHIRE OF TOODYAY
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021



SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2020/2021 Budget Rate Revenue \$	2020/2021 Budget Interim Rate \$	2020/2021 Budget Back Rate \$	2020/2021 Budget Total Revenue \$
RATE TYPE											
Differential General Rate											
GRV Residential	12.9430	555	7,261,388	939,842	41,802	9,430	991,073	1,042,304	0	0	1,042,304
GRV - Commercial	14.0200	28	1,338,282	187,627	(3,827)	0	183,800	179,974	0	0	179,974
GRV - Industrial	12.4383	19	418,800	52,279	0	0	52,279	52,279	0	0	52,279
GRV - Rural	11.8690	100	1,427,920	169,480	0	0	169,480	169,480	0	0	169,480
GRV - Rural Residential	11.2600	880	12,858,860	1,447,908	(268)	0	1,447,640	1,447,373	0	0	1,447,373
UV - General	1.1680	405	75,698,000	884,153	268	(275)	884,146	884,139	0	0	884,139
UV - Rural	0.8969	184	161,086,000	1,444,781	(572)	(192)	1,444,016	1,443,251	0	0	1,443,251
				5,126,068	37,404	8,962	5,172,434	5,218,800			5,218,800
Minimum Payment	Minimum \$			0							
GRV Residential	1.351	238	1,353,359	321,538	0	0	321,538	321,538	0	0	321,538
GRV - Commercial	1.351	6	35,200	8,106	0	0	8,106	8,106	0	0	8,106
GRV - Industrial	1.351	10	38,040	13,510	0	0	13,510	13,510	0	0	13,510
GRV - Rural	1.351	43	354,688	58,093	0	0	58,093	58,093	0	0	58,093
GRV - Rural Residential	1.351	528	3,493,132	713,328	0	0	713,328	713,328	0	0	713,328
UV - General	1.351	166	11,111,835	224,266	0	0	224,266	224,266	0	0	224,266
UV - Rural	1.351	0	411,000	0	0	0	0	0	0	0	0
				1,338,841			1,338,841				1,338,841
				6,464,909			6,511,275				6,557,641
Concession				(146,198)			(145,779)				0
Amount from General Rates				6,318,711			6,365,496				6,557,641
Ex-Gratia Rates				1,273			1,528				1,200
Totals				6,319,984			6,367,024				6,558,841

Comments - Rating Information

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

10. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Principal 1-Jul-20	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	2020/2021 Budget \$	Actual \$	2020/2021 Budget \$	Actual \$	2020/2021 Budget \$
Recreation & Culture								
Loan 65 - Community Centre	13,016		6,398	13,016	6,618	0	556	722
Loan 67 - Library Upgrade	183,751		20,445	41,565	163,306	142,186	7,520	14,073
Loan 69 - Library Upgrade	0		0	0	0	0	101	0
Loan 72 - Land - Rec Precinct	744,371		4,521,451	43,380	722,920	700,991	21,663	35,158
Loan 73 - Refurbish Courts	0		0	0	0	0	0	0
Loan 75 - Recreation Precinct	0		0	156,572	4,500,000	4,343,428	56,695	174,793
							0	0
Transport			0				0	
Loan 68 - Stirling Terrace	0		0	0	0	0	0	0
Loan 70 - Footbridge	15,889		11,833	15,889	4,056	0	685	623
Loan 71 - Depot Stage 2	590,337		17,826	36,056	572,511	554,281	17,414	28,282
							0	0
Economic Services							0	
Loan 64 - Visitor Centre	19,945		9,809	19,945	0	0	803	1,046
							0	0
Other Property & Services							0	
Loan 63 - Bank Building	17,744		17,744	17,744	0	0	930	1,010
Loan 74 - Refurbish Bank Building	0		0	0	0	0	0	0
							0	0
	1,585,053	0	4,605,506	344,167	5,969,411	5,740,886	106,367	255,707

No new debentures were raised during the reporting period.

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL		Grant Provider	Approval	2020-21 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
								Received	Not Received
			(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING									
Operating	GENERAL PURPOSE GRANT	Federal Government	Yes	450,202				348,879	101,323
Operating	ROAD IMPROVEMENT GRANT	Federal Government	Yes	273,796				203,192	70,604
Operating	Rates - Legal Expenses Recovered	Local Government	Yes	35,000				1,860	33,140
GOVERNANCE									
Operating	Recoups - Contributions, Donations & Reimburs	Local Government		7,500				0	7,500
Operating	LEGAL EXPENSES RECOVERED	Local Government		1,000				0	1,000
Operating	Grants - Governance	Local Government		1,000				0	1,000
Operating	Income Protection	LGIS		0				9,103	(9,103)
Operating	Administration - Income	Local Government		30,000				16,935	13,065
Operating	Administration - Income - GST Free Income Protection	Local Government LGIS		20,000				59,668	(39,668)
LAW, ORDER, PUBLIC SAFETY									
Capital	Fire Prevention - Grants	DFES	Yes	1,766,215				176,775	1,589,440
Operating	ESL Levy Recoup	DFES	Yes	224,011				224,912	(901)
Operating	Fire Mitigation Grant	DFES	Yes	462,600				231,300	231,300
Operating	CESM Recoups	DFES & Shire of Goomalling	Yes	112,826				69,192	43,634
Operating	Bushfire Risk Management Coordinator	DFES		176,083				0	176,083
Operating	Toodyay Districts SES	DFES	Yes	49,019				18,592	30,427
HEALTH									
Operating	Health Inspections Recoup	Local Government		500				0	500
HOUSING									
Operating	Recoups/Reimbursements - Aged Housing	Local Government	Yes	0				443	(443)
Operating	Recoups - Staff Housing	Local Government		1,500				1,522	(22)

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2020-21 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
COMMUNITY AMENITIES								
Operating	Community Sponsorship	Local Government	5,000				0	5,000
RECREATION AND CULTURE								
Operating	Community Centre Recoups		1,500		No		1,176	324
Operating	Club Insurance		3,000		Yes		1,416	1,584
Operating	Toodyay Race Club Reimbursements		2,500		Yes		1,017	1,483
Operating	Sport & Rec Grants	Lotterywest	1,000		Yes		63,244	(62,244)
Operating	Grant Income - Writers Festival		1,500		Yes		159	1,341
Operating	Grants Income	East Metropolitan Reg Council	3,000		Yes		0	3,000
Operating	Sport & Rec Grants	Dept Sport & Rec	2,500				0	2,500
Operating	Events Misc		1,500				1,100	400
Capital	Recreation Precinct	BBRF & Lotterywest	2,100,246				2,715,541	(615,295)
TRANSPORT								
Operating	Operating Grants - Roads	MRWA	144,485		Yes		140,195	4,290
Operating	MRWA Street Light Subsidy	MRWA	1,500		Yes		0	1,500
Operating	Road Maintenance Contributions	Private	75,000		Yes		121,628	(46,628)
Operating	Road Safety	Office of Road Safety	0				9,201	(9,201)
Capital	Bridge	MRWA	465,000		Yes		0	465,000
Capital	Footpath		26,000				0	26,000
Capital	Road Program Grant	Main Roads	826,604		Yes		600,132	226,472
Capital	Roads to Recovery Grant	Dept of Infrastructure	698,855		Yes		591,441	107,414
ECONOMIC SERVICES								
Operating	Community Directory	Avon Valley Advocate	3,000				0	3,000
Operating	Tourism & Area Promotion		3,000				30,068	(27,068)

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 April 2021

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2020-21 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
OTHER PROPERTY & SERVICES								
Operating	Public Works Overheads		1,000				118	882
Operating	Workers Compensation	LGIS	15,000				83,611	(68,611)
Operating	Fuel Tax Credits	ATO	28,784				0	28,784
Operating	Bank Building Recoups	Bendigo Bank	2,200				2,159	41
Operating	Reimbursement - Parenting Payment Scheme	Centrelink	0				6,050	(6,050)
Operating	Insurance Reimbursement	LGIS	0				698	(698)
TOTALS			8,023,426	0	0	0	5,731,327	2,292,099

30/04/2021

SHIRE OF TOODYAY
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 30 April 2021

Note 12: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 20	Amount Received	Amount Paid	Closing Balance 30-Apr-21
	\$	\$	\$	\$
Quarry rehabilitation Bonds	1,863,800	15,906	(698,145)	1,181,561
Housing bonds	0			0
Kerb Bonds	0			0
Key bonds	6,361	18,525	(3,510)	21,376
Venue Hire Bonds	0	0	0	0
Crossover Bonds	0			0
BCITF	0	0	0	0
Building Services	0	31,657	(13,928)	17,728
Library Bonds	0			0
Standpipe bonds	20,710	67,892	(1,250)	87,352
Road Construction Bonds	27,998	6,135		34,133
Other Bonds	3,715	0	(3,066)	649
Planning Bonds	35,040	213	(25,706)	9,547
Aged Housing Grant Funds	0			0
Swimming Pool Funds	0			0
	1,957,624	140,327	(745,606)	1,352,345

SHIRE OF TOODYAY
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021

Note 13: CAPITAL ACQUISITIONS

Infrastructure Assets		Annual Budget 2020/21	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
		0	0	0	0	0	
Land Total		0	0	0	0	0	
Total Land		0	0	0	0	0	
BUILDINGS							
Governance							
Admin Brickwork Remediation	Q191	5,000	4,160	0	(5,000)		
Governance Total		5,000	4,160	0	(5,000)	0	
Law, Order, Public Safety							
Julimar Fire Shed	Q209	559,414	466,170	6,496	(552,918)		
Toodyay Co-location PPE Cleaning Facilities	Q211	9,600	8,000	11,985	2,385		
Law, Order, Public Safety Total		569,014	474,170	18,481	(550,533)		
Recreation And Culture							
Showgrounds Pavilion - Kitchen	Q148	5,000	4,160	0	(5,000)		
Morangup Community Centre	Q165	351,670	293,050	0	(351,670)		
Recreation Precinct Buildings	Q199	2,355,677	1,963,060	0	(2,355,677)		
Library Brickworks	J038	5,000	4,160	0	(5,000)		
Donegans Cottage	Q135	16,500	13,750	0	(16,500)		
Toodyay Race Club - Approx 10 buildings, 173 Racecourse Road (BLG037)				8,110	8,110		31/12/2020 Correct cost allocations since July - JE
Recreation And Culture Total		2,733,847	2,278,180	8,110	(2,725,737)	0	
Housing							
Clinton Street Duplex	Q009	7,500	6,250	0	(7,500)		
Other Property & Services Total		7,500	6,250	0	(7,500)		
Buildings Total		3,315,361	2,762,760	26,591	(3,288,170)	0	
Plant , Equip. & Vehicles							

SHIRE OF TOODYAY
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021

Note 13: CAPITAL ACQUISITIONS

Infrastructure Assets		Annual Budget 2020/21	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
Photocopier - Morangup BFB & Toodyay SES		5,500	4,583		(5,500)		
SES Ute Fitout		18,100	15,083	26,600	8,500		
4.4B Bejoording Fire Tender		569,000	474,167		(569,000)		
4.4B Julimar Fire Tender		569,000	474,167		(569,000)		
John Deere 7200A cylinder mower		35,000	29,167	33,469	(1,531)		
Volkswagon Tiguan		45,000	37,500	24,224	(20,776)		
CESM Vehicle				50,718	50,718		This expense was accrued in the 2019/20 Financial Year
Custom Canopy for Ranger Vehicle				13,380	13,380		This expense was accrued in the 2019/20 Financial Year
Lights and Sirens for CESM Vehicle				15,791	15,791		This expense was accrued in the 2019/20 Financial Year
Transport Total		1,241,600	1,034,667	164,181	(1,157,307)	0	
Plant , Equip. & Vehicles Total		1,241,600	1,034,667	164,181	(1,157,307)	0	
Roads							
Transport							
Bejoording Road	A0001	612,156	510,130	574,523	(37,633)		
Julimar Road	A0004	418,500	348,730	197,045	(221,455)		
Toodyay West Road inc Footpath	B0011	300,160	250,100		(300,160)		
River Road	D0010	44,096	36,710	52,973	8,877		
Lovers Lane	D0012	39,899	33,220	58,085	18,186		
Toodyay Street	D0071	7,562	6,270	2,153	(5,409)		
McKnoe Drive	D0134	91,979	76,630	127,083	35,104		
Timber Creek Crescent	D0177	67,832	56,520	107,122	39,290		
Clinton Street - Footpath	B0064	48,695	40,580	47,852	(844)		
Toodyay Bindi Bindi Road	B0197	115,000	95,830	124,720	9,720		
Hall Road	B0168	235,000	195,830	827	(234,173)		
Sinclair Place		0	0	31,993	31,993		
Transport Total		1,980,879	1,650,550	1,324,374	(688,497)	0	
Roads Total		1,980,879	1,650,550	1,324,374	(688,497)	0	
Infrastructure - Bridges							
Transport							
Bridge Works - Toodyay Bindi Bindi Bridge		465,000	387,500	97,346	(367,654)		
Transport Total		465,000	387,500	97,346	(367,654)	0	
Infrastructure Bridges - Total		465,000	387,500	97,346	(367,654)	0	

SHIRE OF TOODYAY
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 April 2021

Note 13: CAPITAL ACQUISITIONS

Infrastructure Assets		Annual Budget 2020/21	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
Infrastructure - Other							
Law, Order & Public Safety							
Emergency Fire Water Tanks	Q210	100,208	83,500	62,654	(37,554)	0	
Law, Order & Public Safety Total		100,208	83,500	62,654	(37,554)	0	
Economic Services							
Community Standpipe	Q206	29,000	24,160	101	(28,899)		
Community Amenities Total		29,000	24,160	101	(28,899)	0	
Infrastructure Other - Total		129,208	107,660	62,755	(66,453)	0	
Footpaths							
Jarrat Pass	112122	52,000	43,333	0	52,000	0	
		52,000	43,333	0	52,000	0	
Infrastructure Footpaths - Total		52,000	43,333	0	52,000	0	
Infrastructure - Work in Progress							
Works in Progress		0	0	2,805,009	2,805,009		Recreation Centre Precinct project. Reduced by \$1m as the June 2020 accrual for these expenses has now been reversed
Recreation & Culture Total		0	0	2,805,009	2,805,009		
Infrastructure Parks & Recreation - Total		0	0	2,805,009	2,805,009	0	
Capital Expenditure Total		7,184,048	5,986,470	4,480,255	(2,344,019)	0	

Shire of Toodyay - Bank Reconciliation As At 30 April 2021

Reserve

Balance as per

- Financial Statement - Reserve - 10075510 1,643,812.36

Total	1,643,812.36
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Balance as per

- Bendigo - NCD: 3546421 1,643,812.36

Roundings 0.00

Difference 0.00

Subtotal	1,643,812.36
-----------------	---------------------

Adjustments (See Below) 0.00

Plus Outstanding Deposits - Current Month 0.00

Plus Outstanding Cheques - Current Month 0.00

Plus Outstanding Deposits - Previous Periods 0.00

Plus Outstanding Cheques - Previous Periods 0.00

Total	1,643,812.36
--------------	---------------------

Adjustment Breakdown

	0.00
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[Handwritten Signature]

Signed: Finance Coordinator

30/4/21

Date

[Handwritten Signature]

Signed: Manger Corporate & Community Services

04/05/2021

Date

Shire of Toodyay - Bank Reconciliation As At 30 April 2021

Trust

Balance as per

- Financial Statement - Trust - Unrestricted - 100617100 1,352,594.17

Total	1,352,594.17
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Balance as per

- Bendigo - 110482783	150,609.83
- Bendigo - Term Deposit No: 137945127 - T100	141,398.36
- Bendigo - Term Deposit No: 152237145 - T214	49,399.38
- Bendigo - Term Deposit No: 152238135 - T4	124,901.14
- Bendigo - Term Deposit No: 152238176 - T114	208,098.87
- Bendigo - Term Deposit No: 152238218 - T458	451,213.40
- Bendigo - Term Deposit No: 152240818 - T793	23,926.19
- Bendigo - Term Deposit No: 152240834 - T797	32,835.72
- Bendigo - Term Deposit No: 158622798 - T805	24,370.38
- Bendigo - Term Deposit No: 165467309 - T809	123,585.19
- Bendigo - Term Deposit No: 173945890 - T811	9,547.24

Roundings (0.03)

Difference 0.00

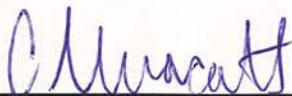
Subtotal	1,339,885.67
-----------------	---------------------

Adjustments (See Below)	0.00
Plus Outstanding Deposits - Current Month	2,843.07
Plus Outstanding Cheques - Current Month	0.00
Plus Outstanding Deposits - Previous Periods	9,865.43
Plus Outstanding Cheques - Previous Periods	0.00

Total	1,352,594.17
--------------	---------------------

Adjustment Breakdown

Trust transfer	0.00
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Signed: HR/Finance Officer

4-5-2021

Date



Signed: Finance Manager

05/05/2021

Date

SHIRE OF TOODYAY
Record Number: ICR 75978
1 - APR 2021
Officer / Dept: CEO
File Number: MEM1

1st April 2021

Suzie Haselhurst

CEO Shire of Toodyay

Dear Sue,

I wish to advise I am submitting my resignation from my position of Elected Member for the Shire of Toodyay.

My resignation will be effective as of the 30th April 2021.

Sincerely yours

Cr Paula Greenway

PO Box 496

TOODYAY 6566

Mobile 044 7020262



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Strategic Community Plan

2021 – 2031



Disclaimer

This document was commissioned by and prepared by the Shire of Toodyay for its use.

The information presented herein has been compiled from a number of sources using a variety of methods. Except where expressly stated, the Shire of Toodyay does not attempt to verify the accuracy, validity or comprehensiveness of any information supplied to the Shire of Toodyay by third parties. Shire of Toodyay makes no warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, validity or comprehensiveness of this document, or the misapplication or misinterpretation by third parties of its contents.

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Document History and Status

File Ref:	File #		
Author:	Dr Shayne Silcox		
Revision	Date	Revision details	Reviewed by
Rev 0	April 2021		
Rev 1			
Rev 2			

Citation

This document should be cited as follows:

Shire of Toodyay: *Strategic Community Plan (2021)*

Shire of Toodyay.

ABN 97 352 024 603





On behalf of Council and staff at the Shire of Toodyay, I am pleased to present our Strategic Community Plan, for Toodyay to 2031 and beyond. The Strategic Community Plan is the overarching planning document that guides Council's **strategic priorities and directions over the next 5-10 years** towards a stronger future.



This plan meets the legislated requirements of the Integrated Planning and Reporting Framework (IPR), but more importantly it involves our residents in their Shire's decision making about our future.

The plan has been developed with comprehensive engagement processes that reached out to our community members through forums, discussions, surveys, staff and elected member workshops, giving a response rate of some 10% from our ratepayer base of over 3500 people. As key respondents, you have informed us of your aspirations and the priority areas for achievements over the next strategic period.

We do this as the Shire wishes to combine in one place the things to which our community aspires, a place where human activities enhance rather than degrade our natural environment. Where social diversity and history is a source of strength, where culture and wellbeing are enriched and where the quality of the built environment instils pride in us all, and our community is involved in the destiny of their community.

We have heard that you want to retain the rural feel and sense of community in the Shire and special natural environment and heritage retained. To meet our vision of a vibrant, rural community that celebrates our past and embraces a sustainable future, you want better financial sustainability, more support for local businesses and jobs, increased transparency and accountability from Council, improved facilities and road maintenance. In particular to have emphasis placed on services and facilities for our growing senior community, retaining youth in the District and better medical facilities.

This Strategic Community Plan will be delivered through a four-year Corporate Business Plan coupled with an Annual Budget and a series of Informing Strategies. We look forward to working with all members of our community to achieve our vision. - Cr Rosemary Madacsi **Shire President**



Deputy Shire President
Cr Beth Ruthven



Cr Susan Pearce



Cr Therese Chitty



Cr Phil Hart



Cr Ben Bell



Cr Mick McKeown



Cr Brian Rayner



The vision, purpose and values of Toodyay have been enhanced to reflect how we see ourselves as a community and provide the foundations for our strategic direction for the next 10 years.

Vision: *We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.*

Purpose: *Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.*

Community Values: *We value highly:*

- *Our sense of community support and spirit;*
- *Our natural environment and healthy ecosystems;*
- *Our rural lifestyle;*
- *Our historic town; and*
- *Our local economy built on agriculture and emerging tourism, arts, and cultural opportunities.*

Shire Values: *To progress the community's aspirations, the Shire is guided by:*

Integrity: *We behave honestly to the highest ethical standard.*

Accountability: *We are transparent in our actions and accountable to the community.*

Inclusiveness: *We are responsive to the community and we encourage involvement by all people.*

Commitment: *We translate our plans into actions and demonstrate the persistence that produces results.*

Our Strategic Community Plan clearly outlines community priority areas within the planning period from 2021 to 2031 with a focus on the next four years. Our priority areas are contained in five Key Result Areas: Social, Economic, Natural Environment, Built Environment and Governance. Within each KRA, the following elements give the overall blueprint for the Shire of Toodyay:

Strategic Outcome: *What does the end result look like?*

Objective: *What do we want to strive for as a community? How will we get there?*

Measures: *How do we know we are on track?*

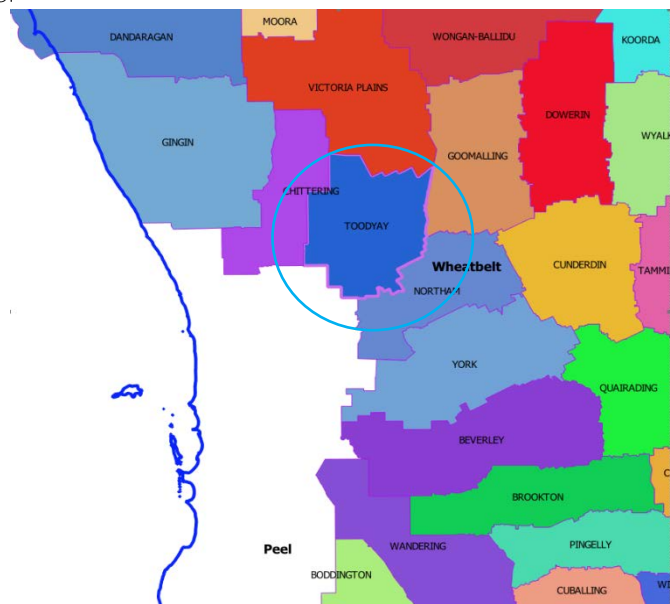


Founded in 1836 a pleasant one hour's drive north east of Perth (85km), Toodyay is nestled in the rolling hills of the picturesque Avon Valley region. Considered the gateway to the Avon Valley, Toodyay radiates a rustic charm and ambience, with a unique valley backdrop and the Avon River flowing through the centre of town. Toodyay was classified as a Historic Town in 1980 by the National Trust and boasts some of the finest examples of 19th century architecture. This quaint country town offers an array of specialty shops, wineries, eateries, artisans, attractions and historical places of interest.

Toodyay adjoins the Shire's of Swan and Mundaring to the south, the Shire's of Northam and Goomalling to the east, the Shire of Victoria Plains to the North and the Shire of Chittering to the west and covers an area of 1,693 square kilometres.

- Distance from Perth (km) - 85
- Area (sq km) - 1,693
- Length of sealed roads (km) - 314
- Length of unsealed roads - 344
- Population - 4,641
- Number of Electors - 3,256
- Number of Dwellings - 2,294
- Total Rates Levied - \$5,451,594
- Total Revenue - \$10,060,209
- Number of Employees - 58






Information sourced from The Western Australian Local Government Directory 2016



Through extensive engagement and consideration of growing and emerging trends, the Shire has identified four issue-based themes from which to drive improvements in the quality of life of its community, namely:

- Social development – *“our community, our wellbeing and who we are”*.
- Governance - *“the way the Shire operates”*.
- Shire’s Environment – *“The natural environment in which we live”*.
- The Built Environment – *“the natural environment in which we live”*.
- Economic Development – *“business and jobs in the community”*.

Under each theme the Shire has developed an overall objective; identified the priorities for action; listed the strategies required to accomplish the stated objectives; and how it will measure the success of the strategies, the following diagram.

Theme	Objectives	Strategies Objective 1	Strategies Objective 2
	<p>Objective 1: Ensure Community Services meet Needs</p> <p>Objective 2: Ensure a Safe Community</p>	<p>S1: Advocate health services providers for better medical services for district. S2: Continue to support sporting groups, community groups across the Shire. S3: Seek to deliver more community events within the town center suburbs. S4: Seek ways to improve aged care facilities in the Shire. S5: Seek ways to improve youth engagement and retention within the Shire.</p>	<p>S6: Advocate for better and more local educational facilities. S7: Continue to provide recreational facilities.</p> <p>S1: Implement and advocate for innovative safety initiatives. S2: Collaborate and coordinate with fire and emergency services. S3: Seek to Lighting in appropriate areas across the Shire.</p>
	<p>Objective 1: Preserve and Protect the Natural Environment</p> <p>Objective 2: Ensure Sustainable Operating Practices</p>	<p>S1: Apply metrics to local road upgrades to ensure best value for money. S2: Continue to support the mitigation of adverse environmental impacts. S3: Protect the river system and riparian vegetation. S4: Develop walk, Bike and Bridle Trails to improve access to the environment. S5: Improve streetscapes through increased tree plantings.</p>	<p>S1: Continue to Invest in sustainable infrastructure. S2: Improve Shire's sustainable building stock reducing costs. S3: Implementation of the Environmental Management Strategy. S4: Seek methods to minimise and reduce waste/improve recycling. S5: Develop that which conserves and protects the natural environment.</p>
	<p>Objective 1: Provide Accountable Leadership to the Community</p> <p>Objective 2: Ensure Rigorous Organisational Systems</p>	<p>S1: Continue to use the Strategic Community Plan as a driver for future performance. S2: Complete Governance Review to support a cohesive and professional Council. S3: Provide clear and engaged leadership on behalf of the community. S4: Provide transparent and accountable communication for the community. S5: Seek ways build a positive organisational culture focused on the community.</p>	<p>S1: Deliver 100% Annual Compliance Return process. S2: Maintain long-term financial and resourcing plans. S3: Provide short-term plan to address loan repayments. S4: Develop metrics on wellbeing and community satisfaction. S5: Review customer service practices, procedures.</p>
	<p>Objective 1: Ensure Safe and Sustainable Transport Options</p> <p>Objective 2: Maintain the Built Environment to Meet Community Needs</p>	<p>S1: Continue to apply metrics to local road upgrades and maintenance. S2: Continue to Invest in Local Road Infrastructure. S3: Continue to advocate for State/Federal roads and drainage upgrades. S4: Improve footpath/bike path, bridle trails and streetscapes. S5: Advocate for public transport options seek a community bus service.</p>	<p>S1: Maintain the Heritage buildings of the Shire. S2: Rationalise the Shire's building stock to reduce ongoing costs. S3: Continue to maintain our parks, gardens, and public spaces. S4: Improve facilities for seniors' access and youth retention.</p>
	<p>Objective 1: Encourage Economic Growth and diversification</p> <p>Objective 2: Encourage Tourism</p>	<p>S1: Promote sustainable development that is consistent to the rural setting. S2: Reduce planning and building red tape to foster growth within the Shire. S3: Seek planning exemptions for opportunities for premium food production. S4: Seek support and grow the local businesses. S5: Promote the Shire as a place to live, work and recreate. S6: Develop, implement, and monitor a business satisfaction index.</p>	<p>S1: Develop long term successful and collaborative partnerships. S2: Promote the Shire as a tourism destination. S3: Give exemptions to businesses that create tourism and jobs.</p>



Community Outcomes at a Glance

To develop the Strategic Community Plan the Shire engaged with residents, business owners and key stakeholders of the Shire. The following diagram provides a very broad overview of the findings of the **community's desires, aspirations and needs**.

- Access to the natural environment and living in a semi- regional area.
- A Lifestyle that gives us a sense of freedom and wellbeing.
- Living in a peaceful, tranquil location.
- Country Feel.
- Proximity to the City.
- Friendly inclusive place to live.
- Love the heritage and character of the area.
- Access to everything is easy.
- The Avon Valley views.
- Safe place to live.

You told us what you love about the Shire

- Lack of medical facilities and a consistent local doctor.
- Lack of local jobs.
- Lack of local education and traineeships.
- Transport is poor and a community bus would be nice.
- More consultation.
- More support to local businesses.
- Less building restrictions.
- Better communication.
- More transparency and accountability in decision making.
- Elected Members not focused on the community and infighting.
- Lack of focus on youth engagement.
- Financial sustainability of the Shire.
- Lack of road maintenance.
- Better regional fire management coordination

You told us what you **don't** like about the Shire



Strategic Community Planning is important.

It gives residents the capacity to clearly define one's interests and be part of the approach to develop a strategy to achieve those interests. It is the ability to create a plan or program to change one's reality in order to obtain those objectives or interests.

Power is not a "thing", it is a process.

Fostering an environment where people connect through common interests and work together to overcome challenges is a major factor in developing general wellbeing and happiness within a community.

Wellbeing can manifest itself in a variety of ways and this Community Development Plan 2021-2025 seeks to identify and consolidate the different Shire of Toodyay functions and services that contribute to building a happy, healthy, and well-connected community.

The Shire of Toodyay plays a pivotal role in encouraging community connections through the delivery of specific services, protecting the heritage of the area, facilitating networks, building capacity within the community or funding, and maintaining needed infrastructure projects and assets.

This iteration of the ongoing planning processes provides strategic direction for driving positive social outcomes across the Shire of Toodyay. It identifies current and projected challenges, objectives, and strategies to assist the Shire and the wider community in overcoming issues that affect the quality of life of people living, working, and visiting the Shire.

Effective community planning and development takes a comprehensive approach to meeting community needs. It is an approach that recognises the inter-relationship of economic,

physical, and social development within a society.

Therefore, the Shire of Toodyay Strategic Community Plan 2021 – 2031 is an expression of the vision and aspirations of the community and sets the strategies that the Shire will use to deliver the kinds of services that our community has said that they want and need in the years to come.

Essentially, for the Shire of Toodyay to be successful it requires the collective spirit and input of the people who call it home.



Forces Shaping the Shire of Toodyay

Climate Change

Current trends indicate that the climate in the South West of Western Australia will be hotter and drier. This means the Shire will have to adapt to the changes by protecting fragile habitats, conserving water, and designing new buildings that conserve scarce resources. Unfortunately, we see these impacts every day with the threat of fire, drought, and floods.

Toodyay Community and Customer Expectations and New Technology

Communities want to be more involved with government decision making about what, where and how services should be delivered, coupled with this is the ever-increasing customer service expectations.

The Shire will need to maintain its reputation as a high performing local government dedicated to continuous improvement and continue to engage, change, adapt and work with the community to address these expectations.

New technologies are transforming how people work, shop, recreate and socialise. The Shire will also need to integrate new technology into services for communications to remain effective, efficient and in touch with residents and customer expectations.

Declining Resources and Growing Demands

2021 saw a severe contraction in global economic growth due to COVID-19 pandemic impacts. The impacts on Australia and indeed this Shire have tested all who live here. GDP contracted around 6 per cent over the year to December 2020..

Local governments continue to face growing demands for their services. With resources required to meet these demands potentially reducing, or at least not keeping up with population growth in the Shire in the future.

The Shire will therefore need to become more efficient, innovative, and creative in how we deliver much needed services. It must become more adept at working with others to secure resources and obtain support for our initiatives.

Demographic Change

The valued regional and rural nature of Toodyay is a key factor in who comes to live here. The Shire will need to seek ways to improve economic development, tourism and residency. The Shire will require astute financial planning and possible rationalisation of unused assets.



The community of Toodyay is not just defined by the number of residents living within the boundaries of the Shire. The community also includes people who work within and visit the Shire. They are members of formal and informal networks who undertake a variety of activities ranging from cultural, social, and educational pursuits to friendship, family, and sporting endeavours. They use common and external support services and are brought together based on their interests, locality, business, and service needs.

The community is your neighbour, your coach, your family, your doctor, and your friends. Where there is a connection between people within a particular location, (*whether virtual or physical*), there is community. This plan acknowledges the dynamic and interconnected nature of communities present within the Shire of Toodyay and seeks to build upon and encourage these connections to improve community wellbeing.

Population Statistics

The Population (number of persons) for the Shire of Toodyay since the last Census shows that the Shire has some 4,641 persons residing within the Shire. The Shire is in a period of reduction over a number of statistical metrics, with some 162 less persons than at the same time in 2014, over a five-year period. Other key Statistics are as follows.

Other Key Statistics	As at last Census Date	Change Since 2014
Person Statistics		
Medium Age – males (Years)	52.8	+ 7.9 Years
Medium Age – females (Years)	52.1	+ 5.7 Years
Males - Total	2,686	-8.3 %
Females - Total	2,215	-6.4%
Population - Total	4,641	-3.5%
Number Persons – Working Age	2,686	-244
Persons per Km ²	2.6	-3.7
Net Internal Migration	-71	25
Business Statistics		
Number of Businesses - Total	387	-9
Number insolvencies	6	0
Employment Statistics		
Number of Jobs - Total	2,327	-18
Number Jobs - Females	1,262	-21
Number jobs - Males	1,520	+33
Housing Statistics		
Houses - Medium Sale Price	\$350,000	+\$10,000
Building Approvals - Dwellings	21	-19
Number of Dwellings	2294	










Agriculture remains the dominant business sector in Toodyay with the largest proportion of local business at 22 % (87) of the 387 total businesses in the Shire. This is closely followed by Construction with some 74 Businesses or 19%.

Other Business data shows that Professional Services with 33 (8%), Retail 29 (7%), the Transport Sector 27 (7%), while accommodation and food services accounts for 9 businesses.

Employment statistics show Health services (9.6%), Public Administration (9.5%), Construction (9.4%) mining (8.2%), Education (8.1%), and Retail (7.5%) employing over 52% of people.

Demographic Data

Overall demographic data is presented taken from the Bureau of Statics Website is outlined below.

		Year	Toodyay (S)	Australia
 Population & People	Estimated Resident Population - persons (no.)	2019	4,458	25,365,571
	Working Age Population (aged 15-64 years) (%)	2019	60.3	65.4
 Aboriginal & Torres Strait Islander Peoples	Estimated Resident Aboriginal and Torres Strait Islander Population - persons (no.)	2016	162	798,365
	Speaks an Aboriginal or Torres Strait Islander language at home (%)	2016	4.2	10.3
 Economy & Industry	Total number of businesses (no.)	2019	387	2,375,753
	Main employing industry: Health care and social assistance (%)	2016	9.6	
 Income	Median equivalised total household income (weekly) (\$)	2016	745	877
	Median total income (excl. Government pensions and allowance) (\$)	2017	45,756	48,360
 Education & Employment	Proportion completed Year 12 or equivalent - total population aged 15 years and over (%)	2016	36.4	51.9
	Unemployment rate (%)	2016	8	6.9
 Health & Disability	Persons who have need for assistance with core activities (%)	2016	4.2	5.1
 Family & Community	Average household size (no. of persons)	2016	2.3	2.6
	Average monthly household rental payment (\$)	2016	1,134	1,524
	Average monthly household mortgage payment (\$)	2016	1,707	1,958
 Persons Born Overseas	Total Population (no.)	2016	951	6,149,388
	Proficient in English (%)	2016	98.3	88.7
 Land & Environment	Land area (ha)	2018	169,164.9	768,812,631.9
	Small-scale solar panel system installations (no.)	2018	919	2,040,486



Integrated Planning

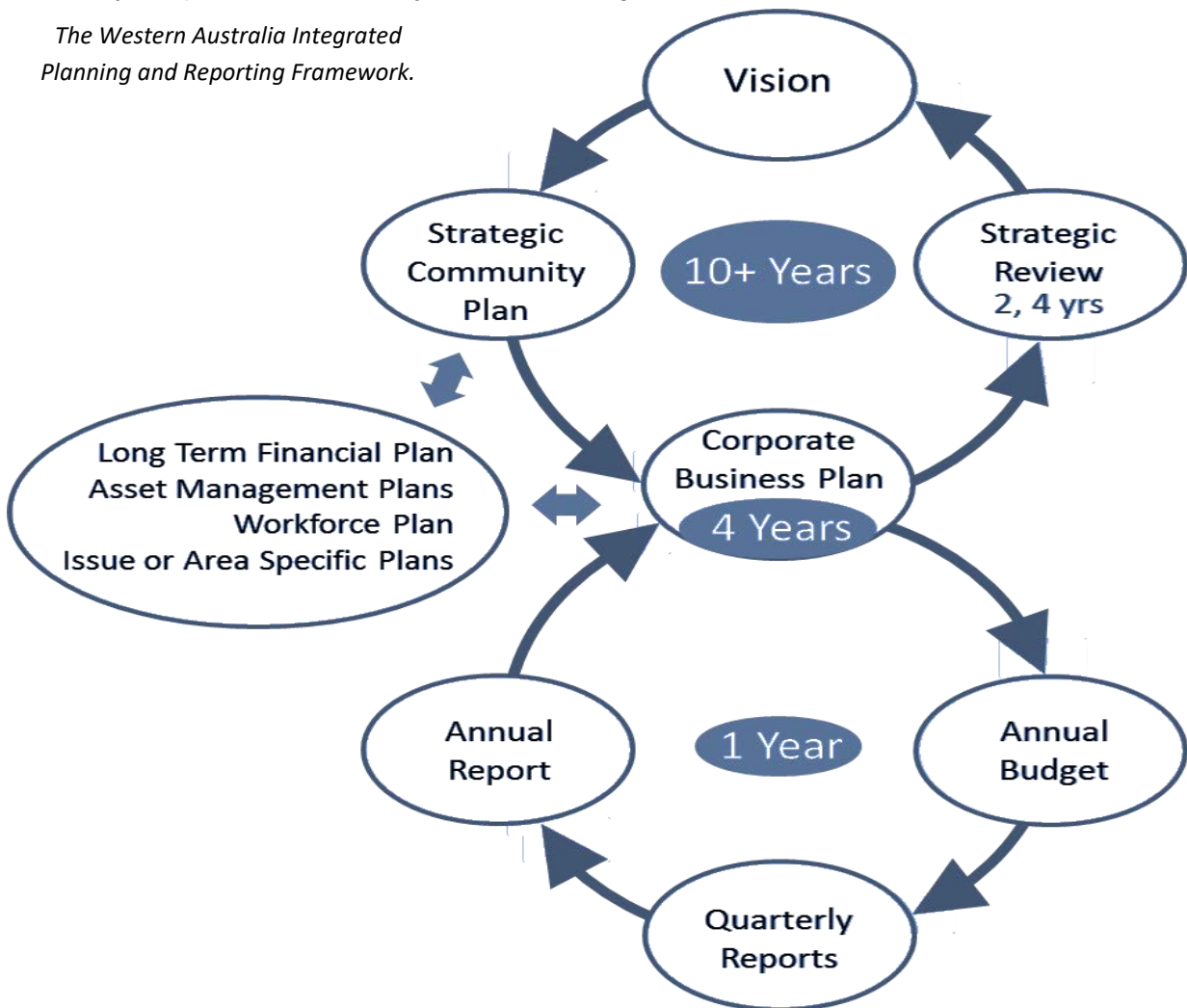
and Reporting

In 2011 the Western Australian State Government introduced legislation requiring local governments to prepare an Integrated Planning and Reporting Framework. The Framework requires the **development of a 'Plan for the Future', comprising a ten-year Strategic Community Plan, a four-year Corporate Business Plan and supporting resource plans.**

As part of the integrated planning process local governments are required to consult with their communities to develop a long-term vision, examine the demographic, social, environmental, and economic trends **shaping the future of their area and align their activities and resources to address the community's aspirations expressed in this vision.** Measurement, assessment, and reporting are also logically part of the Framework, enabling continuous **improvement and ultimately supporting progress towards the community's vision and objectives.**

Essentially, the process can be easily shown in the diagram below.












The Western Australia Integrated Planning and Reporting Framework.



Detailed implementation for the next four years is covered in the Corporate Business Plan. The **"Informing Strategies"** – particularly the Long-Term Financial Plan, Asset Management Plans and Workforce Plan –

show how the Plan will be managed and resourced. In addition, the Shire of Toodyay has a number of issue-specific plans and strategies that reflect areas of focus

The Shire achieved an **advanced standard level based on the following acquittal against the Department's Integrated Planning and Reporting Framework and Guidelines (2016)**. The Framework and Guidelines were introduced in **Western Australia (WA) as part of the State Government's Local Government Reform Program**.

Standard Achieved	Acquittal
<ul style="list-style-type: none"> • Council adoption of a community Plan with a 10-year horizon. 	
<ul style="list-style-type: none"> • Plan States community aspirations - vision, outcomes, and priorities. 	
<ul style="list-style-type: none"> • Developed or modified through engagement with the community, and this is documented. 	
<ul style="list-style-type: none"> • Has regard to current and future resource capacity, demographic trends, and strategic performance measurement. 	
<ul style="list-style-type: none"> • The local government has a community engagement policy or strategy. 	
<ul style="list-style-type: none"> • Community engagement involves 10% of community members (ratepayers) and is conducted by at least 2 documented mechanisms. 	
<ul style="list-style-type: none"> • A Strategic Review is undertaken every two years, alternating between a Minor Strategic Review and a Major Strategic Review. 	
<ul style="list-style-type: none"> • The Strategic Community Plan connects all of the activities and services that are delivered by the local government with the community's aspirations - vision, outcomes, and priorities. 	
<ul style="list-style-type: none"> • The Strategic Community Plan considers a range of relevant external factors, including relevant plans of State and Commonwealth agencies. 	
<ul style="list-style-type: none"> • Community engagement involves more than the minimum number of community members as provided for in the Achieving Standard, is inclusive and uses more than the minimum number of documented mechanisms that apply in the Achieving Standard. 	
<ul style="list-style-type: none"> • The Strategic Community Plan demonstrates effectiveness in achieving community objectives. 	



Under integrated planning and reporting arrangements, the Strategic Community Plan is supported by a range of informing strategies. These documents both inform the Plan and are informed by it.

- Long term Financial Plan
- Asset management Plan
- Corporate Business Plan
- Workforce Development Plan
- Local Planning Strategy and Scheme
- Economic Development Plan
- Disability Access and Inclusion Plan
- Avon Sub-Regional Economic strategy
- Wheatbelt Regional Plan
- Information and Communication Plan
- Tourism Strategy Youth Strategy
- Annual Budgets
- Reconciliation Action Plan
- Wheatbelt Regional Investment Blueprint
- Community Safety and Crime prevention Plan
- Bushfire Risk Management Plan
- State Planning Policy 2.5 Rural Planning
- Museum Strategy
- Annual Action Plans
- Sport and Recreation Plans
- Environmental Management Plan
- Municipal Heritage Strategy
- Strategic Waste Management Plan
- Strategic Review of Bush Fire Policy
- Toodyay Aged Friendly Community Plan

These plans and Strategies support the development of the Shire's Strategic Community Plan by seeking to understand what the drivers of change are, whereby we can look for ways to respond to these drivers so we can improve our service provision that meets resident needs and aspirations.



The Strategic Community Plan was developed through extensive and innovative program of community consultation. The Shire conducted a survey, both online and direct mail out to some 3498 ratepayers.

This was promoted through a specially devised brand **'have your say'**. Providing the community with the chance to have their say about the Shire's future, residents and other stakeholders were offered a choice of ways they could make their views known to the Shire. For example, Shire staff were present during the February Twilight Farmers Markets where staff promoted the survey and visitors to the library, visitors centre and administration reception all offered a survey to complete. Community engagement meetings were held with Shire staff, Councillors, and other specific focus groups – a total of 6 face to face meetings. Councillors also attended other community meetings where they encouraged residents to complete and submit surveys.

Additionally, radio interviews with Triple M were dedicated to information regarding the survey. The Toodyay community newsletter advertised the survey, and a hard copy of the survey was inserted into the newsletter. 3 swimming pool passes were available to win if those filling out the survey were to include their phone number. Overall, the methods of contact included:

- Staff information and response sessions held in the Memorial Hall;
- Public and community engagement at the February Toodyay Markets;
- Online and paper-based surveys mailed out to 3498 residents;
- Promotion and distribution through the Shire's website and Facebook pages;
- Promotion through radio interviews – Triple M Wheatbelt;
- Promotion and survey distribution through the Shire's **February edition of the Community Newsletter**;
- Promotion and survey distribution through the Visitor Centre and Library;
- Face to face meetings with specific focus groups; and
- Feedback from Councillor Sessions.

Over 354 people (10%) and 14 community and stakeholder groups provided their views on a wide range of subjects. The Shire had these analysed independently. The results give the Shire a good picture of community priorities into the future.



The Shire of Toodyay provides many and varied services to the Community. A Division-by-Division description of the work units are provided below.

Business Unit	Business as Usual and Statutory Activities
Executive Services – Office of the CEO	Compliance with the WA Local Government Act, Regulations and Council Policies.
Governance	Local Governance – election of Councillors, management of meetings and decisions
Strategic Planning and Management	Monitor and review the Strategic Community Plan and Corporate business Plan
Communications and Public Relations	Communicating with the community; promoting services, programs, and events; publishing the Annual Report.
Occupational Health and Safety	Ensuring a safe workplace for the public and staff.
Risk Management	Identifying, managing, and mitigating strategic, operational and improvement risks.
Council and Executive Support	Support President and elected members. Advocacy with other tiers of governments and trading enterprises.
Planning and Development Services	Manage development within the Shire of Toodyay in compliance with the Metropolitan Regional Scheme and State planning frameworks.
Building	Manage the built form within the Shire to ensure it meets requirements; issue building approvals and undertake building compliance.
Planning	Manage planning applications and issue development approvals and undertake development compliance
Statutory and Strategic Planning	Manage development to facilitate a quality-built environment.
Rangers	Facilitate community safety and ensure local law enforcement; manage animal controls.
Environmental Health	Water and food inspections; waste management; mosquito control; immunisation.

Assets and Services	Implement asset management plans; deliver and maintain infrastructure within the Shire; Maintain Shire owned Assets in accordance with Asset Management Plans.
Construction and maintenance	Provide safe, efficient, and effective infrastructure including roads and drainage; Provide and maintain facilities that meet the needs of the community.
Parks and Gardens	Development and management of parks and open spaces; Provision of recreation and leisure facilities.
Sustainable Environment	Implement Management and Concept Plans for natural areas; Improve the water quality of the river and catchment areas
Asset and Reserve Management	Manage the sustainability of reserves to ensure community needs are met.
Fire and Emergency Services management (CESM)	Manage emergency issues across the Shire to mitigate loss and protect citizens.
Corporate and Community Services	Ensure that the Shire works in compliance with the WA Financial Regulations; plan and deliver services and facilities for the community within budgetary constraints
Human Resources	Occupational Health and Safety; staff wellbeing, recruitment and training.
Finance	Ensure that the Shire works in compliance with the WA Financial Regulations; Efficient, effective, and legislatively compliant financial management.
Visitor Centre	Facilitate a Shire information and support service to the community and visitors.
Library	Support the recreational, educational, and technological needs of the community
Museums	Facilitate and promote our history through the Shire's museum displays and tourism.
Community Development	Facilitate and promote opportunities for community participation and inclusion.
Tourism and Events	Support the Shire economic development through Tourism; Facilitate and support community led events.
Records	Ensuring the Shire works in compliance with the State Records Act and Freedom of Information requirements; appropriately keeping and disposing of records.
Customer Service	Responding to enquiries and requests for service in courteous and efficient ways



Community Consultation Outcomes

We conducted a survey, both online and direct mail out to some 3498 ratepayers, which 354 people completed. We took a team of staff from the Shire out to the Farmers Market, sporting activities, libraries, and events to ask you to complete the survey and you gave us great information.

Study Methodology

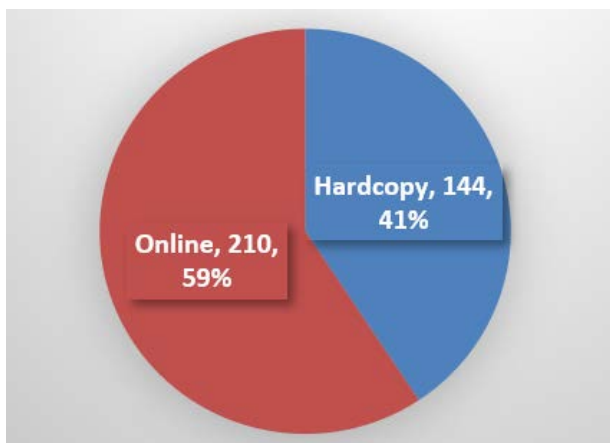
In March 2021, the Shire of Toodyay initiated a Community Engagement Survey to evaluate community priorities and measure the Shire's performance against key indicators in the Strategic Community Plan. Hardcopy Invitations were posted to all 3498 ratepayers within the Shire. A total of 354 ratepayers / residents responded and submitted a survey response reducing the sampling error to $\pm 5\%$ at the 95% confidence interval.

Demographics of Responses Obtained

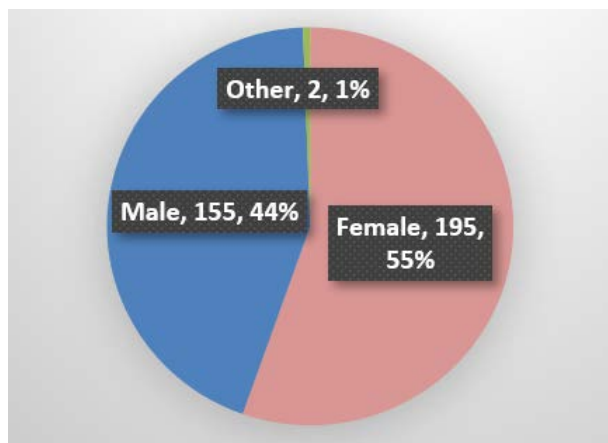
The statistics obtained from those respondents indicated that most responders were over 65+ years of age (57% of respondents) which is consistent with the demographics of the area having an aging population. The main suburbs from which people responded were 34% coming from the suburb of Toodyay, 13% from West Toodyay and 12% from Coondle suburbs.

The following graphs are showing the demographic of the respondents:

Total Survey Respondents

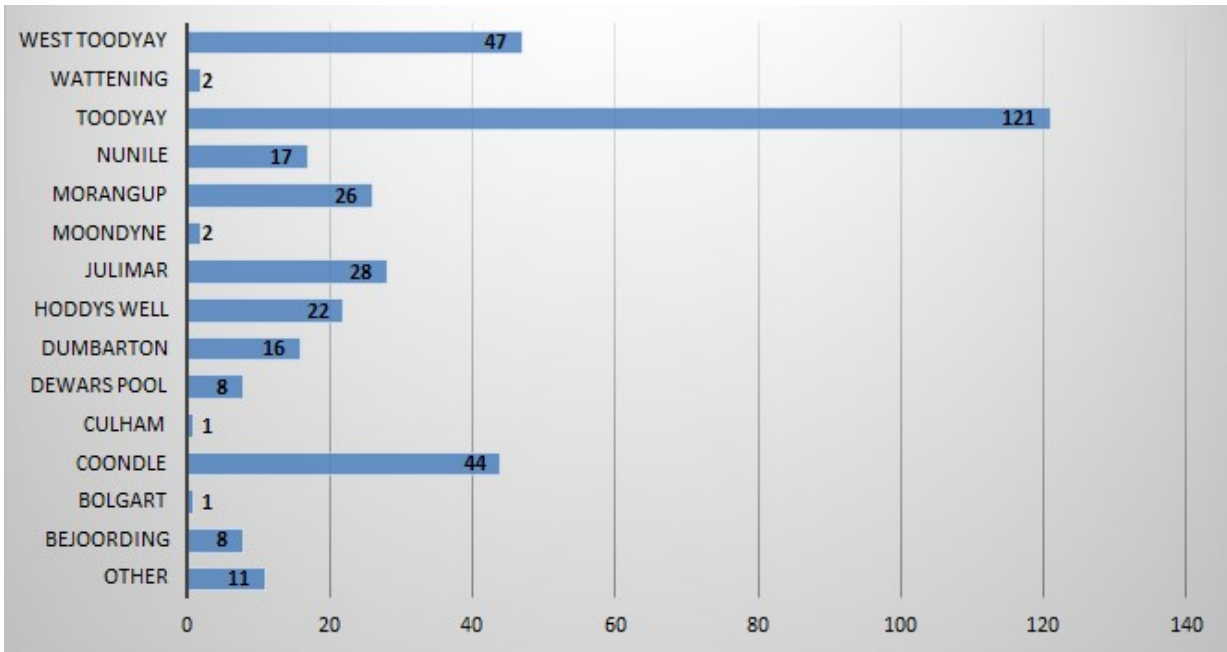


Gender of the Respondents

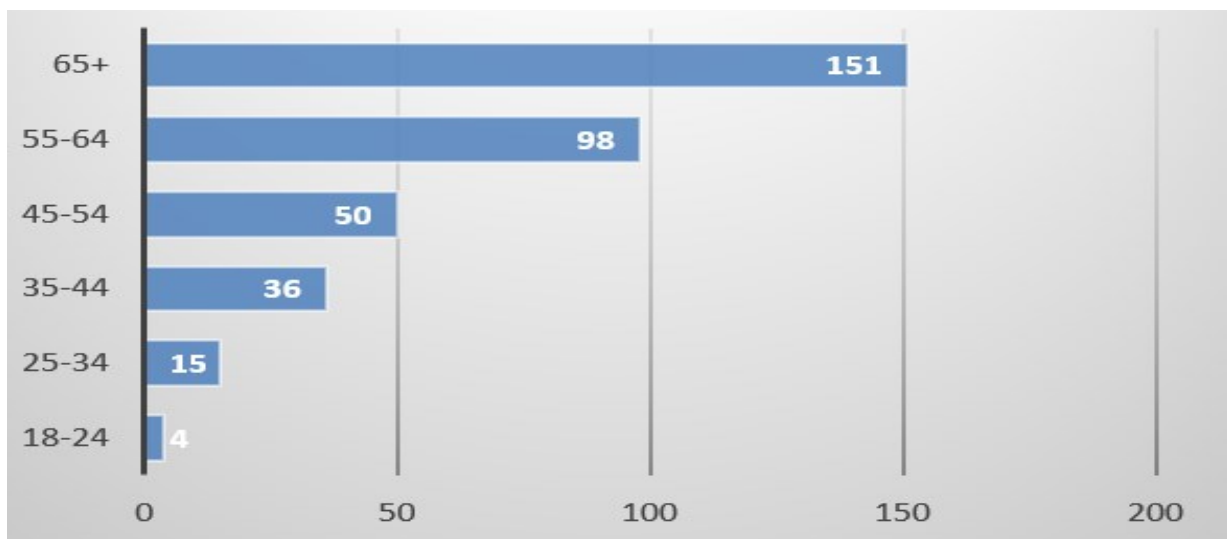




Suburbs of the Respondents



Age Group of the Respondents





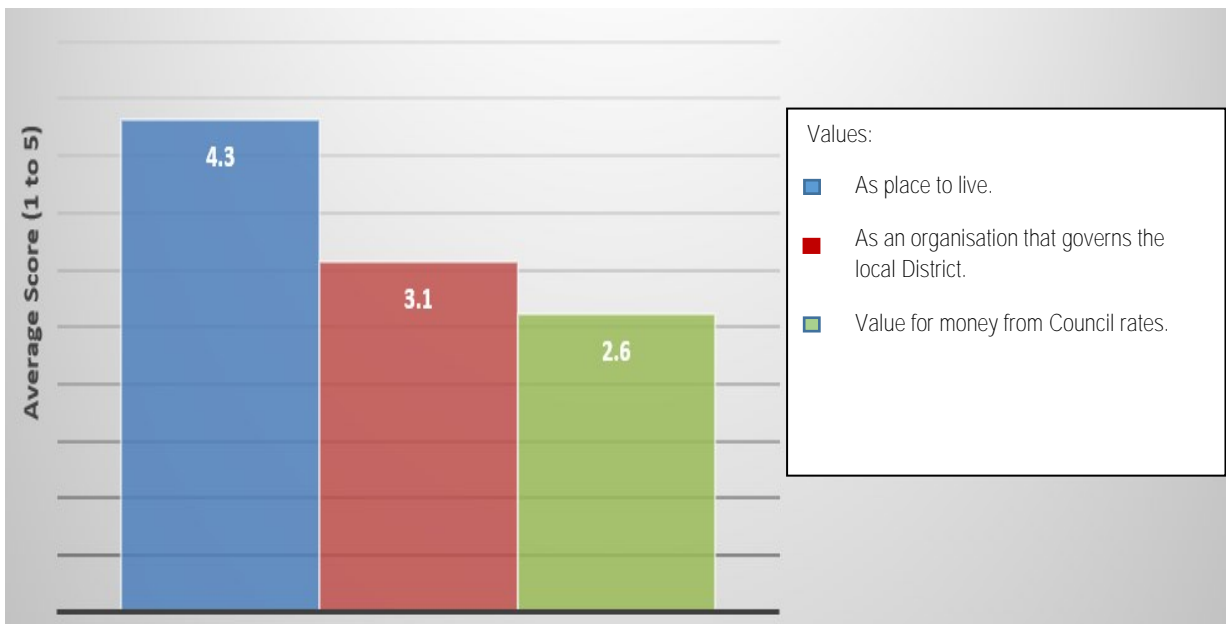
The results showed that respondents rated the Shire of Toodyay as a place to live at 90%. These results are consistent with the forums conducted.

Some 62% stated that the Shire of Toodyay (the organisation) governs the local District well and 52% said that they received value for money from their Council rates.

Overall satisfaction was identified on a 10-point Likert Scale, where 10 is extremely likely and 0 not likely, through the question “Overall how satisfied are you with the Shire **operations and provision of services?**”. Summary findings showed that the average satisfaction score was 5.8 out of 10, or 58%. However, most respondents scored the Shire 7 (70%) to 8 (80%) for satisfaction with the Shire’s **operations and provision of services** as detailed below:

Average Score

Q1. Overall, how would you rate the Shire of Toodyay in the following Areas



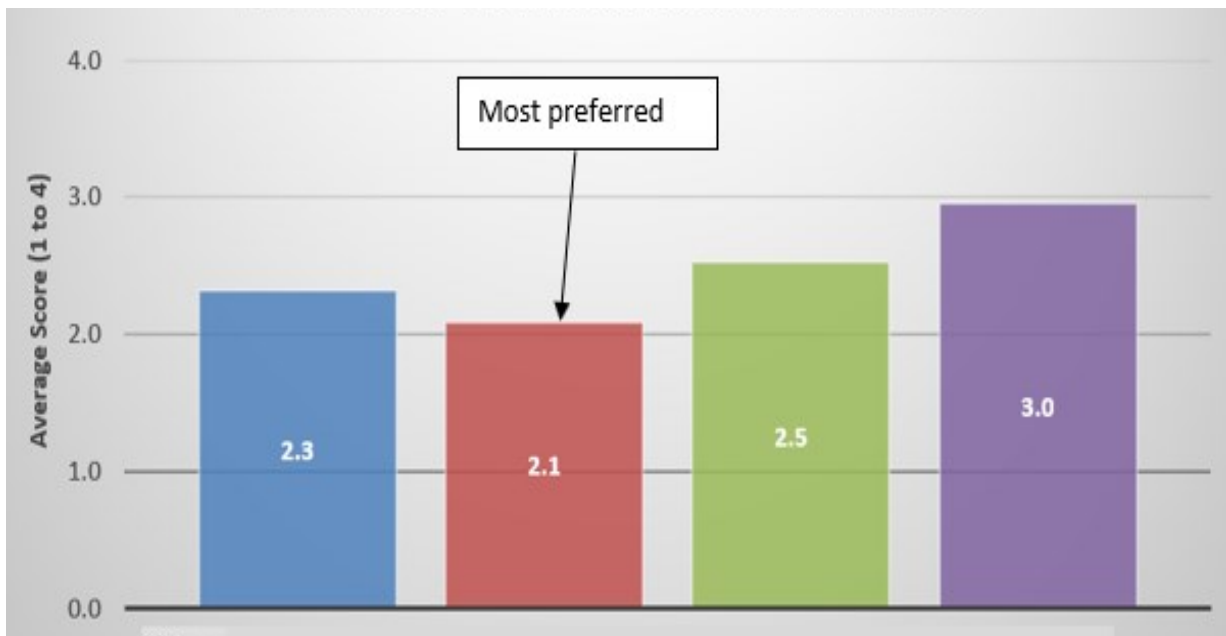


Preferred Communication Method

To ensure ongoing communications with the Shire’s resident base the Shire wanted to ascertain what is the preferred method for residents and ratepayers. The survey question was asked so that a 1 was most preferred and a 4 least preferred. Hence the graph below indicates that the most preferred method is the lowest scoring item. In summary therefore:

1. eNewsletter – *Most preferred*
2. Community Newsletter
3. Website
4. Social Media Presence – *Least preferred*

Preferred Communication Method



Values:

- Community Newsletter
- eNewsletter
- Website
- Social Media Presence

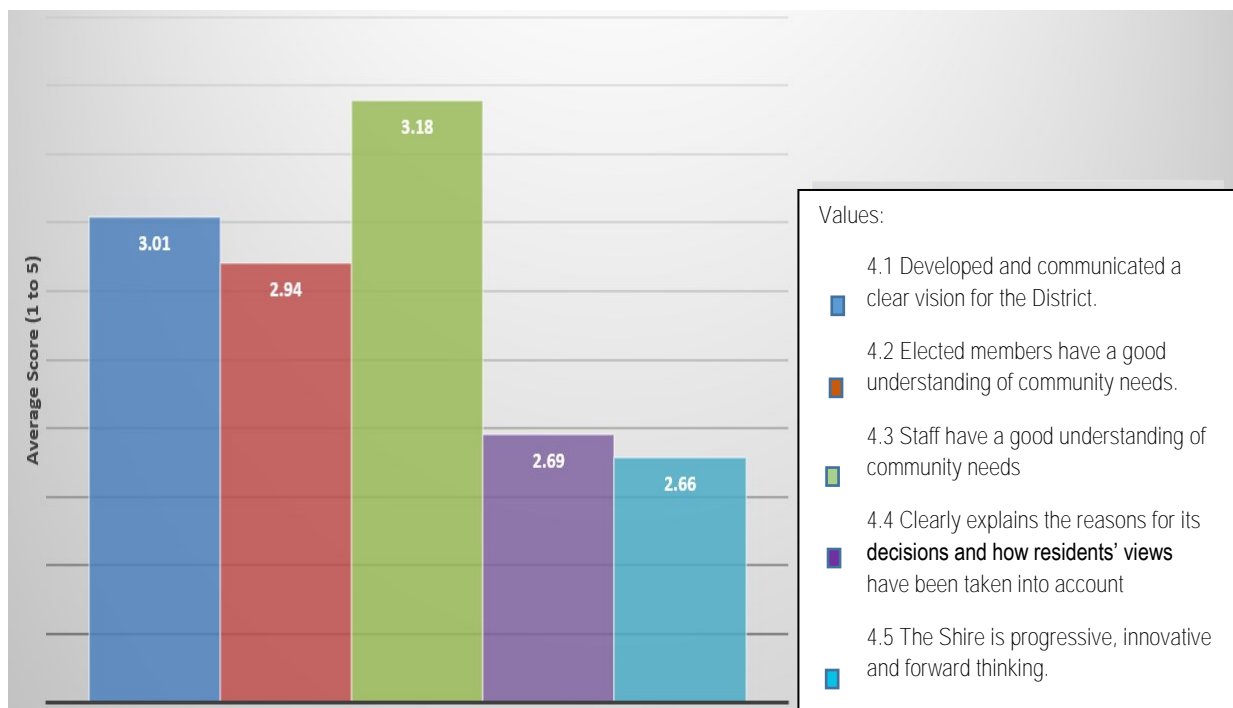


Question four noted that the Shire of Toodyay works in partnership with State Government, private organisations, and people in the local community to meet a range of community needs. It is also a direct provider of many services and facilities. How would you rate performance in the following areas?

- 60% stated that the Shire has developed and communicated a clear vision for the District.
- 59% stated that in their opinion Elected Members have a good understanding of community needs.
- 64% of respondents felt that Staff have a good understanding of community needs
- 54% felt that the Shire **clearly explains the reasons for its decisions and how residents' views have been considered.**
- 53% felt that the Shire is not progressive, innovative, and forward thinking.

These results are shown graphically below. These results indicated that the Shire should consider its current methods of communicating its reasons for the decisions made by Council and how the Shire has listened to the community in the process.

Average Score Q4.1 to Q4.5 Governance Performance



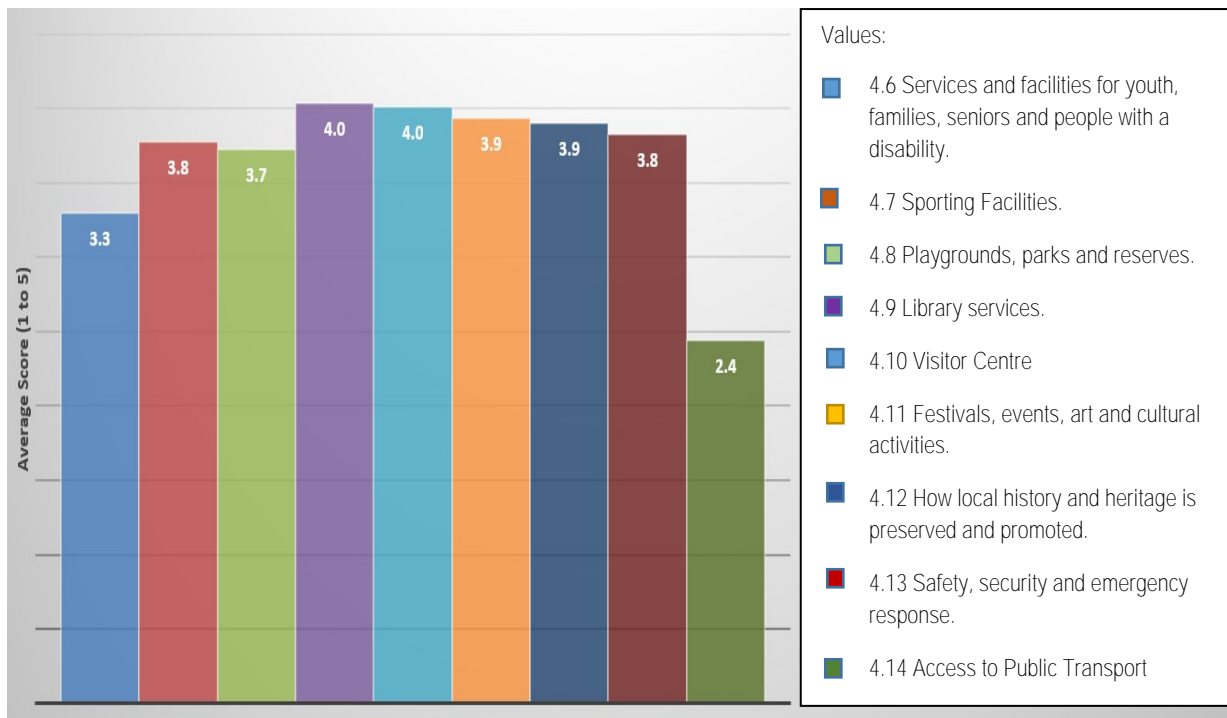


Community Service Performance

When asked to rate the core community services across multiple services the following results were obtained:

- Services and facilities for youth, families, seniors, and people with a disability was rated at 66% satisfaction.
- The Shire’s sporting facilities were rated at 76% satisfaction.
- The Shire’s playgrounds, parks and reserves were rated at 74%.
- Library services was rated as one of the highest services at 80%.
- The Visitor Centre was also rated at 80% satisfaction as one of the highest services.
- Festivals, events, art, and cultural activities were rated at 78% satisfaction
- How local history and heritage is preserved and promoted was rated at 78%.
- Safety, security, and emergency response were rated at 76% satisfaction.
- Access to public transport was rated at the lowest level at 48%.

Average Score Q4.6 to Q4.14 Community Service Performance



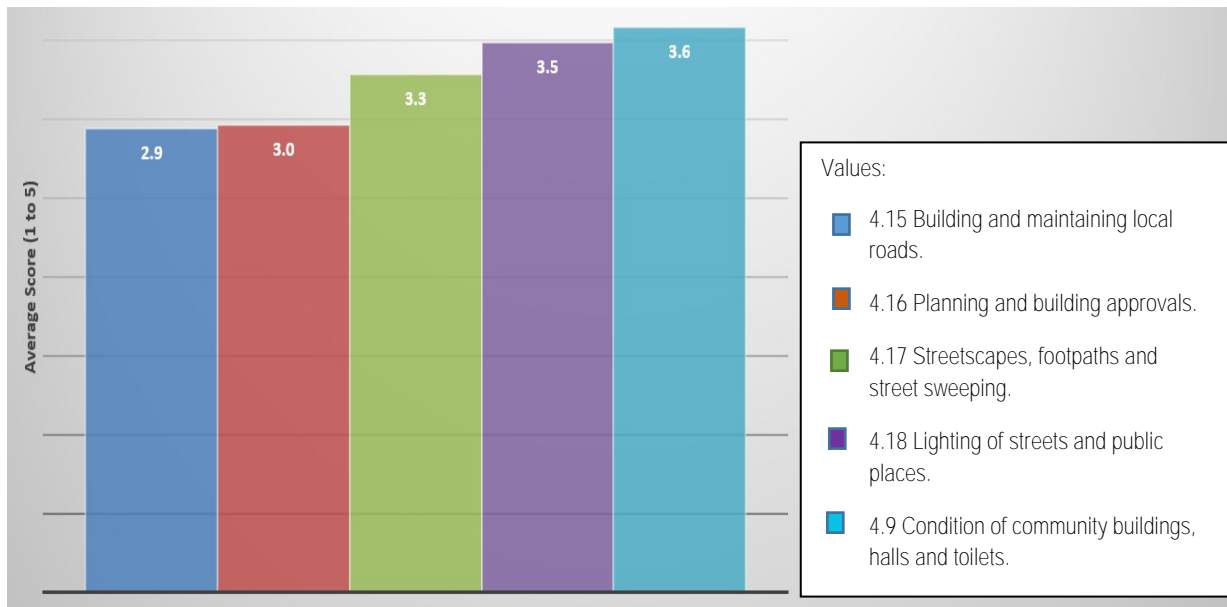


The Shire then explored the community's feeling against the provision of the build environment as opposed to the natural environment. The results indicated the following:

- Satisfaction with the planning and building approvals processes was rated at 60%
- Building and maintaining local roads was rated the lowest at 58%.
- Streetscapes, footpaths, and street sweeping was rated at 66%.
- Lighting of streets and public places was rated at 70% satisfaction.
- Condition of community buildings, halls and toilets was rated at 72%, the highest rating given for this area of services.

Overall, other than building and maintaining local roads, the average score was above 3 (or 60%) for all other built environmental performance areas.

Average Score Q4.15 to Q4.19 Built Environment Performance



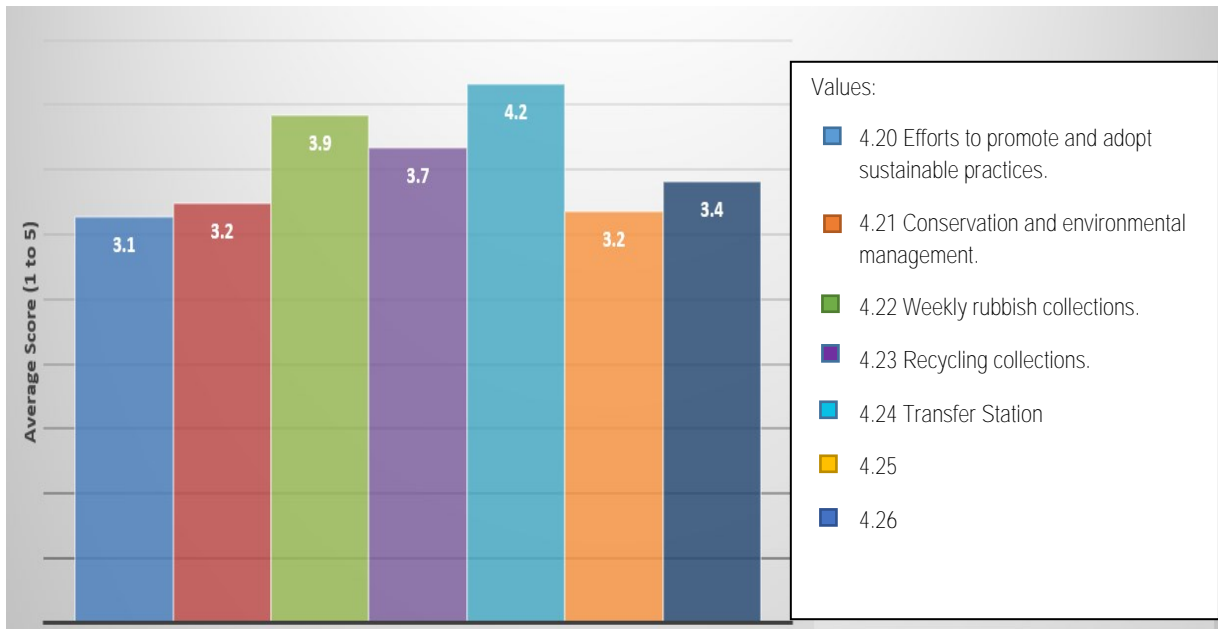


When asked about the community's feeling against the provision of the natural environment across the following dimensions, the results indicated the following:

- Efforts to promote and adopt sustainable practices rated at 62%.
- Conservation and environmental management rated at 64%.
- Weekly rubbish collections rated high at 78%.
- Recycling collections rated at 74%.
- Toodyay Transfer Station rated at the highest level of 84%.
- Natural disaster education, prevention, and relief (for bushfires, flooding, cyclones etc) rated at 64%.
- Animal and pest control rated at 68%.

In Summary, the average score was above 3 (60%) for all the environment aspects.

Average Score Q4.20 to Q4.26 Environment Performance



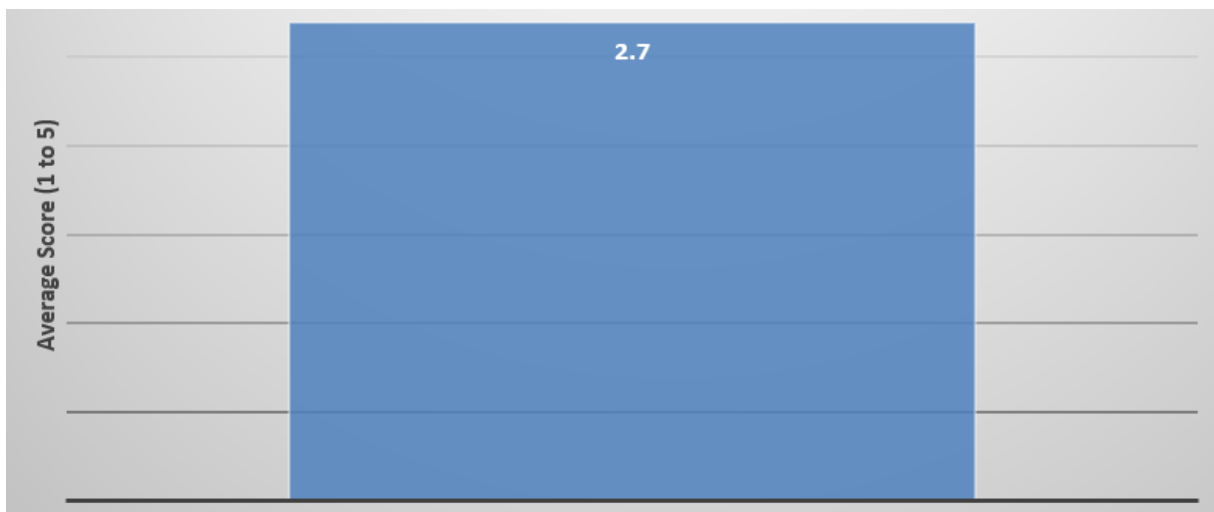


Economic Development Performance

When asked about what the Shire is doing to attract and retain businesses, grow tourism, and create more job opportunities, the community rated this area quite low at 2.7 or 54% indicating that more needs to be done in this area.

Average Score Q4.27 Economic Development Performance

**What is the Shire doing to attract and retain businesses, grow tourism?
and create more job opportunities.**





If you could make *One Change*

Social - Our community, our wellbeing and who we are.

Survey responses show that medical services across several areas (mental health, permanent doctor, additional medical services, and aged care facilities) was prominent. Further, more community events and social gatherings supported with the addition of a community bus, as well as better provision of bike paths in and around Toodyay for both local transportation and leisure would be appreciated.

Advertising of social gatherings and events is required to help facilitate the community coming together is also a desired outcome to enhance community spirit. Community events outside of the town center in outlying suburbs was requested.

Environment - The natural environment in which we live.

The environment was identified significantly in survey responses and in forums with the results clearly requesting better management and protection of the environment, with a continued presence and participation in bushfire risk management planning. Also, management of the river system; more walking and biking tracks; weed control; tree planting and more sustainable practices were identified issues.

Governance - The way the Shire operates.

Survey responses indicate a focus on Councilors working together and being open, transparent, and accountable as well as improved communications were prominent issues - *Councilors understanding and discharging their duties; Councillors more committed to a role of representing the community; more transparency and accountability; more face-to-face meetings; adhere to good governance practices; be proactive rather than reactive.*

Built Environment - Our buildings, roads, and transport.

The Built Environment was explored and common statements like roads and verges need upgrading ASAP; road maintenance is poor; seal more gravel roads; need better public transport; improved pathways and management of the Shire's heritage. Also, maintaining the stormwater systems and drainage was identified.

Economic Development - Business and jobs in the community.

Business and jobs in the community was identified as a major concern in creating local jobs, especially for the youth in the district. Citizens desired more assistance in small business development and attraction. Also, for the Shire to seek the reduction in red tape to eliminate barriers to small business development so as to create more jobs. Additionally, requests were made for better advertising of the District and promotion as a place to visit.



Community Forum and Stakeholder Outcomes

The Shire undertook a range of community forums using a different survey mechanism. A total of some 200 community stakeholder groups were contacted, of which 14 replied and sent members to the forums as representatives, approximately 70 people attended the forums.

Several stakeholder qualitative questions were asked as follows:

- What are your perceptions of how the Shire perform?
- What do you feel is our role? What things should be reflected in our Shire Plans?
- Overall, how would you rate the Shire in meeting its community and statutory requirements? Comments.
- When thinking about Shire's Built Environment/our Buildings, roads, and transport, what are the top 3 things the Shire and the community need to focus on?
- When thinking about Shire's Economic Development/Business and jobs in the community, what are the top 3 things the Shire and the community need to focus on?
- When thinking about Shire's Environment/The natural environment in which we live, what are the top 3 things the Shire and the community need to focus on?
- When thinking about how the Shire is Governed/ The way the Shire operates, what are the top 3 things the Shire and the community need to focus on?
- When thinking about the Toodyay society/Our community, wellbeing and who we are, what are the top 3 things the Shire and the community need to focus on?
- Are you well informed as to what is happening in the Shire? What information would you like from us on an ongoing basis?
- If you could make one change in our Shire, what would it be?

Q2 “What do you feel is our role? and What things should be reflected in our Shire Plans?”

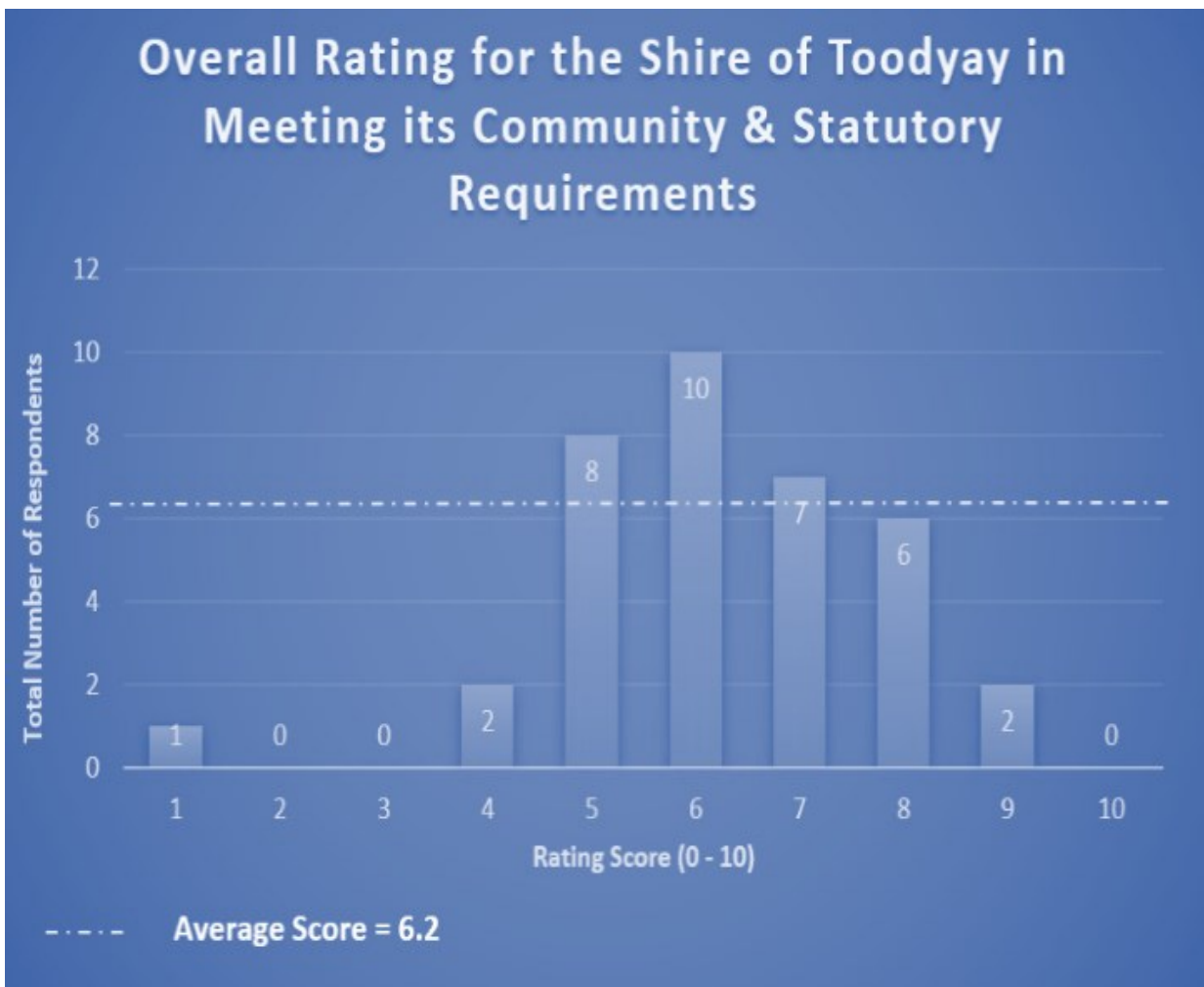
Communication was again raised in a number of responses, but financial management and maintenance of assets, particularly roads were required. Other respondents related generally to:

- Providing a safe place.
- Tourism and economic development – more local jobs.
- Promotion of community groups.
- Need for better fire management.

Q3 “Overall, how would you rate the Shire in meeting its community and statutory requirements?”

The results are consistent with the broad-based community survey undertaken with the average score being 62%.

In relation to the question “What are your perceptions of how the Shire perform?” there was a range of answers with many seeking a more cohesive Council, better communication and consultation with the community, better planning processes, improved staff management and some wanting better facilities.





Q4 “When thinking about Shire’s Built Environment/our Buildings, roads, and transport, what are the top 3 things the Shire and the community need to focus on?” the respondents reinforced the need to maintain assets with road maintenance being a prominent factor. Other important factors were:

- Looking after the unique heritage of the area.
- Transport for the elderly.
- Better footpaths.
- Maintain stormwater drainage.
- Better lighting for show grounds and clubs.
- Develop gravel roads.
- Maintain high use buildings and dispose of low use buildings.

Q5 “When thinking about Shire’s Economic Development/Business and jobs in the community, what are the top 3 things the Shire and the community need to focus on?” stakeholders wanted the Shire to make it easier for business to start up and the cutting of red tape and removing barriers being important factors. Additionally, employment for youth, promotion of Toodyay businesses and to attract commercial industries to the district was also required.

Q6 “When thinking about Shire’s Environment/The natural environment in which we live, what are the top 3 things the Shire and the community need to focus on?” the answers showed a clear preference to managing the environment and enhancing the area – environmentally. Other responses of importance were:

- Fire prevention and safety including community education on this.
- Clean up road verges and weed management.
- Dedicated picnic areas along river not just mud car parks
- Need more economic development, far too much is obstructed by conservation
- Investing in sustainability initiatives
- Assist nest placements for cockatoo and galah and removal of feral animals
- Promoting of walk / bike tracks to encourage environmental awareness
- More solar power
- Recycling water for parks

Q7 “When thinking about how the Shire is Governed - The way the Shire operates, what are the top 3 things the Shire and the community need to focus on?” the most prominent areas were being more open and transparent, better financial management and compliance, Council working for the community with less focus on minority groups and improved organizational culture. Other areas were:

- Communicating priority areas to the community.
- Electronic billboard for communication.

Q8 “When thinking about the Toodyay society/Our community, wellbeing and who we are, what are the top 3 things the Shire and the community need to focus on?” issues like aged care, encouraging sporting and community groups, lobbying for transport and improve medical facilities, and more community events.

The second part of this question asked “Are you well informed as to what is happening in the Shire? What information would you like from us on an ongoing basis?” respondents were generally satisfied however six-monthly updates on the implementation of the strategic plans would be beneficial. The two most prominent answers were having a good Facebook presence and regular newsletters, updates in the local newspaper and a good website. Interestingly people were not interested in infighting which is well publicised and would rather more positive things need to be promoted.

Q9 We asked stakeholders a catch all question seeking what is the main issue that needs to be addressed – “If you could make one change in our Shire, what would it be? “

Answers included stopping Councillor infighting, being more financially stable, better value for rates. The range of other responses were generally consistent with outcomes already identified.



Stakeholders were specifically then asked: “**What things do you think we should measure to show our success over the next 4 to 5 years?**” again a range of answers were given sample responses is shown below:

- Increased productivity.
- Community contentment, wellbeing, and happiness.
- Our ability to reduce bushfire risks.
- Population growth.
- Number of registered businesses and the number of new houses built.
- Number of local jobs advertised and/or created.
- Response time to customer queries.
- Tree cover in Shire.
- Better management of finance and Budget vs actual – reasons for variations
- Evidence of community input into Council decisions.
- Community satisfaction.
- Number of community events and increase in tourism.



Decision Making Considerations

The decisions making criteria is used by staff and Council wherever possible in ensuring a balanced approach is taken to the management of decisions within the Shire. The criteria are used to develop responses by the Shire from the community consultation undertaken and the broad decision criteria are presented below:

Category	Considerations
Strategic Direction	Does it fit with our strategic direction as outlined in the Community and Corporate Strategic Plans?
Social Sustainability	What does the community think, and is the decision in the best interests of all the people in the District? Is there equitable distribution of benefits across the community?
Environmental Sustainability	Does the decision protect the regional amenity and ensures minimum impacts on the environment?
Economic Sustainability	How does the decision fit with the Long-Term Financial Plan?
Governance Sustainability	Are we governing well on behalf of the community and does it meet our risk tolerance level?

The outcomes of the community planning engagement saw the desires and aspirations of the residents across the quadruple bottom line dimensions. Each major strategic area identified core objectives supported by a number of strategies that need to be considered in the Shire's corporate planning process.



Each strategy is risk assessed to identify consequences and potential unintended consequences of implementing a specific strategy. In interpreting the risk ranking, the consequences section of the matrix is based on several factors like:

- Resource consequences,
- Financial consequences,
- Reputational consequences,
- Operational consequences
- Strategic consequences.

Hence a potentially easy matter like maintaining **footpaths** may score as **'high'** or **'medium'** consequence because the financial impacts are **'high'** or **'extreme'** and the likelihood is **'likely'** or **'extremely'** likely for the Shire. Whereas the likelihood section is based on the potential for the consequence to occur **'very likely'** to **'not likely'** at all.

Risk Matrix

Likelihood		Very Likely	Likely	Unlikely	Highly Unlikely
Consequences	Fatality	High	High	High	Medium
	Major Injuries	High	High	Medium	Medium
	Minor Injuries	High	Medium	Medium	Low
	Negligible Injuries	Medium	Medium	Low	Low



Connecting Community Aspirations with Shire's Activities and Services

Society

In relation to the Shire's Social aspects – our community, our wellbeing and who we are, **the community's** aspirations are addressed by the Shire in the following objectives and strategies.

Objective 1: Ensure Community Services Meet Community Social Needs	
Strategy	Risk Ranking
S1: Advocate and partner with health services providers for better medical services and support services for the District.	Medium
S2: Continue to support sporting groups, community groups and sponsorships across the Shire.	Low
S3: Seek to deliver more community events within the town center and outlying suburbs.	Low
S4: Seek ways to improve aged care facilities in the Shire.	Medium
S5: Seek ways to improve youth engagement and retention within the Shire.	Low
S6: Advocate for better and more local educational facilities within the Shire.	Low
S7: Continue to provide recreational facilities.	Low
Objective 2: Ensure a Safe Community	
Strategy	Risk Ranking
S1: Implement and advocate for innovative safety initiatives.	Low
S2: Collaborate and coordinate with fire and emergency services and regional colleagues to mitigate fire risks throughout the District.	Low
S3: Seek to Lighting in appropriate areas across the Shire.	Low

Measures of Success	
Community Wellbeing Score	Community Satisfaction Score
Number of Events	Safe Shire Index

Governance

In governing the Shire's – the way the Shire **operates, the community's aspirations are addressed by the Shire** in the following objectives and strategies.

Objective 1: Provide Accountable Leadership to the Community	
Strategy	Risk Ranking
S1: Continue to use the Strategic Community Plan as a driver for future budgets, organisational performance, and community needs.	Medium
S2: Complete Governance Review and implement findings to support a cohesive and professional Council.	High
S3: Provide clear and engaged leadership on behalf of the community.	High
S4: Provide internal and external transparent and accountable communication and engagement for the community.	Low
S5: Seek ways build a positive organisational culture supporting and focused on the community needs.	Low
Objective 2: Ensure Rigorous Organisational Systems	
Strategy	Risk Ranking
S1: Deliver 100% compliance to the State's annual compliance Return process.	Medium
S2: Maintain long-term financial and resourcing plans to ensure the Shire is sustainable.	High
S3: Provide short-term plan to address loan repayments.	High
S4: Develop, report and monitor metrics on community wellbeing, community satisfaction and value for money.	Low
S6: Review customer service practices, procedures to ensure best practice.	Low

Measures of Success	
Community Wellbeing Score	Community Satisfaction Score
Operating Surplus Ratio	Own Source Revenue Coverage Ratio
Current Ratio	Debt Service Cover
Unqualified Audit Reports	Actual Vs Budget Performance

Natural Environment

The Shire's natural environment – where we live **the community's aspirations** are addressed by the Shire in the following objectives and strategies.

Objective 1: Preserve and Protect the Natural Environment	
Strategy	Risk Ranking
S1: Continue to apply metrics to local road upgrades and maintenance to ensure best value for money.	Low
S2: Continue to support the mitigation of adverse environmental impacts to biodiversity and natural ecosystems throughout the Shire.	Medium
S3: Protect the river system and riparian vegetation.	Low
S4: Develop walk, Bike and Bridle Trails to improve access to the natural environment.	Low
S5: Improve streetscapes through increased tree plantings.	Low
Objective 2: Ensure Sustainable Operating Practices.	
Strategy	Risk Ranking
S1: Continue to Invest in sustainable infrastructure to reduce the Shire's carbon footprint.	Medium
S2: Seek opportunities to improve the Shire's sustainable building stock to reduce operational costs and reduce the Shire's environmental footprint.	High
S3: Continue the implementation of the Environmental Management Strategy consistent with best practice and international standards.	Medium
S4: Seek methods to minimise and reduce waste and improve recycling.	Low
S5: Support planning and building policy development that conserves and protects the natural environment.	Low

Measures of Success	
Total Shire Energy Consumption (KWH)	Waste diverted from landfill in Tonnes
Number of trees planted	ISO 14001 Accreditation

Built Environment

The Shire's **built environment including our roads and transport the community's aspirations** are addressed by the Shire in the following objectives and strategies.

Objective 1: Ensure Safe and Sustainable Transport Options	
Strategy	Risk Ranking
S1: Continue to apply metrics to local road upgrades and maintenance to ensure best value for money.	Low
S2: Continue to Invest in Local Road Infrastructure.	Medium
S3: Continue to advocate for State/Federal roads and drainage upgrades.	Low
S4: Improve Footpath/Bike Path and Bridle Trails.	Low
S5: Improve Streetscapes.	Medium
S6: Advocate for public transport options for residents and seek to provide a Community Bus Service.	Medium
Objective 2: Maintain the Built Environment to Meet Community Needs.	
Strategy	Risk Ranking
S1: Maintain the Heritage buildings of the Shire and reinforce our heritage vision.	Medium
S2: Seek opportunities to rationalise the Shire's building stock to reduce ongoing costs.	High
S3: Continue to maintain our parks, gardens, and public spaces.	Medium
S4: Improve facilities for seniors' access and youth retention within the Shire.	Low

Measures of Success	
Asset Sustainability Ratio	Asset Sustainability Ratio
Asset Renewal Ratio	Income from Assets (ROA)

Economic Development

In relation to the Shire's economic development – our businesses and jobs in the community are addressed by the Shire in the following objectives and strategies.

Objective 1: Encourage Economic Growth and diversification	
Strategy	Risk Ranking
S1: Promote sustainable development that is consistent to the rural setting.	Low
S2: Seek ways to collaborate with developers and the community to reduce planning and building red tape to foster growth within the Shire.	Low
S3: Advocate and seek planning exemptions for increased opportunities for premium food production.	Medium
S4: Seek support and grow the local businesses.	Low
S5: Promote the Shire as a place to live, work and recreate.	Low
S6: Develop, implement, and monitor a business satisfaction index	Low
Objective 2: Encourage Tourism	
Strategy	Risk Ranking
S1: Develop long term successful and collaborative partnerships that support the tourism strategy of the Shire.	Low
S2: Promote the Shire as a tourism destination.	Low
S3: Give exemptions to businesses that create tourism and local jobs within the Shire.	Medium

Measures of Success	
Growth in Local Employment	New Business Start-ups
Growth in Tourism visitations	Business Satisfaction Index



High Level Monitoring of Measures of Success

In measuring the Success of the Strategic Community Plan, as outlined earlier, respondents suggested the following indicators for consideration:

- Increased productivity.
- Community contentment, wellbeing, and happiness.
- Our ability to reduce bushfire risks.
- Population growth.
- Number of registered businesses and the number of new houses built.
- Number of local jobs advertised and/or created.
- Response time to customer queries.
- Tree cover in Shire.
- Better management of finance and Budget vs actual – reasons for variations
- Evidence of community input into Council decisions.
- Community satisfaction.
- Number of community events and increase in tourism.

When looking at the MyCouncil Website by the Department of Local Government, Sport and Cultural Industries it shows the Shire’s Financial Health Score (FHS) has been progressively improving, albeit marginally, as shown here.



Additionally, the organisations Health Indicator Score shown on the spiderweb graph below indicates that the:

- Asset Sustainability ratio (ASR), which is a measure of the extent to which assets managed by Toodyay are being replaced as they reach the end of their useful life is an important issue to address.
- The Operating Surplus Ratio (OSR), which is a measure of Toodyay’s ability to cover its operational costs and have money left for capital projects and other purposes is the driver of these results and the reason for current performance in the ASR is caused by the lack of operating surplus. For the Shire to meet its obligations to the community it will need to monitor these indicators by seeking to increase revenue and reduce operational costs and have been included in the objective measures of success.

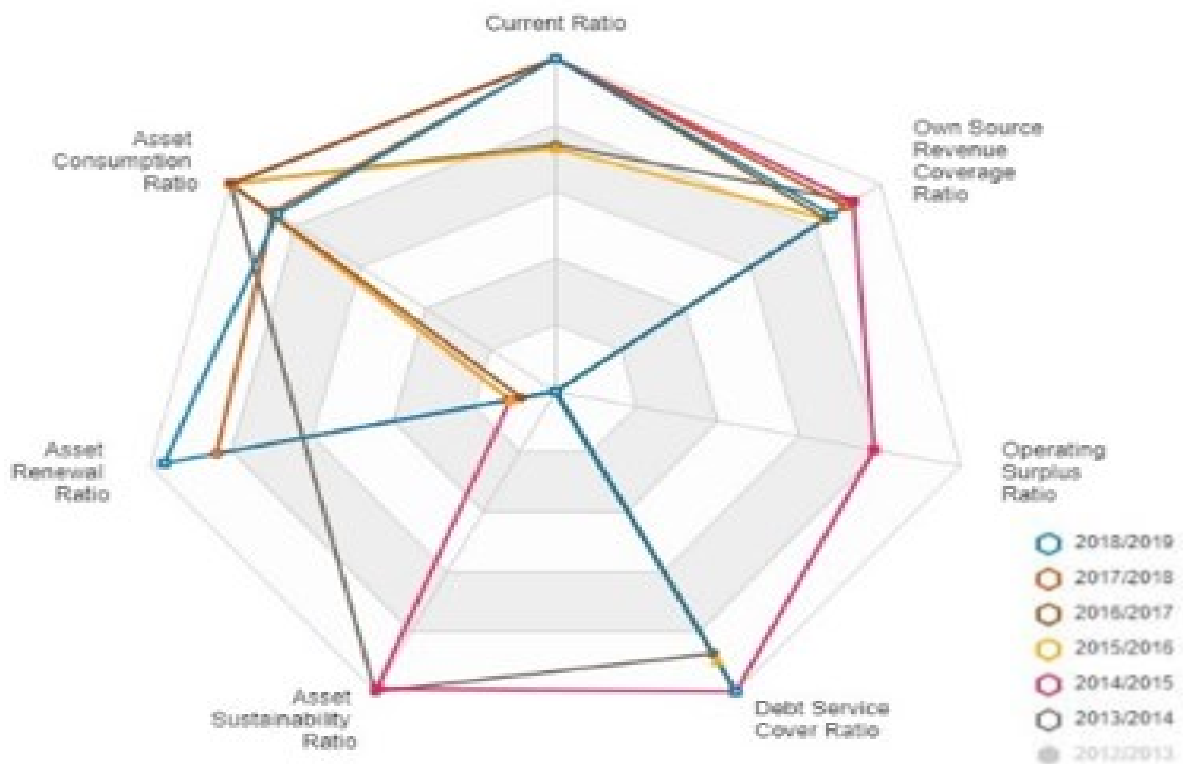


Communicating our Outcomes

The Strategic Community Plan is reviewed biennially, with a major review every four years, and as part of this process the Shire will measure, monitor, and report on progress.

As part of further embedding the Integrated Planning and Reporting Framework within organisational culture, a process of reviewing internal and external communication and reporting processes will be ongoing to identify the most efficient and effective mechanisms to achieve this. However, as a minimum the following monitoring and reporting approaches will be adopted:

Financial Health Indicator Score



- Outcomes reported annually via the Shire of **Toodyay's** Annual Report.
- Production of an updated Strategic Community Plan available via the Shire's website and in hard copy on request.
- Regular production of a newsletter with a report card outlining achievements against the Strategic Community Plan in an easy-to-read and engaging format.
- Regular updates in the local newspaper by the Mayor and CEO of achievements, progress against capital works and community issues.
- Intermittent updates the Shire's social media platforms (including Facebook and Twitter), and via the Shire's website.
- Regular media releases.

Appendix A

Shire of Toodyay Survey Instrument



Shire of Toodyay Community Engagement Survey



The Shire of Toodyay once again invites you to complete the community Engagement Survey and 'Have your Say' so you can get involved and help set the direction of the Shire for the next 8 years, this way we can better meet your future needs.

The survey is being conducted by the Shire of Toodyay. Responses will remain confidential in accordance with the Privacy Act and Australian Privacy Principles. Ratepayers and residents aged 18 years or older are invited to complete the Survey. Please submit one response per person via the following options:

Online (preferred) at *****

You can drop your survey off in person at: Shire Administration, Toodyay Visitor Centre or Toodyay Library

Email: records@toodyay.wa.gov.au

Please submit one response per person by 4.00pm Friday, 19 March 2021.

"The Shire's key guiding document, the Strategic Community Plan 2028 is due for review and your opinions are needed. Everything the Shire does is informed by this Plan. If we are to build the community we want, weather future stresses, and have a place we can enjoy and afford to live in, we need everyone's input, so, please take the time to answer the survey questions. We need to know. Thank you." *Cr Rosemary Madacsi, Shire President*

If you have any questions about this survey we invite you to contact the Shire of Toodyay on 9574 9300 or by email via records@toodyay.wa.gov.au.

By completing this survey you are giving us important information which we can use to turn your visions into reality.

Your gender:	Male <input type="radio"/> ₁	Female <input type="radio"/> ₂	Other <input type="radio"/> ₃			
Your age:	18-24 <input type="radio"/> ₁	25-34 <input type="radio"/> ₂	35-44 <input type="radio"/> ₃	45-54 <input type="radio"/> ₄	55-64 <input type="radio"/> ₅	65+ <input type="radio"/> ₆
Do you have any children living in your household aged:	0-5 years <input type="radio"/> ₁	6-12 years <input type="radio"/> ₂	13-17 years <input type="radio"/> ₃	18+ years <input type="radio"/> ₄	No children <input type="radio"/> ₅	
Are you, or anyone living in your household, an employee or Elected Member at the Shire of Toodyay?	Yes <input type="radio"/> ₁	No <input type="radio"/> ₂				
Which suburb do you live in?	<input type="radio"/> ₁ Toodyay	<input type="radio"/> ₅ Culham	<input type="radio"/> ₉ Julimar	<input type="radio"/> ₁₃ Nunile		
	<input type="radio"/> ₂ Bailup	<input type="radio"/> ₆ Dewars Pool	<input type="radio"/> ₁₀ Moondyne	<input type="radio"/> ₁₄ Watterning		
	<input type="radio"/> ₃ Bejoording	<input type="radio"/> ₇ Dumbarton	<input type="radio"/> ₁₁ Morangup	<input type="radio"/> ₁₅ West Toodyay		
	<input type="radio"/> ₄ Coondle	<input type="radio"/> ₈ Hoddys Well	<input type="radio"/> ₁₂ Nardie			
	<input type="radio"/> ₁₅ Other	Please Specify:				



Q1. Overall, how would you rate the Shire of Toodyay in the following areas?

	Very Poor	Poor	Okay	Good	Excellent
The Shire of Toodyay as a place to live	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
The Shire of Toodyay as the organisation that governs the local District	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
Value for money from Council rates	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅

Q2. Overall how satisfied are you with the Shire operations and provision of services? Please give a rating out of 10, where 0 is not at all likely and 10 is extremely likely.

Not at all likely										Extremely likely	
0	1	2	3	4	5	6	7	8	9	10	

Q3. Please rank your preferred method of communication with the Shire: 1 being the most preferred and 4 the least preferred.

Communications	Ranking 1 - 4
Monthly Toodyay Community Newsletter publication	
Shire's eNews – electronic version of the Toodyay Community Newsletter	
Shire's website (toodyay.wa.gov.au)	
Shire's Social media presence	

Q4. The Shire of Toodyay works in partnership with State Government, private organisations and people in the local community to meet a range of community needs. It is also a direct provider of many services and facilities.

How would you rate performance in the following areas?

	Governance	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
1	The Shire has developed and communicated a clear vision for the District	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
2	Elected Members have a good understanding of community needs	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
3	Staff have a good understanding of community needs	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
4	The Shire clearly explains the reasons for its decisions and how residents' views have been taken into account	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅
5	The Shire is progressive, innovative and forward thinking	<input type="radio"/> O ₁	<input type="radio"/> O ₂	<input type="radio"/> O ₃	<input type="radio"/> O ₄	<input type="radio"/> O ₅



Community Services		Very Poor	Poor	Okay	Good	Excellent
6	Services and facilities for youth, families, seniors and people with a disability	O ₁	O ₂	O ₃	O ₄	O ₅
7	Sporting facilities	O ₁	O ₂	O ₃	O ₄	O ₅
8	Playgrounds, parks and reserves	O ₁	O ₂	O ₃	O ₄	O ₅
9	Library services	O ₁	O ₂	O ₃	O ₄	O ₅
10	Visitor Centre	O ₁	O ₂	O ₃	O ₄	O ₅
11	Festivals, events, art and cultural activities	O ₁	O ₂	O ₃	O ₄	O ₅
12	How local history and heritage is preserved and promoted	O ₁	O ₂	O ₃	O ₄	O ₅
13	Safety, security and emergency response	O ₁	O ₂	O ₃	O ₄	O ₅
14	Access to public transport	O ₁	O ₂	O ₃	O ₄	O ₅

Built Environment		Very Poor	Poor	Okay	Good	Excellent
15	Planning and building approvals	O ₁	O ₂	O ₃	O ₄	O ₅
16	Building and maintaining local roads	O ₁	O ₂	O ₃	O ₄	O ₅
17	Streetscapes, footpaths and street sweeping	O ₁	O ₂	O ₃	O ₄	O ₅
18	Lighting of streets and public places	O ₁	O ₂	O ₃	O ₄	O ₅
19	Condition of community buildings, halls and toilets	O ₁	O ₂	O ₃	O ₄	O ₅

Environment		Very Poor	Poor	Okay	Good	Excellent
20	Efforts to promote and adopt sustainable practices	O ₁	O ₂	O ₃	O ₄	O ₅
21	Conservation and environmental management	O ₁	O ₂	O ₃	O ₄	O ₅
22	Weekly rubbish collections	O ₁	O ₂	O ₃	O ₄	O ₅
23	Recycling collections	O ₁	O ₂	O ₃	O ₄	O ₅
24	Toodyay Transfer Station	O ₁	O ₂	O ₃	O ₄	O ₅
25	Natural disaster education, prevention and relief (for bushfires, flooding, cyclones, etc)	O ₁	O ₂	O ₃	O ₄	O ₅
26	Animal and pest control	O ₁	O ₂	O ₃	O ₄	O ₅

Economic Development		Very Poor	Poor	Okay	Good	Excellent
27	What the Shire is doing to attract and retain businesses, grow tourism and create more job opportunities	O ₁	O ₂	O ₃	O ₄	O ₅



Q6. Overall, if you could make ONE change to improve the Shire of Toodyay in each of the following 5 focus areas, what would it be?

Social – our community, our wellbeing and who we are

Governance – the way the Shire operates

Environment – the natural environment in which we live

Built Environment – our buildings, roads and transport

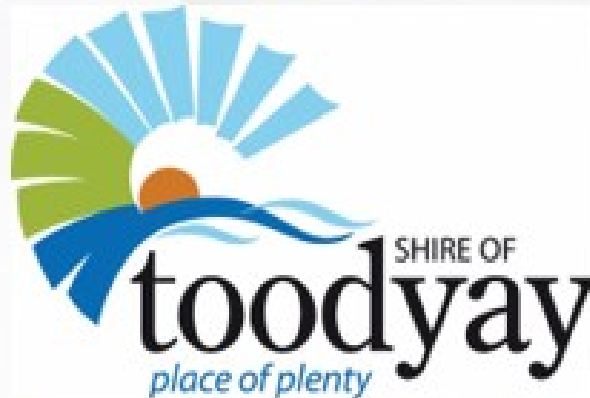
Economic Development – business and jobs in the community

THANK YOU FOR COMPLETING THIS SURVEY

Appendix B

Shire of Toodyay Community Forum Survey Instrument

Shire of Toodyay Community and Corporate Business Planning 2021



Community Forum - Question Pack.

Prepared for: Shire of Toodyay

Organisation/Community Group:

People participating:

-
-
-
-
-
-

The community: "Having a say in the future of our Shire."



COMMUNITY FORUM INTERVIEW PACK

Question One

"If I asked you think about our Shire, and your dealings with it, how do you view us - what are your perceptions of how we perform?"

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Question Two

"What do you feel is our role? What things should be reflected in our Shire Plans?"

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Question Three

"Overall, how would you rate the Shire of Toodyay in meeting its community and statutory requirements?" Please give a rating out of 10, where 0 is not at all likely and 10 is extremely likely. Not at all likely Extremely likely.

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

Any comments why you chose that score

.....

.....



COMMUNITY FORUM INTERVIEW PACK

Question Eight

"When thinking about the Toodyay society | Our community, wellbeing and who we are, what are the top three things the Toodyay community and the Shire need to focus on?"

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"Are you well informed as to what is happening in the Shire? What information would you like from us on an ongoing basis?"

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Question Nine

"If you could make one change in our Shire what would it be?"

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Department of
**Local Government, Sport
and Cultural Industries**

Our ref M2100510-03
Enquiries Local Government Support
Phone (08) 6552 7300
Email audits@dlgsc.wa.gov.au

Ms Suzie Haslehurst
Chief Executive Officer
Shire of Toodyay
PO Box 96
TOODYAY WA 6566

XREF - ICR 75903, OFM54949

SHIRE OF TOODYAY
Record Number: ICR76585
29 APR 2021
Officer / Dept: EXCCSEC
File Number: MAN/3, FIN7

Dear Ms Haslehurst

RE: RESPONSE TO SIGNIFICANT MATTERS IN 19/20 AUDIT REPORT

Thank you for your correspondence dated 31 March 2021 outlining the Shire's response to the significant matters identified in the Shire's 19/20 audit report. The Minister has asked me to respond on his behalf.

Sections 7.12A(4) and (5) of the *Local Government Act 1995* set out the requirements for a local government's response where significant matters are identified by an auditor in an audit report.

The Shire's response to the matters identified is noted. Compliance with section 7.12A(5) has been achieved by publishing the report on the Shire's website.

Thank you for advising the Minister of your response.

Yours sincerely

Narrell Lethorn
Director Local Government Support

22 April 2021



Department of
**Local Government, Sport
 and Cultural Industries**

Our Ref E2125601
 Enquiries Marina Sucur
 Phone (08) 6552 1783
 Email marina.sucur@dlgsc.wa.gov.au

**** INCLUSIION ON 17 MAY 2021****

Ms Suzie Haslehurst
 Chief Executive Officer
 Shire of Toodyay
 PO Box 96
 TOODYAY WA 6566

SHIRE OF TOODYAY
Record Number: <i>ICR 76885</i>
12 MAY 2021
Officer / Dept: <i>CEO, CCO</i>
File Number: <i>RFQ 02/2021 / MAN 12, 13</i>

Dear Ms Haslehurst

Thank you for your correspondence dated 28 April 2021 regarding the Shire of Toodyay's (Shire) submission of a preferred candidate to conduct the independent governance review.

The Department has reviewed the supporting documentation and approves the submission. I can confirm that:

- the proposal submitted is in accordance with the Department's recommended scope of works.
- the Request for Quotation appears to represent value for money.
- the recommended consulting organisation, Hammond Woodhouse Advisory, seem to have the necessary personnel, skills, and expertise to undertake the task adequately.

Therefore, as previously indicated, the Department agrees to financially support the governance review process in the Shire's specific circumstances (recently unplanned emergency expenditure et al) up to a total cost of \$24,000 (ex GST). Please send the invoice to the Department, quoting Purchase Order number PO021804.

If you have any further queries regarding the Shire's progress in responding to the Authorised Inquiry report recommendations, please continue to liaise with Ms Marina Sucur on (08) 6552 1783 or at marina.sucur@dlgsc.wa.gov.au.

The Department's looks forward to the outcome of the review and the Shire's continued progression to good governance.

Yours sincerely

Duncan Ord OAM
 Director General

7 May 2021

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 Web www.dlgsc.wa.gov.au



2021 Register of Delegations

s.5.46 (CEO/Employees) of the *Local Government Act 1995*;
s.5.18 (Committees) of the *Local Government Act 1995*

Council Resolution

This Register of Delegations was adopted by Council at an Ordinary Council Meeting held in the Shire of Toodyay Council Chambers on _____ as per the resolution below.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO.

MOVED Cr Name

SECONDED Cr Name

That Council:

1. notes the summary of amendments made to the Register of Delegations, as contained in the Officer's Report;
2. adopts the instruments of delegation contained in the Executive Services section of the REVISED Register of Delegations, as attached;
3. adopts instruments of delegation contained in the Corporate and Community Services section of the REVISED Register of Delegations, as attached;
4. endorses instruments of delegation contained in the Building and Health Services section of the Register of Delegations, as attached;
5. endorses instruments of delegation contained in the Assets and Technical Services section of the Register of Delegations;
6. endorses instruments of delegation contained in the Planning and Development Services section of the Register of Delegations;
7. Notes instruments of delegation contained in the External Agencies – Assignment of Power to Statutory Officeholders section of the Register of Delegations as attached.

MOTION CARRIED BY ABSOLUTE MAJORITY #####

We, the undersigned, certify that the delegations contained in this Register were formally reviewed by Council on We also confirm the application of these instruments of delegation contained within this Register of Delegations as presented herein.

Cr Rosemary Madacsi
Shire President

Suzie Haslehurst
Chief Executive Officer

Date:

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SECTION 1 Introduction, Process and Authorities

The Guidelines

The Department of Local Government and Communities produced a Local Government Operational Guideline (Number 17 – January 2007) titled "Delegations" as a guideline for local governments. Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law.

The Functions of Local Government

The general function of a local government is to provide for the good government of persons in its district (the *Local Government Act 1995* s.3.1 (1)). The general function of a local government includes legislative and executive functions (the *Local Government Act 1995* s.3.4).

In accordance with the *Local Government Act 1995* (the Act) Section 2.6(1) each Local Government is to have an elected Council as its governing body.

The *Local Government Act 1995* (s.2.7) prescribes that the strategic leadership role of Council is as follows:

- (a) To **Govern** the local government's affairs;
- (b) To be responsible for the **performance** of the local government's functions;
- (c) To oversee the allocation of the local government's **finances** and **resources**; and
- (d) To determine the local government's **policies**.

This strategic role is further clarified through the Act specifying decisions which can only be made by Council with an absolute majority or by Council Resolution.

The Shire President liaises with the CEO regarding Local Government affairs (Council Business) and the performance of its functions in accordance with Section 2.8(1) (f) of the *Local Government Act 1995*.

The Register of Delegations

Under the *Local Government Act 1995* both the Council and the CEO are given certain functions and duties to be discharged, in accordance with Section 5.42 of the *Local Government Act 1995*. Council may delegate authority to perform some of its functions and duties to the Chief Executive Officer (CEO).

The CEO may then delegate to any other officer the authority to perform functions and duties that are exercisable by the CEO under specific Acts and the provisions of any subsidiary

legislation that have been delegated to the CEO either by the Council or a Minister through a legislative instrument.

This is in keeping with the governance structure whereby staff members are responsible to the CEO and the CEO is responsible to Council.

Delegations of authority provide Officers with the power to exercise duties and make determinations. These delegations must be performed in a manner that is in accordance with the relevant delegation.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Shire of Toodyay's commitment to our Customer Service Charter and Community Strategic Plan.

Similarly, the implementation of council decisions and instructions is conducted by the CEO, who may delegate some of this responsibility to other Officers of the Shire.

Legislation and the Head of Power

Legislation prescribes what decision-making powers and duties can be done and nominates the decision makers (Permit Authorities, Enforcement Agencies, local government, Chief Executive Officers, President, Mayor, Elected Members, Environmental Health Officers, Building Surveyors, Returning Officers, Authorised Officers, Authorised Persons, Designated Employee and Prescribed Officers etc.) who can perform those decision-making powers and duties. Where legislation has prescribed that decision-making powers and duties are to be done by a CEO, President, Mayor, Elected Member, EHO, Building Surveyor, or Returning Officer a local government (Council) cannot make any further directives or make amendments to the decision-making powers and/or duties prescribed by legislation.

There are approximately 170 pieces of legislation requiring local government discretion. The *Local Government Act 1995* delegation structures are as follows:

Delegation from Council to Committees

Where the head of power is the *Local Government Act 1995*, Clause "s.5.16 Delegation of some powers and duties to certain committees" of the *Local Government Act 1995* provides for Council to delegate (by Absolute Majority) to Certain Committees the exercise of any of its powers and duties other than this power of delegation without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* under the Act other than those referred to in section 5.17. * *Absolute majority required.*

Delegation from Council to the Audit Committee

Where the head of power is the *Local Government Act 1995*, Section 7.1B of the Local Government Act provides that the only powers and duties that may be delegated to the Audit Committee are the Audit functions set out in Part 7 of the Act.”

Delegation from Council to the Chief Executive Officer

Where the head of power is the *Local Government Act 1995*, Clause "s.5.42 Delegation of some powers and duties the CEO" of the *Local Government Act 1995* provides for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under (a) this Act other than those referred to in section 5.43;

A delegation made from Council to the CEO will authorise the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to managing the day-to-day operations of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*. * Absolute majority required.

Delegation from the Chief Executive Officer

Where the head of power is the *Local Government Act 1995*, Clause "s.5.44 CEO may delegate powers and duties to other employees" of the *Local Government Act 1995* further provides for the CEO to delegate to any employee of local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

Section 9.10 (2) of the *Local Government Act 1995* states that the "CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws". These laws are mentioned specifically in each relevant instrument of appointment.

Process 1 – The Power to Delegate

The local Government (Council) can make delegations at any time. Delegations are to be in writing and may be general or as otherwise provided in the instrument of delegation (the Act s.5.42 (2); the Act s.5.44 (2); the Act s.5.16 (2)).

Legislation prescribes many discretionary powers which do not require Absolute Majority or specify the requirements for a Council Resolution.

All delegations made, amended, or revoked by the Council must be made by "Absolute Majority." A delegation made has effect for the period of time specified in the delegation or

where no period has been specified, indefinitely and any decision to amend or revoke a delegation by an absolute majority (the Act s.5.45 (1)).

The *Interpretation Act 1984* (s.53 Appointments may be by name or office) states:

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) *perform any function; or*
- (b) *be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) *be or do any other thing,*

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

Process 2 - The Concept of Acting Through

Where legislation contains “mandatory” action; using words such as “shall”, “must”, “is to” or similar terms to these, the Legislation is compelling the decision-maker to act in a particular way. Where there is no discretion in exercising a power or duty then the matter may be dealt with by a local government by acting through the Chief Executive Officer or the Administration.

In effect, exercising an Express Power or Duty that is suitable for Acting Through would resulting in an outcome that would not be substantially different regardless of the circumstances or who exercised the power.

Where legislation contains ‘discretionary’ action; using words such as “may” or “determine” or similar terms to these, these powers and duties are not suitable for Acting Through; and may be delegated.

When Council makes a policy about particular functions it performs there is not a need for a delegation to an Officer as it will be the role of the organisation, chiefly the CEO, to implement those policy decisions. This is the concept of Acting Through.

A policy and a delegation can co-exist when the delegation is specifying a function whereby the CEO has had to use his discretion to make a decision within the parameters of that particular function.

Policies that give discretion to the Chief Executive Officer

Council policies detailing the parameters of how Council wants the Chief Executive Officer to exercise his discretionary powers in accordance with his delegated authority are as follows:

Policy Name	Discretion
Administration Policy No A.10 Christmas Holiday Office Closure	The CEO will have discretion to vary the times of closure so that the period may include up to one day prior to Christmas Day and up to two days after New Year's Day, but not exceeding a total of eight consecutive working days, excluding weekends although inclusive of public holidays.
Other Policy No O.2 Volunteering	Where a volunteer has a question whether a conflict exists, that person shall notify their supervisor immediately. The supervisor will determine (after consulting the CEO, or legal counsel is sought, at the CEO's discretion) whether a conflict exists and may determine that the volunteer shall not take part in any decision or activity relating to or arising from that conflict or may attach conditions to further involvement.
Finance Policy F.8 Staff Uniforms	Uniforms are to be purchased on a wear and tear basis, being replaced on an as needs basis, with any dispute on the necessity of purchase being resolved at the discretion of the CEO.
Members Policy M.2 Public Consultation Formal Matters	Late submission may be included for consideration at the discretion of the CEO where: <ul style="list-style-type: none"> (a) The submission is from a referral agency (e.g., Department of Environmental Regulation, Main Roads WA); (b) The consultation does not relate to a planning matter funded by a planning applicant; and <ul style="list-style-type: none"> (i) Consideration of the submission will not delay consideration of the matter to be considered; or (ii) The submission is from a key stakeholder where exclusion would compromise the quality of the decision.
HR Policy HR1 Loss of Driver's Licence	Employees who advise the CEO that they have a problem which may have resulted in them losing their Licence may be assisted by the Shire of Toodyay. The level of support will be determined at the discretion of the CEO; and The decision to supply and fund counselling to the employee to assist with recovery during the employee's illness lies with the CEO's discretion.
HR Policy HR4 Managing Employee Leave Entitlements	Where an agreement cannot be reached after the dispute resolution procedure has been followed, the final determination shall be made at the discretion of the CEO.

Policy Name	Discretion
HR Policy HR7 Vehicle Usage	Private use of Local Government vehicles is restricted to the zones designated in the following table and subject to the discretion of the CEO; and Unless an officer has 'Full Private Use' it is at the discretion of the CEO, after having regard to the needs of the Shire of Toodyay and the associated costs, whether or not an employee is able to retain the use of a vehicle during periods of absence from work including paid or unpaid leave.
Members Policy M.4 Conferences and Professional Development	The CEO is authorised to approve requests from Elected Members for professional development training and conference attendance without referral to Council in accordance with Policy.
Finance Policy F.5 – Debt Collection	The CEO may allow persons experiencing financial difficulties to make suitable arrangements for payment of sundry debtor charges in accordance with policy.
Other Policy O.5 – Closed Circuit Televisions (CCTV)	The CEO may authorise minor changes to the system and to this policy, where appropriate.
Administration Policy A15 for the Keeping of 3 to 6 dogs	The CEO is delegated authority to perform the functions of Council in respect to determination and/or refusal of applications in accordance with policy.

Certificates of Authority for Authorised Persons

Section 9.10 (2) of the *Local Government Act 1995* states that the “CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws”. These laws are mentioned specifically in each relevant instrument of appointment.

The CEO must issue each authorised person an identity card specifying each law to which the person’s appointment relates in accordance with Section 9.10(4) of the *Local Government Act 1995*. The identity cards are to be signed by the Authorised Person and the Delegate, copies of which are to be kept on file in accordance with the Shire of Toodyay Record Keeping Plan.

That person is to produce it whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person (the Act Section 9.10(5)).

The decision made in respect to the Appointment of Authorised Persons is made in writing through a detailed Memorandum (Appointment Certificate of Authority).

Certificates of Authority are to be signed by the Authorised Person and the Delegate, copies of which are to be kept on file in accordance with the Shire of Toodyay Record Keeping Plan.

The Appointment of Authorised Persons is to be recorded in the Authorised Officer register and reported in the Executive Section of the Council Information Bulletin.

A record of authorities is located in Section 1 – Authority Matrix and Review Table.

A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations (in relation to the exercise of the power or the discharge of the duty (the Act s.5.46 (3)).

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; stated as follows:

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

A Certificate of Authority (Identity Card) provided to an authorised person shall commence with the wording as follows:

“This person, whose signature appears on the reverse side, is designated as an Authorised Person, in accordance with Part 2 of the Criminal Procedure Act 2004, charged with the responsibility of exercising the following powers:”

This is in accordance with the *Criminal Procedure Act 2004* which states that a **prescribed Act** means an Act that is prescribed by the regulations made under this Act.

Regulations made under the *Criminal Procedure Act 2004* are called “*Criminal Procedure Regulations 2005*” which, under Schedule 1A – Infringement Notices: prescribed acts exists.

Temporary Appointments of Officers

Where an Officer acts temporarily in a position with delegated power, that person will not need to complete a financial interest return unless they have acted in that position for more than three months.

Definitions

The word **“delegation”** means to ‘grant authority by one party (delegator) to another (delegate) for an agreed purpose (specified in the instrument of delegation).

Terms within the Delegation Register and their definitions are provided in the table below.

Note: These terms are listed in the order in which they appear in individual delegations.

Term	Meaning
“Responsible Officer”	To whom the delegation is being made.
“Responsible Department”	The department the responsible officer is representing.
“Affected Department”	The name the department that is affected by the delegation made to the CEO.
“Affected Officer”	This infers that the responsible officer representing the department named in this "affected department" area has been sub-delegated (from the CEO) the authority to perform the functions contained in the delegation subject to conditions contained within the delegation.
“Legislation delegated directly to the CEO”	This means exactly what it says. If you see this heading in a delegation it will describe what the Act in question has delegated directly to the CEO of the local government.
“Background”	Will be listed where needed to give background information about a specific delegation particularly where an external agency is the head of power and/or record keeper of the authority.
“Statement of Intent”	This will state what the CEO (and where officers are sub-delegated) are being authorised to do through the relevant delegation and the instrument that supports it.
“Powers and Duties”	This states what powers and duties are to be performed by the delegate/s assigned to them through the instrument of delegation. It may also include what they will do or the purpose of the delegation.
“Functions”	This will specify the function the Council (Delegator) performs that the Responsible Officer (Delegate) will perform/exercise through the instrument of delegation, as assigned by the Delegator.
“Delegations made to the CEO from External Agencies”	Will be listed where needed to give information about a specific delegation particularly where an external agency is the head of power and has delegated a power directly to the CEO and/or another officer.
“CONDITIONS”	This area will contain the legislative requirements and conditions upon which the delegation is made.
“Previous Delegation No”	This will contain, where applicable, the previous delegation number prior to a recent review of the Delegation Register.

Term	Meaning
“Previous Delegation Name”	This will contain, where applicable, the previous delegation’s name prior to a recent review of the Delegation Register.
“Relevant Management Practice”	This will contain, where applicable, any reference to a Planning Scheme, Strategy, or other plan or other relevant document that has been adopted by Council.
“Relevant Local Law”	This will contain, where applicable, the reference to a local law that relates or provides information on the functions (and exercise) of the delegation.
“Relevant Policy”	This will contain, where applicable, the reference to a policy adopted by Council that relates or provides information on the functions (and exercise) of the delegation.
“Other Relevant References”	This will contain, where applicable, the legislative references used when writing the delegation. This section may be, due to the numbers of references made, expanded into several rows within various delegations to make clear from which Acts or the provisions of the subsidiary legislation the references are taken from.
“File Number”	The File Number listed within each delegation is a where documents are filed on the Shire’s electronic records system . Where there have been decisions made under delegated authority, an exercise of the power or the discharge of the duty documentation will be filed against the relevant file number for future reference.
“Record Keeping” (s.5.46 (3))	A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty
“Delegation made by Council to authorise the CEO and/or other employees”	Any authorisation made by Council (even to the CEO) is to be put here. <i>Note: Conditions of the authorisation made by Council to the CEO and/or other employees will be contained within the Conditions of the Delegation.</i>
“Sub-Delegation made by the CEO to other employees”	This will list names of persons to whom the CEO is able to sub-delegate the power assigned to him through the instrument of delegation by Council (Delegator). If unable to delegate the functions of the delegation to other employees a reference will be made to legislation that restricts sub-delegation.
“Conditions” in the table at the end of each instrument of delegation	Where the CEO has sub-delegated a function to an employee legislative references will be included, other than those mentioned in the “CONDITIONS” section of the delegation will be included here.
“Appointment of Authorised Officers / Persons”	This area will refer back to the delegation in every instance, where the CEO is able to appoint Authorised Persons / Authorised Officers to carry out the duties of the delegation without the need for them to be sub-delegated by the CEO.

Term	Meaning
"Adoption Date"	The date that a delegation was adopted through a Council Meeting.
"Last Review Date"	The date that a delegation was last reviewed through a Council Meeting.

Review

Section 5.46 "Register of, and records relevant to, delegations to CEO and employees" of the *Local Government Act 1995*, requires that:

- a. The CEO is to keep a register of the delegations made under this Division to the CEO and to employees;
- b. At least once every financial year, delegations made under this Division are to be reviewed by the delegator; and
- c. A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Note: Each instrument of delegation within the Delegation Register will be signed off by the authorised person(s) when a delegation is adopted, amended, or reviewed.

Record Keeping

When a person or body exercises their "delegated" authority they do so "on behalf" of the delegator and in doing so the person or body exercising delegated authority forms the relevant state of mind to make the decision "on behalf" of the delegator within legislative guidelines related to the exercise of a specific statutory power or duty.

Recordkeeping of decisions made under delegated authority will be in accordance with Section 5.41 of the *Local Government Act 1995*.

Regulation "r.19 Delegates to keep certain records (the Act s.5.46 (3))" of the *Local Government (Administration) Regulations 1996* states that where a power or duty has been delegated under the Act section "s.5.46 (3) Register of, and records relevant to, delegations to CEO and employees of the *Local Government Act 1995*" applies.

When the Authorised Officers are appointed, the Authorised Officer Register is updated with the following detail:

- (a) *Name, Position and Date of Appointment;*
- (b) *Whom the appointment has been made by (e.g., Council or the CEO);*
- (c) *Whether the Authorised Officer holds a primary delegation necessitating the completion of a Primary/Annual Return;*
- (d) *The details of what Acts / legislation the authorisation covers;*
- (e) *The Record No. that will relate to the letter provided to the Authorised Officer upon appointment containing the Conditions/Limitations as specified in Delegation and/or in accordance with the provisions of the relevant Acts and the provisions of the subsidiary legislation; and Date of issue of Identity Card or Certificate of Authorisation.*

AUTHORITY – Chief Executive Officer

I, (print name) do hereby agree to accept responsibility for the delegations assigned to my position that are detailed below:

AUTHORITY 1	Delegations to the CHIEF EXECUTIVE OFFICER
Delegation(s) made by Council:	ES1 Execution of Documents As per Council Resolution No. (PREVIOUSLY 209/06/20).
	ES2 <i>Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960.</i>
	ES3 <i>Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911.</i>
	ES4 <i>Food Act 2008.</i>
	ES5 <i>Building Act 2011.</i>
	ES6 <i>CAT Act 2011.</i>
	ES7 <i>DOG Act 1976.</i>
	ES8 <i>Bush Fires Act 1954.</i>
	ES9 <i>Biosecurity and Agricultural Management Act 2007.</i>
	ES10 Expression of Interest and Tenders.
	ES11 Determine Grant, Sponsorship and Donation Allocations.
	ES12 Lease of Council Buildings.
	ES13 Tenancy Agreements.
	ES14 Contract Formalities.
	ES15 Appointment of Acting CEO.
	ES16 Temporary Road Closures.
	CS1 Payments from Municipal Fund or Trust Fund.
	CS2 Investment of Surplus Funds.
	CS3 Amend Rate Record.
	CS4 Agreement as to payment of rates and service charges.
	CS5 Legal Representation and Costs Indemnification.
	CS6 Issue of Writ, Summons or Other Process.
	CS7 Power to Defer, Grant Discounts, Waive or Write-off Debts.
	CS8 Application for Public Events.
	CS9 Consumption of Liquor on local government property.
	CS10 Accession of Artefacts into the Museum Collection.
	BHS1 Applications for Treatment of Sewage and Disposal of

AUTHORITY 1	Delegations to the CHIEF EXECUTIVE OFFICER
	<p>Effluent and Liquid Waste.</p> <p>BHS2 Issue of Notice of Breach (Fencing).</p> <p>BHS3 Dealing with Clearing Matters.</p> <p>BHS4 Swimming Pool Inspections.</p> <p>BHS5 Crossing from Public Thoroughfare to Private land or private thoroughfare.</p> <p>AS1 Crossovers.</p> <p>AS2 Private Works on, over or under public places.</p> <p>AS3 Licence to deposit materials on or excavate adjacent to a street.</p> <p>AS4 Altering Thoroughfare Alignments.</p> <p>AS5 Dangerous excavation.</p> <p>PD1 Stallholder Applications.</p> <p>PD2 Thoroughfares and Trading in Thoroughfares and Public Places Permits.</p> <p>PD3 Development Application Delegations.</p> <p>PD4 Illegal Development.</p> <p>PD5 Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4.</p> <p>PD6 Deed of Covenant for the Payment of a Developer Contribution.</p> <p>PD7 Gutters for new buildings in the Central Toodyay Heritage Area.</p> <p>PD8 Caravan Park and Camping Grounds.</p> <p>PD9 Recommendations to the WAPC regarding Applications for Subdivision/Amalgamation or Strata Title.</p> <p>PD10 Clearance of Conditions of Development Approval, or Conditions of Subdivision.</p> <p>PD11 Advice to the Department of Planning, Lands and Heritage (DPLH) regarding matters associated with <i>Land Administration Act 1997</i>.</p> <p>PD12 Advising other Regulatory Authorities.</p>
Delegation(s) made by the CEO:	<i>Any Delegations made by the CEO will be recorded in accordance with Local Government (Administration) Regulations (r.19).</i>
Delegation(s) prescribed by legislation:	<p>EA1 Noise Control – Serve Environmental Protection Notices [S65(1)].</p> <p>EA2 Noise Control – Keeping of Logbooks, Noise Control</p>

AUTHORITY 1	Delegations to the CHIEF EXECUTIVE OFFICER
	Notices, Calibration and Approval of Non-Complying Events [Reg.16].
EA3	Noise Control – Noise Management Plans – Construction Sites [Reg.13].
EA4	Delegation to the CEO in relation to the <i>Freedom of Information Act 1992</i> .
EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i> .
EA6	Delegation to the CEO in relation to the <i>Local Government Act 1995</i> .
EA7	Delegation to the Environmental Health Officer (EHO) in relation to the <i>Public Health Act 2016</i> .
EA8	Powers of Entry in an emergency.
EA9	Development Applications made under the auspices of the <i>Planning and Development Act 2005</i> .
EA10	Delegation to the Ranger/Pound Keeper in relation to the <i>Biosecurity and Agricultural Management Act 2007</i> .
EA11	Delegation to Local Government Officers under the <i>Strata Titles Act 1985</i> .

Delegator: Council

Officer Appointed

As per Council Resolution No.

Signature:

.....

Date:

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AUTHORITIES- STAFF

The Authorities for the Staff are listed below. After the Council Meeting whereby Council will approve the Delegation Register as per the Officer's Recommendation; Appointment Certificates, containing the authority information, will be sent to staff to sign off and return for filing into the Delegation Register.

AUTHORITY 2	MANAGER CORPORATE & COMMUNITY SERVICES
Delegation(s) made by Council:	ES1 Execution of Documents As per Council Resolution No. 209/06/20
Delegation(s) made by the CEO:	ES10 Expression of Interest and Tenders ES12 Lease of Council Buildings ES13 Tenancy Agreements ES14 Contract Formalities ES16 Temporary Road Closures CS1 Payments from Municipal Fund or Trust Fund CS2 Investment of Surplus Funds CS3 Amend Rate Record CS4 Agreement as to payment of rates and service charges CS5 Legal Representation and Costs Indemnification CS6 Issue of Writ, Summons or Other Process CS7 Power to Defer, Grant Discounts, Waive or Write-off Debts CS8 Application for Public Events CS9 Consumption of Liquor on local government property CS10 Accession of Artefacts into the Museum Collection
Delegation(s) prescribed by legislation:	EA5 Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i> EA8 Powers of Entry in an emergency

AUTHORITY 3		ECONOMIC COORDINATOR	
Delegation(s) made by Council:	Not applicable		
Delegation(s) made by CEO:	CS1	Payments from Municipal Fund or Trust Fund	
	CS8	Application for Public Events	
Delegation(s) prescribed by legislation:	EA8	Powers of Entry in an emergency	

AUTHORITY 4		MANAGER PLANNING AND DEVELOPMENT	
Delegation(s) made by Council:	ES1	Execution of Documents As per Council Resolution No. 209/06/20	
Delegation(s) made by the CEO:	ES5	Delegation to the CEO in relation to the Building Act 2011	
	ES10	Expression of Interest and Tenders	
	ES12	Lease of Council Buildings	
	ES13	Tenancy Agreements	
	ES14	Contract Formalities	
	ES16	Temporary Road Closures	
	CS1	Payments from Municipal Fund or Trust Fund	
	BHS2	Issue of Notice of Breach (Fencing)	
	BHS3	Dealing with Clearing Matters	
	BHS4	Swimming Pool Inspections	
	BHS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.	
	AS1	Crossovers	
	AS2	Private Works on, over or under public places	
	AS3	Licence to deposit materials on or excavate adjacent to a street.	
	AS4	Altering Thoroughfare Alignments	
	AS5	Dangerous excavation	
	CS8	Application for Public Events	
	CD2	Consumption of Liquor on local government property	

AUTHORITY 4		MANAGER PLANNING AND DEVELOPMENT	
	PD1	Stallholder Applications	
	PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits	
	PD3	Development and Subdivision Application Delegations	
	PD4	Illegal Development	
	PD7	Gutters for new buildings in the Central Toodyay Heritage Area	
	PD8	Caravan Park and Camping Grounds	
	PD9	Recommendations to the WAPC regarding Applications for Subdivision / Amalgamation or Strata Title	
	PD10	Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval	
	PD11	Advice to the Department of Planning Lands and Heritage (DPLH) Regarding Matters associated with the Land Administration Act 1997	
	PD12	Advising other Regulatory Authorities	
Delegation(s) prescribed by legislation:	EA8	Powers of Entry in an Emergency	
	EA9	Development Applications made under the auspices of the Planning and Development Act 2005	

AUTHORITY 5		MANAGER ASSETS AND SERVICES	
Delegation(s) made by Council:	ES1	Execution of Documents As per Council Resolution No. 209/06/20	
Delegation(s) made by CEO:	ES9	Delegation to the CEO in relation to the Biosecurity and Agricultural Management Act 2007	
	ES10	Expression of Interest and Tenders	
	ES14	Contract Formalities	
	ES16	Temporary Road Closures	
	CS1	Payments from Municipal Fund or Trust Fund	
	BHS3	Dealing with Clearing Matters	
	BHS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.	
	AS1	Crossovers	
	AS2	Private Works on, over or under public places	
	AS3	Licence to deposit materials on or excavate adjacent to a	

AUTHORITY 5	MANAGER ASSETS AND SERVICES
	street. AS4 Altering Thoroughfare Alignments AS5 Dangerous excavation PD8 Caravan Park and Camping Grounds
Delegation(s) prescribed by legislation:	EA8 Powers of Entry in an emergency

AUTHORITY 6	PLANNING OFFICER
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	BHS2 Issue of Notice of Breach (Fencing) PD3 Development and Subdivision Application Delegations PD9 Recommendations to the WAPC regarding Applications for Subdivision / Amalgamation or Strata Title PD10 Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval PD11 Advice to the Department of Planning Lands and Heritage (DPLH) Regarding Matters associated with the Land Administration Act 1997 PD12 Advising other Regulatory Authorities
Delegation(s) prescribed by legislation:	Not applicable

AUTHORITY 7	ENVIRONMENTAL HEALTH OFFICER
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	ES3 Delegation to the CEO – Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911 ES4 Delegation to the CEO – Food Act 2008 BHS1 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste

AUTHORITY 7 ENVIRONMENTAL HEALTH OFFICER	
	PD1 Stallholder Applications PD2 Thoroughfares and Trading in Thoroughfares and Public Places Permits
Delegation(s) prescribed by legislation:	EA3 Delegation to the Environmental Health Officer (EHO) in relation to the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 EA7 Delegation to the Environmental Health Officer (EHO) in relation to the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911

AUTHORITY 8 MUSEUM CURATOR	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	CD3 Accession of Artefacts into the Museum Collection
Delegation(s) prescribed by legislation:	Not applicable

AUTHORITY 9 FINANCE MANAGER	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	CS1 Payments from Municipal Fund or Trust Fund
Delegation(s) prescribed by legislation:	Not applicable

AUTHORITY 10 FINANCE OFFICER	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	CS1 Payments from Municipal Fund or Trust Fund
Delegation(s) prescribed by legislation:	Not applicable

AUTHORITY 11 FREEDOM OF INFORMATION DIRECTION	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	Designated as an Officer with the responsibility for making decisions in respect to applications made under the FOI Act in accordance with Section 100(1) (b) of the Freedom of Information Act 1992.
Delegation(s) prescribed by legislation	EA4 Delegation to the CEO - <i>Freedom of Information Act 1992</i>

AUTHORITY 12 FREEDOM OF INFORMATION DIRECTION	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by CEO:	Designated as an Officer with the responsibility for making decisions in respect to applications made under the FOI Act in accordance with Section 100(1) (b) of the Freedom of Information Act 1992.
Delegation(s) prescribed by legislation	EA4 Delegation to the CEO - <i>Freedom of Information Act 1992</i>

AUTHORITY 13 RANGERS	
Delegation(s) made by Council:	Not applicable
Delegation(s) made by the CEO:	Not applicable
Appointment as Authorised Officer by the CEO:	<p><i>This certifies that this Officer, employed under s.5.36 of the Local Government Act 1995, has been appointed by the CEO as a Prescribed Officer with the authority to exercise the powers of a Ranger / Pound Keeper, Registration Officer; designated as an Authorised Person, in accordance with Part 2 of the Criminal Procedure Act 2004, for the purposes of, and in accordance with Prescribed Acts, including the provisions of those Acts that are specified as follows:</i></p> <ul style="list-style-type: none"> • <i>Animal Welfare Act 2002 (s.65);</i> • <i>Biosecurity and Agriculture Management (Identification and</i>

AUTHORITY 13	RANGERS
	<p><i>Movement of Stock and Apiaries) Regulations 2013;</i></p> <ul style="list-style-type: none"> • <i>Bush Fires Act 1954 (s.13, s.14, s.38 and s.59A) and Part V Bush Fire Regs.1954; and Bush Fire (Infringement) Regs.1978 (s.59A(2));</i> • <i>Part IV Caravan Parks and Camping Grounds Act 1995.</i> • <i>CAT Act 2011 (Subdivision 2) & CAT Regs. 2012;</i> • <i>Part IV Dog Act 1976, Dog Regulations 2013; and Dog Amendment Act 2013</i> • <i>Enforcement of Shire of Toodyay Local Laws;</i> • <i>Litter Act 1979 (s.27), and Litter Act Regs. 1981;</i> • <i>Local Government Act 1995; plus, Local Government (Uniform Local Provisions) Regulations 1996; and Local Government (Functions & General) Regulations 1996;</i> • <i>Part XX of the Local Government (Misc. Provisions) Act 1960; and</i> • <i>Section 14 Road Traffic (Admin) Act 2008; and Regulation 7(2)(n) Road Traffic (Admin) Regulations 2014 Road Traffic (Administration) Act 2008.</i>
Delegation(s) prescribed by legislation:	EA10 Delegation to the Ranger, Pound keeper / Authorised Person in relation to the <i>Biosecurity and Agricultural Management Act 2007</i>

AUTHORITY 13	CESM
Delegation(s) made by Council:	Not applicable
Delegation(s) made by the CEO:	Not applicable
Appointment as Authorised Officer by the CEO:	<p>This person, whose signature appears on the reverse side, is designated as an Authorised Person, in accordance with Part 2 of the <i>Criminal Procedure Act 2004</i>, and charged with the responsibility of exercising the following powers:</p> <ul style="list-style-type: none"> • <i>Bush Fires Act 1954 (s.13, s.14, s.38, s.39, s.39A and s.59 and s.59A) and Part V Bush Fire Regs.1954; and Bush Fire (Infringement) Regs.1978 (s.59A(2));</i> • <i>Enforcement of Shire of Toodyay Local Laws;</i> • <i>Local Government Act 1995; plus, Local Government (Uniform Local Provisions) Regulations 1996; and Local</i>

AUTHORITY 13	CESM
	<p><i>Government (Functions & General) Regulations 1996;</i></p> <ul style="list-style-type: none"> • Part XX of the <i>Local Government (Misc. Provisions) Act 1960</i>; and • Section 14 <i>Road Traffic (Admin) Act 2008</i>; and Regulation 7(2)(n) <i>Road Traffic (Admin) Regulations 2014</i> and <i>Road Traffic (Administration) Act 2008</i>. <p>This Authorised Officer has delegated authority in relation to delegations written below:</p> <ul style="list-style-type: none"> • Delegation CS1 Payments from Municipal Fund or Trust Fund (Purchasing—Authorised Signatory on Credit Card)
Delegation(s) prescribed by legislation:	

AUTHORITY 14	WORKS SUPERVISORS AND ENGINEERING TECHNICAL OFFICER
Delegation(s) made by Council:	
Delegation(s) made by CEO:	<p>Designated as an Officer with the responsibility for making decisions in respect to authorised to approve purchase orders, contract extensions after a contract is finalised and variations on behalf of the Council within the limits stated provided such proposed purchases are contained within the Budget, are within the officer's area of activity, adhere to the purchasing threshold provisions in section 3 of this policy and subject to delegation ES1 Execution of Documents.</p>
Delegation(s) prescribed by legislation	

Departmental Matrix Table

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
Executive Services – Delegations to the CEO								
ES1	Execution of Documents	19/04/2007	23/06/2020	⦿	⦿	⦿	⦿	
ES2	<i>Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960</i>	15/03/2007	23/06/2020	⦿				
ES3	<i>Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911</i>	22/05/2017	23/06/2020	⦿		⦿		⦿
ES4	<i>Food Act 2008</i>	15/03/2007	23/06/2020	⦿				⦿
ES5	Building Act 2011	15/03/2007	23/06/2020	⦿		⦿		
ES6	<i>CAT Act 2011.</i>	15/03/2007	23/06/2020	⦿				
ES7	<i>DOG Act 1976.</i>	15/03/2007	23/06/2020	⦿				
ES8	<i>Bush Fires Act 1954.</i>	18/04/2013	23/06/2020	⦿				
ES9	<i>Biosecurity and Agricultural Management Act 2007</i>	22/05/2017	23/06/2020	⦿			⦿	⦿
ES10	Expression of Interest and Tenders	03/04/2012	23/06/2020	⦿	⦿	⦿	⦿	
ES11	Determine Grant, Sponsorship and Donation Allocations	18/04/2013	23/06/2020	⦿				

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
ES12	Lease of Council Buildings	18/04/2013	23/06/2020	⊙	⊙	⊙		
ES13	Tenancy Agreements	18/04/2013	23/06/2020	⊙	⊙	⊙		
ES14	Contract Formalities	18/04/2013	23/06/2020	⊙	⊙	⊙	⊙	
ES15	Appointment of Acting CEO	23/02/2016	23/06/2020	⊙				
ES16	Temporary Road Closures	24/11/2015	23/06/2020	⊙		⊙	⊙	
Corporate and Community Services								
CS1	Payments from Municipal Fund or Trust Fund	24/11/2005	23/06/2020	⊙	⊙	⊙	⊙	⊙
CS2	Investment of Surplus Funds	24/11/2005	23/06/2020	⊙	⊙			
CS3	Amend Rate Record	22/09/2015	23/06/2020	⊙	⊙			
CS4	Agreement as to payment of rates and service charges	18/04/2013	23/06/2020	⊙	⊙			
CS5	Legal Representation and Costs Indemnification	24/11/2005	23/06/2020	⊙	⊙			
CS6	Issue of Writ, Summons or Other Process	24/11/2005	23/06/2020	⊙	⊙			
CS7	Power to Defer, Grant Discounts, Waive or Write-off Debts	24/11/2005	23/06/2020	⊙	⊙			
CS8	Application for Public Events	22/09/2015	23/06/2020	⊙	⊙	⊙		
CS9	Consumption of Liquor on local government property	24/11/2005	23/06/2020	⊙	⊙	⊙		
CS10	Accession of Artefacts into the Museum Collection	27/03/2014	23/06/2020	⊙	⊙			⊙

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
Building and Health Services Section								
BHS1	Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste	24/11/2005	23/06/2020	⊙				⊙
BHS2	Issue of Notice of Breach (Fencing)	27/03/2008	23/06/2020	⊙		⊙		⊙
BHS3	Dealing with Clearing Matters	27/04/2006	23/06/2020	⊙		⊙	⊙	
BHS4	Swimming Pool Inspections	18/04/2013	23/06/2020	⊙		⊙		⊙
BHS5	Crossing from Public Thoroughfare to Private land or private thoroughfare.	18/04/2013	23/06/2020	⊙		⊙	⊙	
Assets and Technical Services Section								
AS1	Crossovers	18/04/2013	23/06/2020	⊙		⊙	⊙	
AS2	Private Works on, over or under public places	18/04/2013	23/06/2020	⊙		⊙	⊙	
AS3	Licence to deposit materials on or excavate adjacent to a street.	18/04/2013	23/06/2020	⊙		⊙	⊙	
AS4	Altering Thoroughfare Alignments	18/04/2013	23/06/2020	⊙		⊙	⊙	
AS5	Dangerous excavation	18/04/2013	23/06/2020	⊙		⊙	⊙	
Planning and Development Services Section								
PD1	Stallholder Applications	24/11/2005	23/06/2020	⊙		⊙		⊙

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
PD2	Thoroughfares and Trading in Thoroughfares and Public Places Permits	24/11/2005	23/06/2020	⊙	⊙	⊙		⊙
PD3	Development Application Delegations	24/11/2015	23/06/2020	⊙		⊙		⊙
PD4	Illegal Development	24/11/2015	23/06/2020	⊙		⊙		
PD5	Appointment of Authorised Persons – <i>the Shire of Toodyay Local Planning Scheme No. 4.</i>	24/11/2015	23/06/2020	⊙				
PD6	Deed of Covenant for the Payment of a Developer Contribution	19/06/2008	23/06/2020	⊙				
PD7	Gutters for new buildings in the Central Toodyay Heritage Area	18/02/2014	23/06/2020	⊙		⊙		⊙
PD8	Caravan Park and Camping Grounds	18/04/2013	23/06/2020	⊙		⊙	⊙	⊙
PD9	Recommendations to the WAPC regarding Applications for Subdivision/Amalgamation or Strata Title	25/06/2019	23/06/2020	⊙		⊙		⊙
PD10	Clearance of Conditions of Development Approval, or Conditions of Subdivision /	25/06/2019	23/06/2020	⊙		⊙		⊙
PD11	Advice to the Department of Planning, Lands and Heritage (DPLH) regarding matters associated with Land Administration Act 1997	25/06/2019	23/06/2020	⊙		⊙		⊙
PD12	Advising other Regulatory Authorities	25/06/2019	23/06/2020	⊙		⊙		⊙
External Agency Statutory Delegations made direct to Officers								
EA1	Noise Control – Serve Environmental Protection Notices [S65(1)]	24/11/2005	23/06/2020	⊙				

NO.	DELEGATION DESCRIPTION	ADOPTION DATE	LAST REVIEW DATE	SUB-DELEGATIONS				
				CEO	MCCS	MPD	MAS	OTHERS
EA2	Noise Control – Keeping of Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]	24/11/2005	23/06/2020	☉				
EA3	Noise Control – Noise Management Plans – Construction Sites [Reg.13]	24/11/2005	23/06/2020	☉				☉
EA4	Delegation to the CEO In relation to the <i>Freedom of Information Act 1992</i>	18/04/2013	23/06/2020	☉				
EA5	Delegation to the CEO in relation to the <i>Public Interest Disclosure Act 2003</i>	22/09/2015	23/06/2020	☉				
EA6	Delegation to the CEO in relation to the <i>Local Government Act 1995</i> .	22/09/2015	23/06/2020	☉				
EA7	Environmental Health Officer (EHO) in relation to the <i>Public Health Act 2016</i> and the <i>Health (Miscellaneous Provisions) Act 1911</i>	28/06/2016	23/06/2020	☉				☉
EA8	Powers of Entry in an emergency	18/04/2013	23/06/2020	☉	☉	☉	☉	☉
EA9	Development Applications made under auspices of the <i>Planning and Development Act 2005</i>	29/06/2016	23/06/2020	☉		☉		
EA10	Delegation to the Ranger, Pound keeper / Authorised Person in relation to the <i>Biosecurity and Agricultural Management Act 2007</i>	22/05/2017	23/06/2020					☉
EA11	Delegation to Local Government Officers in relation to the <i>Strata Titles Act 1985</i>					☉		☉

REVIEW TABLE

The Review Table of the Delegation Register is as follows:

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
1	24/11/2005	Amended	D.2	192/11/05	Completed
2	16/11/2006	Amended	D.4-D.7; D.9-D.15; D.17-D.18; D.20; D.22-D.25	190/11/06	Completed
3	15/11/2007	Amended	D.1-D.2; D.4-D.7; D.10-D.21; D.23-D.27	157/11/07	Completed
4	25/02/2008	Revoked	D.10	204/02/08	Completed
		Amended	D.11	205/02/08	Completed
		Revoked	D.17	206/02/08	Completed
5	8/06/2008	New Delegation	D.29	275/05/08	Completed
6	21/05/2009	Removed	185/01/08	500/05/09	Completed
		Amended	D.6		
		Amended	D.18		
		Amended	D.19		
		Amended	D.20		
		Amended	D.25		
7	10/12/2009	One off	590/10/09	590/10/09	Completed
8	25/02/2010	Revoked	D.9	644/12/09	Completed
		Amended	D.26	688/02/10	
9	13/05/2010	Amended	D.19; D.23; D.26;	751/05/10	Completed
10	21/06/2011	Amended	D.17	172/06/11	Completed
11	21/02/2012	Amended	D.18	37/02/12	Completed
12	21/02/2012	Amended	D.18	37/02/12	Completed

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
13	29/02/2012	One-off	64/02/12	64/02/12	Completed
14	3/04/2012	New	D.30	107/04/12	Completed
15	19/06/2012	Amended	D.5, D.6, D.12, D.17, D.23	189/06/12	Completed
16	18/04/2013	Reviewed	D.2, D.3, D.4, D.5, D.8, D.11, D.12, D.16, D.18, D.21, D.23, D.27, D.28, D.29, D.30.	114/04/13	Completed
16	18/04/2013	Amended AND Adopted (as amended)	D.1, D.6, D.7, D.13, D.14, D.15, D.17, D.19, D.20, D.25, D.26, D.27, D.36, D.37, D.38, D.39, D.40, D.42, D.43, D.46, D.48, D.52, D.54, D.55, D.57, D.58, D.59.	114/04/13	Completed
16	18/04/2013	Adopted	D.33, D.34, D.35, D.41, D.44, D.45, D.47, D.50, D.51, D.53, D.56.	114/04/13	Completed
16	18/04/2013	Revoked	D.9.	114/04/13	Completed
17	18/04/2013	Adopted	D.61	119/04/13	Completed
18	17/05/2013	Amended	D.1, D.39	CEO Request	Completed
19	17/05/2013	Amended	D.6	CEO Request	Completed
20	31/07/2013	Amended	D.11	CEO request	Completed
21	3/12/2013	Amended	D.13/D.14/D.59	CEO request	Completed
22	18/2/2014	Adopted	D.49	43/02/14	Completed
23	27/05/2014	Adopted	D.60	120/05/14	Completed
24	28/10/2014	Amended	D.26	324/10/14	Completed
25	28/10/2014	TBA	D.62	324/10/14	Completed
26	28/10/2014	TBA	D.63	324/10/14	Completed
27	28/10/2014	TBA	D.64	324/10/14	Completed
28	28/10/2014	REVIEWED (Vn.2)	The whole doc.	324/10/14	Completed
29	11/11/2014	Presented	<i>All Delegations</i>	Council Forum	Follow up

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
30	08/09/2015	Presented	<i>All Delegations</i>	Council Forum	Follow up
31	22/10/2015	Adopted	<i>All Delegations</i>	187/09/15	Completed
32	17/11/2015	Review	<i>DRAFT Planning Delegations</i>	Added section headings	Completed
33	24/11/2015	Revoke	<i>D.11 and D.17</i>	242/11/15	Completed
34	24/11/2015	Adopted	<i>PD3, PD4 & PD5</i>	242/11/15	Completed
35	24/11/2015	Review	<i>D.28</i>	N/A	Completed
36	February	Review	<i>All Delegations</i>	N/A	Completed
37	23/02/2016	Adopted	<i>ES15</i>	23/02/16	Completed
38	14/06/2016	Presented	<i>All Delegations</i>	Council Forum June 2016	Completed
39	24/05/2016	Reviewed	<i>PD3, PD4, PD5</i>	51/05/16	Completed
40	28/06/2016	Considered	<i>All Delegations</i>	90/06/16	Completed.
41	29/06/2016	External Agency	<i>EA9</i>	N/A	Completed.
42	22/11/2016	Amended	<i>CS1</i>	118/11/16	Completed
43	27/06/2017	Reviewed	<i>All Delegations</i>	106/06/17	Completed
44	22/05/2018	Reviewed /Amended	<i>All Delegations</i>	88/05/18	Completed
45	06/05/2019	Reviewed	<i>All Delegations</i>	Sent email to Mgrs 6/5/19	Completed
46	25/06/2019	Amended	<i>All Delegations</i>	138/06/19	Completed
47	25/06/2019	Amended	<i>Authorities Section</i>	N/A	Completed
48	23/06/2020	Amended	<i>All Delegations</i>	209/06/20	Complete
49	4/1/2021	Commenced review of the Delegation Register	<i>Delegations in the Executive Services Section in particular were due to Local Government Act 1995 amendments to subsidiary legislation.</i>		
50					
51					
52					

Review No	Date	Review Type	Amended Delegation Numbers	Council Resolution No	REVIEW STATUS
53					
54					

SECTION 2 Executive Services (Delegations to the CEO)

ES1 Execution of Documents

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO and other employees to have charge of the common seal of the Shire and be responsible for its safe custody and proper use; and authority to sign documents on behalf of the local government in accordance with Section 9.49 A (4), (5) and (7) "Execution of Documents" of the *Local Government Act 1995 and the Shire of Toodyay Standing Orders Local Law 2008 (Section 20.1)*.

POWER AND DUTIES

This delegation authorises the CEO to sign documents on behalf of the local government in accordance with Section 9.49 A (4), (5) and (7) "Execution of Documents" of the *Local Government Act 1995*.

This delegation also authorises the:

- Manager Corporate & Community Services;
- Manager Planning & Development; and the
- Manager Assets and Services

To sign documents on behalf of the local government in accordance with Section 9.49 A (4), (5) and (7) "Execution of Documents" of the *Local Government Act 1995 subject to the conditions of this delegation*.

FUNCTION

To comply with Section 9.49A (1) "Execution of Documents" of the *Local Government Act 1995*.

CONDITIONS

Section 5.43 "Limitations on delegations to CEO" states a local government cannot delegate to a CEO "(ha) the power under section 9.49 A (4) to authorise a person to sign documents on behalf of the local government".

Section 9.49A (5) of the *Local Government Act 1995* states that a document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by this authorisation.

Section 34 "Common seal, unauthorised use of" of the *Local Government (Functions and General) Regulations 1996* states that "a person who affixes the common seal, or a replica of the common seal, of a local government to any document except as authorised by the local government commits an offence."

ES1 EXECUTION OF DOCUMENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Part 20.1 – <i>Shire of Toodyay Standing Orders Local Law 2008</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Relevant References:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> s.9.49A (1) document executed by person under an authority is permitted to do so by this authorisation. s.9.49 'documents, how authenticated'
File Number:	<ul style="list-style-type: none"> MAN10
Record Keeping (s.546(3))	<ul style="list-style-type: none"> A Common Seal Register is to be kept in respect to the use of the Common seal; Use of the Common Seal is to be reported in the Executive Section of the Council Information Bulletin; Signed copies of executed documents, sealed or unsealed, are to be stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees. "In accordance with S.9.49A(4)"	<ul style="list-style-type: none"> CEO; Manager Corporate & Community Services; Manager Planning and Development; and the Manager Assets and Services
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.

ES1 EXECUTION OF DOCUMENTS	
Conditions	<ul style="list-style-type: none"> That where Managers execute documents, the CEO or the Acting CEO, acting as Council's deputy, is to be provided with due notice and opportunity to sight the original document, prior to execution.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Not applicable.
Adoption Date:	19 April 2007
Last Review Date:	6 January 2021

ES2 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 --- --- Delegation to the CEO -

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the legislation stated below:

- *Local Government Act 1995;*
- *Local Government (Miscellaneous Provisions) Act 1960; and*
- *Planning and Development Act 2005, sections 214(2), (3) and (5);*

in accordance with s.5.42 Delegation of some powers and duties to CEO of the *Local Government Act 1995*.

* *Absolute majority required.*

The intent with respect to the above is that the authority will extend to any subsidiary regulations of the legislation specified above, and any *Shire of Toodyay Local Laws* where the head of power is the *Local Government Act 1995*.

Section 2 of the *Local Government (Miscellaneous Provisions) Act 1960* states that the *Local Government Act 1995* applies as if the provisions of this Act were in that Act but in construing the provisions of this Act account is to be taken of the meanings they had before the *Local Government Act 1995* commenced.

POWERS AND DUTIES

This delegation authorises the CEO to:

- appoint fit and proper persons to be a keeper of Pounds, and to also appoint a Ranger or Rangers, in accordance with the *Local Government (Miscellaneous Provisions) Act 1960* section 449.
- exercise the powers given to a local government in respect to Subdivision 2 – Certain provisions about land, in accordance with the *Local Government Act 1995*, section 3.24.

- make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person in accordance with the *Local Government Act 1995* section 9.49B. **Refer to Delegation ES10.**

FUNCTION

Functions specifically performed by the CEO, an Authorised Person that the CEO has been *statutorily delegated to appoint* under s.9.10, and/or an employee of local government in accordance with s.5.44 of the *Local Government Act 1995* are as follows:

Local Government Act 1995 (the Act)

- s.3.18 Performing executive functions;
- s.3.20(1) Performing functions outside district;
- s.3.25. Notices requiring certain things to be done by owner or occupier of land;
- s.3.39. Power to remove and impound;
- s.3.46. Goods may be withheld until costs paid;
- s.3.47A. Sick or injured animals, disposal of;
- s.3.50. Closing certain thoroughfares to vehicles;
- s.3.50A. Partial closure of thoroughfare for repairs or maintenance;
- s.3.51. Affected owners to be notified of certain proposals; and
- 9.11. Persons found committing breach of Act to give name on demand;
- s.9.16. Notice, giving of to alleged offender.
- s.9.24 Prosecutions, commencing
- s.9.29. Representing local government in court

Local Government (Miscellaneous Provisions) Act 1960

- s.448. Cattle grazing on streets etc. without local government's consent, status of and may be impounded;
- s.449. Pounds, establishing; pound keepers and rangers, appointing;
- s.450. Pounds, pound keepers and rangers, notice and proof of etc.;
- s.455. Pound book, information in and access to etc.;
- s.456. Fees etc. for pound, notice of; and
- s.457. Unclaimed money, how pound keeper and local government to deal with;

Sections 214(2), (3) and (5) of the Planning and Development Act 2005.

- s.214 Illegal development, responsible authority's powers as to

Refer to Section 7 and PD5.

CONDITIONS

This delegation is subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.*

This delegation does not include those duties referred to in Section 5.43 of the Act.

Under the *Planning and Development Act 2005* a **designated person** in section 228, 229, 230 or 231 means a person appointed under section 234 to be a designated person for the purposes of the section in which the term is used.

Section 234 (2) of the *Planning and Development Act 2005* states that a person who is authorised as a **Designated Person** to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.

Section 64 (4) "Appointment of Authorised Persons" of the *Animal Welfare Act 2002* states that a person cannot be both an authorised person and an inspector.

ES2 <i>Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 ---- Delegation to the CEO -</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted policies.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • <i>Local Government Act 1995 - Section 3.25 "Notices requiring certain things to be done by owner or occupier of land".</i> • <i>Part 3, Division 3 (Subdivision 2 – "Certain Provisions about land") Section 3.24 "Authorising persons under this subdivision";</i> • <i>Part 5, Division 4, Section 5.36 Local Government Employees; and</i> • <i>Section 5.42 "Delegation of some Powers and Duties to CEO".</i> • <i>Division 2 "Enforcement and legal proceedings" (Subdivision 1 Miscellaneous provisions about enforcement,") Section 9.10 Appointment of authorised persons;</i> • <i>Subdivision 4, Part 3 (Division 3 "Executive Functions of Local Governments") Section 3.39 "Power to move and impound";</i> • <i>Part 9, Division 2 "Enforcement and legal proceedings" (Subdivision 1 "Miscellaneous provisions about enforcement") Sections 9.11, 9.13, 9.16, 9.17, 9.18, 9.19 and 9.20.</i>

ES2	<i>Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 ---- Delegation to the CEO -</i>
<i>Local Government (Miscellaneous Provisions) Act 1960</i>	<ul style="list-style-type: none"> • Section 449. Pounds, establishing; pound keepers and rangers, appointing
Other Relevant References: <i>Local Government (Functions and General) Regulations 1996</i>	<ul style="list-style-type: none"> • Part 5 – Owner onus and infringement notices.
File Number: (not an exhaustive list)	<ul style="list-style-type: none"> • FIN5 • MAN6 – Appointments of Authorised Officers / Persons; • RGR7/R1.26, R2.6, R3.4, R4.2/LAW1, LAW7/PAR3, PAR1/DOG 2, DOG4/LIT1
Record Keeping (s.546(3)) <i>List how records of decisions are to be kept by Delegate(s)</i>	<ul style="list-style-type: none"> • All decisions taken in respect to infringement notices, or the removal or impoundment of goods are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan. • Notices to be given of certain decisions are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Volunteer records are to be kept up to date in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
Conditions	<ul style="list-style-type: none"> • Refer to the Conditions above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>limited suitability for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • <i>S.3.39 of the Local Government Act 1995 suitable for Acting Through.</i> • <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005.</i> • <i>Refer to the Statement of Intent.</i>

ES2 <i>Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 ---- Delegation to the CEO -</i>	
Adoption Date:	15 March 2007
Last Review Date:	4 February 2021

ES3 Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911 ----- Delegation to the CEO –

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The *Public Health Act 2016*:

- is a Prescribed Act as defined by the *Criminal Procedures Act 2004*; and
- defines an **enforcement agency** and a **public authority** as meaning a local government.

The intent of this delegation is for Council, as a public authority and enforcement agency, to delegate to the CEO, as Council's Deputy, the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Prescribed Acts* stated below:

- *Health (Miscellaneous Provisions) Act 1911, in accordance with section 26 Powers of local government; and*
- *Public Health Act 2016 in accordance with s.21(1)(b) Enforcement Agency may delegate and s.24 (1) Designation of Authorised Officers of the Public Health Act 2016.*

The intent with respect to the Prescribed Acts mentioned above is that the authority will extend to the regulations or subsidiary legislation of those prescribed acts and the Shire of Toodyay Local Laws where the head of power is either the *Local Government Act 1995*, the *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers given to a local government and perform the functions of local government in relation to the administration of the *Public Health Act 2016* in accordance with section 16 of the *Public Health Act 2016*.
- appoint one or more persons as Environmental Health Officers in accordance with section 17 of the *Public Health Act 2016* for the purpose of performing the functions of an authorised officer as specified in section 312 of the *Public Health Act 2016*.

- exercise the powers that are conferred or imposed on the enforcement agency and perform the functions of the agency in relation to the administration of the *Public Health Act 2016* in accordance with section 19 of the *Public Health Act 2016*.
- designate a person or class of persons as Authorised Officers for the purposes of the *Public Health Act 2016* in accordance with Section 24 (1) of the *Public Health Act 2016*.
- exercise and discharge all or any of the powers and functions of the local government in accordance with Section 26 of the *Health (Miscellaneous Provisions) Act 1911*.
- exercise the powers given to a local government in respect to Division 2 — Criminal liability in accordance with the *Public Health Act 2016*, section 280.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency as follows:

Public Health Act 2016

- s.16 Functions of the local government (Division 2);
- s.17 Appointment of Environmental Health Officers;
- s.19 Functions of enforcement agencies;
- s.24 Designation of Authorised Officers;
- s.240 Powers of Authorised Officers;
- s.280 Commencing proceedings; and
- s.312 Environmental Health Officers to be authorised officers for certain purposes.

Health (Miscellaneous Provisions) Act 1911

- s.26 Powers of local government; and
- s.353 Power to take possession of and lease land or premises on which expenses are due.

Refer to Section 7.

CONDITIONS

The appointment of an Environmental Health Officer must be in accordance with Sections 17(1) and 25(1) of the *Public Health Act 2016*.

The delegate (CEO) will issue to each person who is an authorised person a Certificate of Authority in accordance with Section 30 and 31 of the *Public Health Act 2016*.

Section 38 of the *Health (Miscellaneous Provisions) Act 1911* implies that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

ES3 Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911 ----- Delegation to the CEO	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Health Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Other Relevant References: <i>Delegations made</i>	<ul style="list-style-type: none"> • Delegation BHS1
File Number:	<ul style="list-style-type: none"> • Property Files and Health Files
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer
Conditions	<ul style="list-style-type: none"> • Subject to Section 17 (3) of the <i>Public Health Act 2016</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent
Adoption Date:	22 May 2018
Last Review Date:	5 February 2021

ES4 Food Act 2008 - Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties as an enforcement agency in respect to the *Food Act 2008* in accordance with s.122 (1) of the *Food Act 2008*.

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any Shire of Toodyay Local Laws where the head of power is either the *Local Government Act 1995*, the *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers that are conferred or imposed on the enforcement agency and perform the functions of the agency in relation to the Division 2 – Functions of Enforcement Agencies and the enforcement of the *Food Act 2008* in accordance with section 118 (2) (b) of the *Food Act 2008*.
- exercise the powers that are conferred or imposed on the enforcement agency and perform the functions of the agency in relation to the Division 3 – Appointments of Authorised Officers and the enforcement of the *Food Act 2008* in accordance with Part 9 and Part 11 of the *Food Act 2008*.
- designate a person or class of persons as Authorised Officers for the purposes of the *Food Act 2008* in accordance with Section 24 (1) of the *Public Health Act 2016*.
- Appoint designated officers for the purposes of the *Food Act 2008* in accordance with Section 126 (13) of the *Food Act 2008*.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency within the *Food Act 2008* and any subsidiary legislation.

CONDITIONS

To comply with Section 123 (1) "Certificates of Authority" of the *Food Act 2008* and with any condition or limitation imposed under section 119 or 120 of the *Food Act 2008*.

The CEO is to provide each authorised officer appointed with a certificate of authority as an authorised officer. The CEO is responsible for preparation and maintenance of a list of authorised officers appointed.

Section 123 (2) states what the Certificate of Authority must look like whilst Section 123(3) states that an authorised officers or designated persons are required to produce their certificate of authority if asked to do so.

This delegation is subject to the requirements of the *Food Act 2008* and the *Food Act Regulations 2009* as well as the *Department of Health's compliance and enforcement of food legislation in WA*.

Authorised officers and designated persons are also required to perform their delegated duties in accordance with the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

Section 126 (13) of the *Food Act 2008* states that a person who is a designated officer for the purposes of giving infringement notices is not eligible to be a designated officer for the purposes of any of the other subsections of the *Food Act 2008*.

ES4 <i>Food Act 2008</i> ---- Delegation to the CEO-	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Other Relevant References: <i>Food Act 2008</i>	<ul style="list-style-type: none"> • Section 65 "Prohibition Orders"; • Section 66 "Certificate of clearance to be given in certain circumstances"; • Section 67 "Request for reinspection"; • Section 70 "Compensation"; • Section 110 "Registration of Food business"; • Section 112 "Variation of conditions or cancellation of registration of food businesses"; • Section 122(1) Appointment of Authorised Officers; • Section 125 "Institution of proceedings" and • Section 126 (13) Infringement Notices.

ES4 Food Act 2008 ---- Delegation to the CEO-	
File Number:	<ul style="list-style-type: none"> • HLT3 / HLT4 / HLT25 / HLT5 / EVT16 / HLT11 / Property File.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions, file notes and memorandums are to be recorded and kept in the appropriate file and/or register.
Delegation made by Council to authorise the CEO and/or other	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer
Conditions	<ul style="list-style-type: none"> • Subject to Section 117(2) of the <i>Food Act 2008</i>.
Appointment of Authorised Officers / Authorised Persons ☒ Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent
Adoption Date:	15 March 2007
Last Review Date:	5 February 2021

ES5 Building Act 2011 - Delegation to CEO.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The *Building Act 2011* is:

- a **public authority** as defined by the *Building Services (Registration) Act 2011*.
- a Prescribed Act as defined by the *Criminal Procedures Act 2004*; and
- defines **permit authority** as meaning a local government in whose district the building or incidental structure that is the subject of an application or notice is, or is proposed to be, located.

The intent of this delegation is for Council, as a public permit authority, to designate the CEO to be an authorised person who will exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Building Act 2011*, in accordance with section 96 (3) of the *Building Act 2011*.

The intent with respect to the Prescribed Act mentioned above is that the authority will extend to the regulations or subsidiary legislation of the prescribed act and the *Shire of Toodyay Local Laws* where the head of power is either the *Local Government Act 1995*, or the *Building Act 2011*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise any powers or duties given to a local government as a public permit authority and perform the functions of a public permit authority in relation to buildings and incidental structures located or proposed to be located in the district of the local government in accordance with Section 127(1) of the *Building Act 2011*.
- delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO for the purposes of undertaking the responsibilities of an authorised officer in relation to the exercise of the powers that are conferred or imposed on the permit authority in accordance with Section 127(6A) of the *Building Act 2011*.
- exercise the powers that are conferred or imposed on the permit authority and perform the functions of the public authority in accordance with sections 133, 145A and 191 of the *Building Act 2011*.

FUNCTION

The CEO, as an Approved Officer in accordance with section 70 of the *Building Act 2011*, for the purposes of the *Criminal Procedure Act 2004*, is authorised to undertake or delegate any responsibilities that are conferred or imposed on the public permit authority and to exercise responsibilities of an authorised officer contained within sections of the prescribed act and its subsidiary legislation below.

Building Act 2011

- s.18 Further Information;
- s.19 Certificate of design compliance;
- s.20 Grant of building permit;
- s.21 Grant of demolition permit;
- s.22 Further grounds for not granting an application;
- s.24 Notice of decision not to grant building or demolition permit;
- s.27 (1)&(3) Conditions imposed by permit authority;
- s.32 Duration of building or demolition permit (consider application to extend time);
- s.55 Further information;
- s.56 Certificate of construction compliance;
- s.57 Certificate of building compliance;
- s.58 Grant of occupancy permit, building approval certificate;
- s.60 Notice of decision not grant occupancy permit or grant building approval certificate;
- s.62(1)&(3) Conditions imposed by permit authority;
- s.65 Extension of period of duration;
- s.88(3) Finishes of walls close to boundaries;
- s.100 Entry powers;
- s.101 Powers after entry for compliance purposes;
- s.102 Obtaining information and documents;
- s.103 User of force and assistance;
- s.104 Directions generally;
- s.106 Entry warrant to enter place.
- s.110 Building Orders;
- s.111(1) Notice of proposed building order other than a building order (emergency);
- s.117 Revocation of building order;
- s.118 Permit authority may give effect to building order if non-compliance;
- s.133 Prosecutions.
- s.140 Proof of permits, certificates, building orders, declarations, obtained records, approved forms;
- s.191 Notices to stop unlawful work;

Building Regulations 2012

- r.36 Certificate of building compliance (s. 57);

- r.53 Inspection of barrier to private swimming pool;
- r.70 Approved officers and authorised officers;
- r.27 Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a));
- r.28 Required inspection: barrier to private swimming pool (s. 36(2)(a)).

CONDITIONS

This delegation may be subject to any limitations imposed on the powers of an Authorised Person in accordance with section 99 (2)(b) of the *Building Act 2011*.

The statutory power to sub-delegate is limited to CEO's in accordance with s.127(6A) of the *Building Act 2011*.

CEO is to be satisfied that an authorised person is suitably qualified in accordance with s.5.36(3) of the *Local Government Act 1995*. An Officer must have the prescribed qualifications to be delegated authority to exercise the functions of this delegation.

An officer to whom this authority is delegated cannot, in accordance with the provisions of the *Building Act 2011*, approve plans in which he/she has an interest.

An officer to whom this authority is delegated must comply with s.131 Inspection, copies of building records.

In relation to the application of s.88(3) Finishes of walls close to boundaries the discretion of an Officer is limited to what is specified within Council Policy. Anything that falls outside this policy shall come to Council for a decision.

ES5 <i>Building Act 2011</i> – Delegation to the CEO	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>not applicable</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>not applicable</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>not applicable</i>
Other Relevant References: <i>Building Act 2011</i>	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s.6 Permit Authority for a building or incidental structure; • s.96 Authorised persons; • s.127 'Delegation: special permit authorities and local governments; • s.133 Prosecutions; • s.145A Local Government Functions; • s.140 Proof of permits, certificates, building orders, declarations, obtained records, approved forms; • s.191 Notices to stop unlawful work; • s.99 Limitation on powers of authorised person; • s.100 Entry Powers;

ES5 <i>Building Act 2011 – Delegation to the CEO</i>	
	<ul style="list-style-type: none"> • s.102 Obtaining information and documents; • s.103 Use of force and assistance; • s.106 Entry warrant to enter place; • s.133 Prosecutions. <p><i>Building Services (Registration) Act 2011</i></p> <ul style="list-style-type: none"> • r.374AAA Local governments not to issue building licences in certain circumstances. <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> • 5A 'Authorised persons (s.3); • r.36 Certificate of building compliance (s. 57); • r.53 Inspection of barrier to private swimming pool; • r.70 Approved officers and authorised officers; • r.27 Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a)); • r.28 Required inspection: barrier to private swimming pool (s. 36(2)(a))
File Number:	<ul style="list-style-type: none"> • LAW1/BLD1/BLD2/BLD6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • All decisions are to be made in writing and kept on file, in accordance with the Shire of Toodyay Record Keeping Plan; • All decisions are to be recorded in the 'Building' register and reported in the Planning and Development section of the Council Information Bulletin. • the Appointment of Authorised Persons is to be recorded in the Authorised Officer register and reported in the Executive Section of the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development
Conditions	<ul style="list-style-type: none"> • As per the Instrument of Delegation and the Prescribed Act and subsidiary legislation of the Prescribed Act.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • As per the Instrument of Delegation and the Prescribed Act and subsidiary legislation of the Prescribed Act.
Adoption Date:	23 June 2020
Last Review Date:	5 February 2021

ES6 CAT Act 2011 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a *prescribed public authority* under the *Criminal Procedure Act 2004*, to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties as an enforcement agency in respect to the *Cat Act 2011* in accordance with s.44 "Delegation by local government" of the *Cat Act 2011*.

* *Absolute majority required.*

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any *Shire of Toodyay Local Laws* where the head of power is either the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960*, *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- administer the Shire of Toodyay local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions in accordance with s.42 Administration by local governments of the *CAT Act 2011*.
- exercise any of the local government's powers or the discharge of any of its duties and performance of any of its functions under the *Cat Act 2011* as follows:
 - s.9 Registration;
 - s.10 Cancellation of registration;
 - s.11 Registration numbers, certificates and tags;
 - s.12 Register of cats;
 - s.13 Notice to be given of certain decisions made under Subdivision 2;
 - s.26 Cat control notice may be given to cat owner;
 - s.37 Approval to breed cats;
 - s.38. Cancellation of approval to breed cats;
 - s.39. Certificate to be given to approved cat breeder.
 - s.40. Notice to be given of certain decisions made under this Subdivision.

– Schedule 3, cl.1(4) Fees Payable (r.11 and 21).

FUNCTION

In accordance with s.68 of the *Cat Act 2011*, the functions that the local government would be delegating to the CEO are as follows:

1. Authority to grant, or refuse to grant or renew the registration of a cat under s.9;
2. Cancel the registration of a cat under s.10;
3. Refuse to approve or renew the approval of a person to breed cats under s.37; or
4. Cancel the approval of a person to breed cats under s.38.

The delegation would also give authority to the CEO to action or delegate the action of to an authorised person to the following:

5. give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed under s.11.
6. Seize cats under s.27.
7. Dispose of cats under s.28.
8. reduce or waive a fee payable in respect of any individual cat or any class of cats within the Shire of Toodyay District under:-
 - i. subclause (2) Fee for application for grant or renewal of the registration of a cat for 3 years; or
 - ii. subclause (3) Fee for application for grant or renewal of the registration of a cat for life.

Note: The powers that an authorised person (authorised by the CEO in accordance with Section 9.10(2) of the *Local Government Act 1995*) would have are detailed in Subdivision 2 of the *Cat Act 2011*.

CONDITIONS

Any objections to the decision that the CEO made on behalf of Council is to be dealt with by Council in accordance with Section 70(1) of the *Cat Act 2011*.

Any approval given to a person to breed cats will be by way of a certificate in the prescribed form under section 39.

This delegation is also subject to the requirements of other Acts and the provisions of any subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES6 <i>Cat Act 2011 – Delegation to the CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>CAT Local Law 2018</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted policies.</i>

ES6 <i>Cat Act 2011 – Delegation to the CEO</i>	
Relevant References:	Cat Act 2011 <ul style="list-style-type: none"> • s.13 Notice to be given of certain decisions; • s.27 Cats may be seized; • s.37 Approval to breed cats; • s.38 Cancellation of approval to breed cats; • s.39 Certificate to be given to approved cat breeder; • s.40 Notice to be given of certain decisions made under subdivision; • s.42 Administration by local government. • s.44 Delegation by local government; • s.45 Delegation by CEO of local government; • s.46 Other matters relevant to delegations under this division; • s.47 Register, and review of, delegations; • s.49 Authorised person may cause a cat to be destroyed; • s.50 Persons found committing breach of Act to give name on demand; • s.52 General powers of authorised person; • s.62 Giving an infringement notice; • s.73 Prosecutions. • s.79 Local Laws.
File Number:	<ul style="list-style-type: none"> • RGR7
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Approvals and decisions related thereto (including cancellations) or notices are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees In accordance with Section 45(1) and subject to Section 45(3) and (6) of the CAT Act 2011.	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☑ Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • Suitable for Acting through in accordance with 46 (2) of the <i>Cat Act 2011</i>.
Adoption Date:	15 March 2007
Last Review Date:	5 January 2021

ES7 Dog Act 1976 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a *prescribed public authority* under the *Criminal Procedure Act 2004*, to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties as an enforcement agency in respect to the provisions of the *Dog Act 1976*, in accordance with s.10AA “Delegation of local government powers and duties” of the *Dog Act 1976*:

* Absolute majority required as defined in Section 1.4 of the *Local Government Act 1995*

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any *Shire of Toodyay Local Laws* where the head of power is either the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960*, *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- administer the Shire of Toodyay local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions in accordance with s.48 Regulations to operate as local laws and s.11 (1) of the *Dog Act 1976*, in respect to the maintenance of one or more dog management facilities and otherwise to carry out the objects of the *Dog Act 1976*.
- to exercise the local government duty of S.9 in respect to the Administration and enforcement of the provisions of the *Dog Act 1976*.
- make a determination in respect to the keeping of more than 2 dogs, in accordance with the *Shire of Toodyay Dog Local Law*, and the keeping of up to 6 dogs, in accordance with s. 26(2) and (3) of the *Dog Act 1976*. Council may limit the extent of the delegation through policy.

FUNCTION

The CEO, as Council’s Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency within the *Dog Act 1976* and any subsidiary legislation.

Note: The powers that an authorised person (appointed to be an authorised person by the CEO in accordance with Section 11A of the *Dog Act 1976*) would have are contained in the following sections (refer to Division 2, s.61) of the *Dog Act 1976* as follows:

- 12A. Entry of premises;
- 29. Power to seize dogs;
- 33E. Individual dog may be declared to be dangerous dog (declared);
- 33G. Seizure and destruction;
- 38. Nuisance dogs;
- 39. Dogs causing injury or damage may be destroyed.

CONDITIONS

Section 11 (3) "Staff and Services" of the *Dog Act 1976* states that a person who is authorised to exercise any power under this Act shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required so to do by a person in respect of whom he exercises, has exercised, or is about to exercise any such power.

This condition is subject to the *Public Health Act 2016* section 31 "Issuing and production of certificate of authority for purposes of other written laws".

Section 10AB "Register of, and review of, delegations" states that the CEO is to keep a register of delegations made under 10AA(1); and further delegations made under the authority of a delegation made under section 10AA(1) of the *Dog Act 1976*.

Section 10AB of the *Dog Act 1976* also states that the delegation register is to be reviewed once every financial year.

ES7 <i>Dog Act 1976 – Delegation to the CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Dog Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • Admin Policy A.15 Keeping of 3-6 Dogs.

ES7 <i>Dog Act 1976 – Delegation to the CEO</i>	
Other Relevant References:	<p><i>Dog Act 1976 -</i></p> <ul style="list-style-type: none"> • s.10AA Delegation of local government powers and duties; • s.10A Payments to veterinary surgeons towards cost of sterilisation; • s.10AB Register of, and review of, delegations; • s.11 Staff and Services; • s.11A Authorised Persons; • s.14 Register of Dogs • s.15 Registration periods and fees; • s.16 Registration Procedure; • s.17A If no application for registration made; • s.26 Limitation as to numbers; • s.29 Power to Seize Dogs; • s.31 Control of dogs in certain public places; • s.33E Individual dog may be declared to be dangerous dog (declared); • s.33F Owner to be notified of making of declaration; • s.33H Local government may revoke declaration or proposal to destroy; • s.39 Dogs causing injury or damage may be destroyed; • s.44 Enforcement proceedings; • s.49 Local Laws; • s.61 Authorised Persons. <p><i>Dog (Restricted Breeds) Regulations No. 2 (2002); and Dog Regulations 1976.</i></p>
File Number:	<ul style="list-style-type: none"> • LAW4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Record of decisions made in respect to the keeping of three to six dogs is to be in writing and kept in the relevant file in accordance with the Shire of Toodyay's Record Keeping Plan and reported in the Executive Section of the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees subject to Section 10AA (3) of the <i>Dog Act 1976</i> .	<ul style="list-style-type: none"> • Not applicable.

ES7 Dog Act 1976 – Delegation to the CEO	
Conditions	Dog Act 1976 <ul style="list-style-type: none"> • s.11 (3) "Staff and Services"; and • s.10AB "Register of, and review of, delegations"
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent; • Suitable for Acting through in accordance with 10AA (5) of the Dog Act 1976.
Adoption Date:	15 March 2007
Last Review Date:	15 January 2021

ES8 Bush Fires Act 1954 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in accordance with sections of the *Bush Fires Act 1954* named below:

- Section 38 "Local government may appoint bush fire control officers" (Division 1 – Local Governments - Part IV Control and Extinguishment of bush fires);
- Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
- Section 50: "Records to be maintained";
- Section 59(3) "Prosecution of Offences" (Part V Miscellaneous);
- Section 59(A) "59A Alternative procedure — infringement notices" (Part V Miscellaneous) of the *Bush Fires Act 1954*.

POWERS AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Bush Fires Act 1954* in accordance with s.48 "Delegation by local governments" of the *Bush Fires Act 1954*.

* *Simple majority.*

FUNCTION

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the performance of any of its functions under the *Bush Fires Act 1954* and the provisions of any subsidiary legislation.

This delegation will also authorise the CEO to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the *Bush Fires Act 1954* and the provisions of any subsidiary legislation including:

- (a) considering allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry-on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings; and
- (b) Issuing of Infringement Notices (i.e., to institute and carry-on proceedings against a person for an offence alleged to be committed against this Act). This delegation will include fire break notices. The term used in the Act is a "Prosecutor".

CONDITIONS

Refer to Section 7 of this Delegation Register.

Section 48 (3) of the *Bush Fires Act 1954* states in relation to the delegation made under this section that "it does not include the power to sub-delegate".

Section 38 (2A) "Local government may appoint bush fire control officer" of the *Bush Fires Act 1954* requires a notice of appointment made under the provisions of 38 (1) to be published at least once in a newspaper circulating in its district.

Section 38 (2E) "Local government may appoint bush fire control officer" of the *Bush Fires Act 1954* requires that the bush fire control officer be issued with a certificate of appointment stating that the person is a bush fire control officer for the purposes of this Act.

Section 41 "Bush Fire Brigades, local government to keep register of" requires that the CEO shall keep a register of bush fire brigades established by it in the form of Form 12 in the Appendix contained in the *Bush Fire Regulations 1954*.

This delegation should be read in conjunction with Delegation ES2 and is subject to other Acts and the provisions of any subsidiary legislation, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES8 <i>Bush Fires Act 1954 – Delegation to the CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • Bush Fire Brigades Local Law (as yet not adopted)
Relevant Council Policy:	<ul style="list-style-type: none"> • Administration Policy A.21 - Establishment and Operation of Bush Fire Brigades.

ES8 <i>Bush Fires Act 1954 – Delegation to the CEO</i>	
Other Relevant References: <i>Bush Fire Act 1954</i>	<ul style="list-style-type: none"> Section 48 "Delegation by local governments"; Section 38 "Local government may appoint bush fire control officers"; Section 59(3) & (5) "Prosecution of Offences" (Part V Miscellaneous).
Other Relevant References: <i>Bush Fire Act Regulations 1954</i>	<ul style="list-style-type: none"> Regulation 16 "Term used: authorised officer" (Part IV — Burning during restricted times and prohibited times); Regulation 24 "Term used: authorised officer"(Part V — Permit to burn proclaimed or declared plants during prohibited burning times); Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
Other Relevant References:	<ul style="list-style-type: none"> <i>Bush Fires (Infringement) Regulations 1978;</i> <i>Local Government Act 1995.</i>
File Number:	<ul style="list-style-type: none"> FIR29/COC3/FIR3
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Any decisions made when performing functions in respect to this delegation are to be made in writing and kept in the relevant subject file in accordance with the Shire of Toodyay's Record Keeping Plan; Relevant Form 12's are to be completed and kept in the relevant file in accordance with the Shire of Toodyay's Record Keeping Plan; All decisions in respect to Appointment of Authorised Persons, Fire Control Officers, or Bush Fire Control Officers are to be made in writing and kept on file, in accordance with the Shire of Toodyay Record Keeping Plan; Certificates of Authority are to be signed by the Authorised Person and the Delegate, copies of which are to be kept on file in accordance with the Shire of Toodyay Record Keeping Plan; and The Appointment of Authorised Persons is to be recorded in the Authorised Officer register and reported in the Executive Section of the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable in accordance with Section 48 (3) of the <i>Bush Fires Act 1954</i>.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.

ES8 *Bush Fires Act 1954 – Delegation to the CEO*

Adoption Date:	18 April 2013
Last Review Date:	5 February 2021

ES9 Biosecurity and Agricultural Management Act 2007 --- Delegation to the CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate its power as a local government (Council), being both the "public authority" and the "operator" of a non-farming property at which animals are kept, to the CEO.

POWERS AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to Section 41 of the *Biosecurity and Agricultural Management Act 2007* and the provisions of any subsidiary legislation, in respect to the operation of a non-farming property at which animals are kept.

* *Simple majority.*

FUNCTION

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the performance of any of its functions under section 41 of the *Biosecurity and Agricultural Management Act 2007* and its responsibilities as an operator of a non-farming property / pound in accordance with the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

Refer to Section 7 - Delegation EA10 for Authorised Person responsibilities.

CONDITIONS

To comply with section 184 Information Sharing of the *Biosecurity and Agriculture Management Act 2007*; and *Biosecurity and Agricultural Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

This delegation should be read in conjunction with Delegation ES2 and is subject to other Acts (section 4 of the *Biosecurity and Agricultural Management Act 2007*); and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

ES9 <i>Biosecurity and Agricultural Management Act 2007 ---- Delegation to CEO</i>	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Health Local Law; and</i> • <i>Shire of Toodyay Pest Plants Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Not applicable</i>
Relevant References: Biosecurity and Agricultural Management Act 2007	<ul style="list-style-type: none"> • s.41. Public authority may assist owner or occupier to control declared pest; and • S.184 Information Sharing.
Other Relevant References: Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013	<ul style="list-style-type: none"> • r.7. Owners and purchasers of stock to be registered. • r.10. Non farming property operators to be registered. • r.133. Dead stray sheep and goats • r.134. Responsibilities of carriers • r.137. Responsibilities of property operator if animal dies on or while being moved to property. • r.138. Responsibilities of pound operator if no NLIS device applied to animal. • r.139. Responsibilities of pound operator if animal born at or while being moved to pound. • r.140. Responsibilities of pound operator if NLIS device applied to animal. • r.141. Responsibilities of pound operator if animal moved from pound. • r.189. When waybill is required
Other Relevant References: <i>Local Government (Miscellaneous Provisions) Act 1960</i>	<ul style="list-style-type: none"> • s.449. Pounds, establishing; pound keepers and rangers, appointing
File Number:	<ul style="list-style-type: none"> • AGR1, AGR2, AGR3, AGR4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Signed copies of executed documents are to be recorded and stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services
Conditions	<ul style="list-style-type: none"> • <i>Not applicable.</i>

ES9 <i>Biosecurity and Agricultural Management Act 2007 ---- Delegation to CEO</i>	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	22 May 2018
Last Review Date:	5 February 2021

ES10 Expression of Interest and Tenders

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- (a) call tenders (s.3.57 of the Act and r.11 of F&G);
- (b) call tenders for the disposal of impounded goods (s.3.47 of the Act);
- (c) invite tenders though not required to do so (F&G r.13);
- (d) Determine the criteria for accepted tenders (F&G r.14(2a));
- (e) vary tender information after public notice of invitation to tender and before the close of tenders (F&G r.14(5));
- (f) Seek clarification from tenderers in relation to information contained in their tender submission (F&G r.18(4a));
- (g) Make Minor variations before entering into a contract (F&G r.20 subject to F&G r.21A)
- (h) Use his discretion in respect to when to seek expressions of Interest to supply goods or services (F&G r.21);
- (i) Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers (F&G r.23); and
- (j) Sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, et cetera which are no longer required, or are outmoded, or are no longer serviceable. The delegation applies only to items not included on Council's Asset Register.

POWER AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to inviting Expressions of Interest and Tenders in accordance with section 3.57 "Tenders for providing goods or services" of the *Local Government Act 1995* (the Act) and with regulations from the *Local Government (Functions and General) Regulations 1996* (F&G) specified below:

- (a) Regulations 11A “Purchasing Policies for local governments” (Part 4 – Provision of goods and services [Division 1 “Purchasing Policies”]); and
- (b) Regulations 11-24G (Division 2 – Tenders for providing goods or services).

FUNCTION

To exercise any of the local government's powers or the discharge of any of its duties in relation to inviting Expressions of Interest and Tenders in accordance with sections 11-24G of the *Local Government (Functions and General) Regulations 1996*.

CONDITIONS

Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30 (3), be disposed of by any means considered to provide best value, provided the process is transparent and accountable.

Section 5.43 (a) and (b) of the *Local Government Act 1995* puts conditions on the local government as to what powers or duties can be delegated to a CEO in relation to Expressions of Interest and Tenders.

This delegation is subject to the requirements of the Shire of Toodyay Purchasing Policy and in particular, to the requirements of the Tendering Process within this policy.

Section 9.49B “Contract formalities” of the *Local Government Act 1995* states the formalities of making, varying or discharging a contract by a person acting under the authority of a local government, such as the CEO.

This delegation is also subject to the requirements of the Shire of Toodyay Disposal of Property Policy.

ES10 EXPRESSION OF INTEREST AND TENDERS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Purchasing; and • Disposal of Property

ES10 EXPRESSION OF INTEREST AND TENDERS	
Relevant References:	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.3.40A “Abandoned vehicle wreck may be taken”; • s.3.43 “Impounded non-perishable goods, court may confiscate”; • s.3.45 “Notice to include warning”; • s.5.94 (u)(i) “Public can inspect certain local government information”; • s.6.8 “Expenditure from municipal fund not included in annual budget”.
	<p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> • Part 4 – Provision of Goods and services (Division 1 “Purchasing Policies”), Regulation 11A “Purchasing Policies for local governments”.
	<p><i>Local Government (Administration) Regulations 1996</i></p> <ul style="list-style-type: none"> • r.29 (e) “Information to be available for public inspection (Act s. 5.94)” (Part 7 “Access to information”)
File Number:	<ul style="list-style-type: none"> • TEN (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Tender Register to be kept in accordance with Regulation 17 “Tenders Register” of the <i>Local Government (Functions and General) Regulations 1996</i>. • Tender files for each tender are to be created, containing written evidence of decisions made in respect to Points 1 to 9 of the power / duty to be performed by the Delegate in accordance with the Shire of Toodyay Record Keeping Plan. • Any decision to call for expressions of interest in relation to Point 10 of the power/duty to be performed by the delegate(s) shall be made in writing and kept on a relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan; • When calling for Expressions of Interest in relation to Point 10 records in respect to the holding of a surplus goods sale are to be made and kept on a relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services; • Manager Planning & Development; and • Manager Assets and Services .

ES10 EXPRESSION OF INTEREST AND TENDERS	
Conditions	<p><i>Local Government (Functions and General) Regulations 1996</i></p> <ul style="list-style-type: none"> • r.21A. 'Varying a contract for the supply of goods or services'; • <i>r.14(2a) 'Publicly inviting tenders, requirements for;</i> • <i>r.18(4) and r.18(5) 'Rejecting and accepting tenders'; and</i> • <i>Limited delegation of power – r.20 'variation of requirements before entry into contract'.</i> <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s. 5.43 (a) and (b) 'Limits on delegations to CEO' (i.e., acceptance of tender); • s.9.49B "Contract formalities"
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Limited suitability for Acting Through	<ul style="list-style-type: none"> • <i>Regulation 19, 21(3), 24, 24E(1) and 24E(4) of the Local Government (Functions and General) Regulations 1996 suitable for Acting Through.</i> • <i>Refer to Statement of Intent.</i>
Adoption Date:	3 April 2012
Last Review Date:	5 February 2021

ES11 Determine Grant, Sponsorship and Donation Allocations

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to make donations of up to \$500 within budget limitations to a maximum of \$10,000 per annum provided the request is of a local nature.

POWER AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to s.6.10 "Financial management regulations" of the *Local Government Act 1995* and r.11 "Payments, procedures for making" from the *Local Government (Financial Management) Regulations 1996*.

FUNCTION

This delegation authorises the CEO to make payments from the municipal fund in accordance with the *Local Government (Financial Management) Regulations 1996*.

This delegation will allow for payments to be made from the municipal or trust fund referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*.

CONDITIONS

To comply with the requirements of Delegation CS1.

Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" of the *Local Government (Financial Management) Regulations 1996* state the restrictions on making payments from these funds.

This delegation is to be exercised only for requests for donations of a local nature.

All other donation requests in excess of this amount and the budget allocation for donations and/or sponsorship are to be brought back to Council for consideration.

ES11 DETERMINE GRANT, SPONSORSHIP AND DONATION ALLOCATIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Purchasing.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Refer to Delegation CS1.
File Number:	<ul style="list-style-type: none"> • DON1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	23 June 2020

ES12 Lease of Council Buildings

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise discretion in relation to the hire and leasing out of Council Buildings and the fees imposed on the hire and/or lease in respect to arrangements made, subject to the provisions of the *Shire of Toodyay's Local Government Property Local Law* and the *Shire of Toodyay's Schedule of Fees and Charges*.

POWER AND DUTIES

The exercise of any local government (Council) powers or the discharge of any Council duties in respect to s.3.18 'Performing Executive Functions' of the *Local Government Act 1995* (the Act) including the provisions of any subsidiary legislation and the *Shire of Toodyay Local Laws*.

FUNCTION

This delegation authorises the CEO to exercise discretion in relation to arrangements for the lease of or hire of Council Buildings and the fees imposed on the hire and/or lease in respect to arrangements made, subject to the provisions of the *Shire of Toodyay's Local Government Property Local Law* and the *Shire of Toodyay's Schedule of Fees and Charges*.

The *Shire of Toodyay's Local Government Property Local Law* defines **Building** as meaning any building which is local government property and includes a –

- (a) Hall or room;
- (b) Corridor, stairway or annexe of any hall or room; and
- (c) Jetty.

CONDITIONS

All hire of Council Buildings will be arranged through the Shire of Toodyay's booking procedure. Long-term bookings of Council owned buildings will require the preparation of user agreements between the Shire of Toodyay (Lessor) and Hirer in accordance with s.3.18 of the *Local Government Act 1995*.

ES12 LEASE OF COUNCIL BUILDINGS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay - Local Government Property Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 3.18 Performing Executive Functions.
File Number:	<ul style="list-style-type: none"> • LEG (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • The hire or lease of Council Buildings is done through the bookings system of the Shire of Toodyay and includes User Agreements for Shire facilities; • Signed copies of executed documents are to be stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services; and • Manager Planning & Development.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation; and • Subject to Section 5.43(d) of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	23 June 2020

ES13 Tenancy Agreements

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is to for Council to delegate power to the CEO to lease buildings and other local government property subject to the provisions of the *Shire of Toodyay's Local Government Property Local Law* and Section 3.58 of the *Local Government Act 1995*.

POWER AND DUTIES

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of the local government's powers or the discharge of any of its duties under Section 3.58 "Disposing of Property" of the *Local Government Act 1995* (the Act).

Note: *Section 3.58(1) states that in this section "dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not.*

FUNCTION

The CEO will be responsible for the preparation and administration of tenancy agreements between the Shire of Toodyay (Lessor) and a Tenant/Lessee occupying premises owned by the Shire of Toodyay in accordance with s.3.18 of the *Local Government Act 1995*.

The *Shire of Toodyay's Local Government Property Local Law* defines **local government property** as meaning anything except a thoroughfare -

- Which belongs to the local government;
- Of which the local government is the management body under the *Land Administration Act 1997*; or
- Which is an "otherwise unvested facility" within Section 3.53 of the Act.

CONDITIONS

To comply with the Shire of Toodyay's *Schedule of Fees and Charges*, and the provisions of the *Shire of Toodyay Local Government Property Local Law*.

The CEO will be responsible for the preparation and administration of tenancy agreements between the Shire of Toodyay (Lessor) and a Tenant/Lessee occupying premises owned by the Shire of Toodyay in accordance with s.3.18 of the *Local Government Act 1995*.

To comply with the entire section of Part IV — Residential tenancy agreements of the *Residential Tenancies Act 1987*.

To comply with section 18 of the *Land Administration Act 1997*.

ES14 TENANCY AGREEMENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay - Local Government Property Local Law</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.58 Disposing of property; and Section 3.18 Performing Executive Functions.
Other Relevant References	<ul style="list-style-type: none"> <i>Land Administration Act 1997</i>.
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Evidence of Determinations to be filed on Agreements file; and Agreements Register to be updated; Executed documents are to be stored in the Shire's Record Keeping System in accordance with the Shire of Toodyay's Record Keeping Plan..
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning & Development; and Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation; and Subject to Section 5.43(d) of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>

ES14 TENANCY AGREEMENTS	
Adoption Date:	18 April 2013
Last Review Date:	23 June 2020

ES14 Contract Formalities

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is to for Council to delegate power to the CEO to approve an extension and/or variation to a contract in accordance with the provisions of Section 3.18 Performing Executive Functions of the *Local Government Act 1995*, subject to the tender provisions and/or contract provisions.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to Section 9.49B “Contract formalities” of the *Local Government Act 1995*.

FUNCTIONS

To permit the CEO to approve an extension and/or variation to a contract, subject to the terms of the existing contract.

CONDITIONS

Section 5.43 (a) and (b) of the *Local Government Act 1995* puts conditions on the local government as to what powers or duties can be delegated to a CEO in relation to Expressions of Interest and Tenders.

This delegation should be read in conjunction with Delegation ES10 Expression of Interest and Tenders. This delegation is subject to the requirements of the Purchasing Policy.

Section 9.49B “Contract formalities” of the *Local Government Act 1995* states the formalities of making, varying or discharging a contract by a person acting under the authority of a local government, such as the CEO.

Refer to ES10 Expression of Interest and Tenders delegation.

ES15 CONTRACT FORMALITIES	
Relevant Management Practice:	<ul style="list-style-type: none"> ES10 Expression of Interest and Tenders delegation.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay Standing Orders 2008</i>
Relevant Council Policy:	<ul style="list-style-type: none"> Purchasing Policy; Other O.5 Policy for CCTV; Strategic Planning Policy SP1 Asset Management.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 Performing Executive Functions; and Section 9.49B “Contract formalities”
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files); DIS2 (Plant and Equipment); BLD6 (Building Asset Management).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Contracts relating to Tenders to be kept on relevant Tender files containing written evidence of determinations, extensions, variations and other relevant evidence of decisions made in accordance with the Shire of Toodyay Record Keeping Plan. Contracts not relating to Tenders to be kept on relevant Agreement files in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services; Manager Planning & Development; and Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> Delegation of power regarding Regulation 20 of the <i>Local Government (Functions and General) Regulations 1996</i> limited.

ES15 CONTRACT FORMALITIEIS	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • Refer to Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	23 June 2020

ES15 Appointment of Acting CEO

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The intent of this delegation is to for Council to delegate power to the CEO to appoint an employee of the Shire of Toodyay to be the Acting Chief Executive Officer for a period of absence of the CEO of not greater than 20 working days in accordance with the provisions of Section 3.18 (3) (c) Performing Executive Functions of the *Local Government Act 1995*.

POWER AND DUTIES

In accordance with Section 5.36 (2) (a) of the *Local Government Act 1995* the CEO by virtue of this delegation must be satisfied that the person appointed as Acting CEO is suitably qualified for the position.

Note: Section 5.36 (2) (b) requires the *absolute majority* of Council and this power cannot be delegated to the CEO by Council.

FUNCTION

The purpose of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties in respect to Section 5.36(1)(b) “Local Government Employees” of the *Local Government Act 1995*.

The CEO is permitted to appoint an employee of the Shire of Toodyay to be the Acting Chief Executive Officer for a period of absence of the Chief Executive Officer of not greater than 20 working days.

CONDITIONS

Section 5.43 (a) of the *Local Government Act 1995* states that “a local government cannot delegate to a CEO any power or duty that requires a decision of an absolute majority or a 75% majority of the local government.”

The CEO is to advise Council in writing when an appointment is made under delegated authority.

ES16 APPOINTMENT OF ACTING CEO	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 3.18 “Performing Executive Functions”; Section 5.36 “Local Government Employees”; and Section 5.40 “Principles affecting employment by local governments”.
File Number:	<ul style="list-style-type: none"> HR317
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Evidence of decision made and acceptance of decision by the employee being appointed must be kept on the personnel files of relevant employees.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Not suitable for Acting Through in accordance with Section 5.43 of the <i>Local Government Act 1995</i>.
Adoption Date:	23/02/2016 (Council Res No 22/02/16)
Last Review Date:	23 June 2020

ES16 Temporary Road Closures

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

BACKGROUND

The State Traffic Intelligence, Planning and Coordination Unit (STIPCU), along with other agencies is designated the task of vetting and assessing applications regarding approval and district/regional coordination of the following applications from the public, sporting and social groups:

- Order for Road Closure – Section 81 A-F of the *Road Traffic Act 1974*;
- Temporary Suspension of the Road Traffic Act/Regulations- Racing Events under Section 139 of the *Road Traffic (Administration) Act 2008*; and
- Permit to hold a Public Meeting and/or Procession- Section 7 of the *Public Order in Streets Act 1984*.

Information in relation to the above is available via <https://www.police.wa.gov.au/Traffic/Events-on-Roads/Events-and-road-closures>

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to respond to a road closure application within the parameters set out in the Council Policy A.13 Temporary Road Closures, or otherwise refer the matter to Council.

Sections 3.50, 3.51 and 3.52 of the *Local Government Act 1995* are an executive function of Council already delegated to the CEO by Council through Council Policy A.13 Temporary Road Closures. However, the policy does not provide for sub-delegation to other Officers.

POWERS AND DUTIES

This delegation will facilitate the timely processing of road closure applications in accordance with the *Road Traffic Act 1974*; and the *Road Traffic (Events on Roads) Regulations 1991* and to provide prompt written responses to the Western Australian Police in respect to temporary road closure permits.

Under Section 81A-F of the *Road Traffic Act 1974*, an applicant must lodge an application with the local authority and obtain permission before proceeding to other agencies such as Main Roads WA.

FUNCTION

The Shire of Toodyay, as a local authority, is one of the agencies responsible for providing approval for a road closure application prior to it being lodged with the Western Australian Police.

CONDITIONS

The CEO and, in the absence of the CEO, Authorised Officers in accordance with the above delegation are required to:

- (a) record decisions to undertake a road closure;
- (b) record advice to owners/occupiers;
- (c) Record agreements for maintenance of private structures in public thoroughfares /places; and
- (d) Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the record keeping system.

Refer to Delegation CS8 and ES2 for further information.

ES17 TEMPORARY ROAD CLOSURES	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>The Shire of Toodyay Code of Conduct.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Administration Policy A.13 Temporary Road Closures.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Part 3 – Division 3 – Sections s3.50 closing certain thoroughfares to vehicles s3.50 A Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals s3.52 Public access to be maintained and plans kept.
File Number:	<ul style="list-style-type: none"> • EVT (Prefix) (numerous Event files); • TEC1 (Technical Services); • TEC3 (Road Construction); • TEC5 (Road Safety); • Relevant Road Files in Synergy.

ES17 TEMPORARY ROAD CLOSURES	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Road closures are to be reported in the Council Information Bulletin; and Record decisions to undertake a road closure. Record advice to owners/occupiers. Record agreements for maintenance of private structures in public thoroughfares / places. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the record keeping system.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; Manager Corporate & Community Services; and the Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> limited suitability for Acting Through	<ul style="list-style-type: none"> Section 3.50(8) of the <i>Local Government Act 1995</i> suitable for Acting Through.
Adoption Date:	24 November 2005
Last Review Date:	23 June 2020

SECTION 3 Corporate & Community Services (Delegations to the CEO)

CS1 Payments from Municipal Fund or Trust Fund

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the CEO the exercise of its power to authorise and make payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*) in accordance with Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to:

- Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so in accordance with regulation 11 of the *Local Government (Financial Management) Regulations 1996*.
- Authorise payments from the municipal fund or trust fund in accordance with regulation 12 of the *Local Government (Financial Management) Regulations*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with the relevant sections of the *Local Government Act 1995* specified below:

- Section 2.7 (2) (a) and (b);
- Section 6.5 "Accounts and Records";
- Section 6.7 "Municipal Fund"; and
- Section 6.9 "Trust fund".

Note: Payments from the Trust Fund will include, but not be limited to, the release of cash bonds held against Assets and Technical Services.

CONDITIONS

Regulation 12 "Payments from municipal fund or trust fund, restrictions on making" of the *Local Government (Financial Management) Regulations 1996* state the restrictions on making payments from these funds.

All payments are to be made in accordance with the relevant Council Policies.

Section 6.8 "Expenditure from municipal fund not included in annual budget" from the *Local Government Act 1995* states the conditions to be met by the CEO in relation to this delegation.

Regulation 13 "Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* states the conditions to be met by the CEO in relation to this delegation. One of those requirements is that a list of accounts paid by the CEO is to be prepared each month.

CS1 PAYMENTS FROM MUNICIPAL FUND OR TRUST FUND	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Authorised Signatories;</i> <i>Purchasing; and</i> <i>Corporate Credit Cards.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Section 2.7(2) (a) and (b); Section 6.5 "Accounts and Records"; Section 6.7 "Municipal fund"; Section 6.8 "Expenditure from municipal fund not included in annual budget"; and Section 6.10 "Financial management regulations".
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996</i>	<ul style="list-style-type: none"> Regulation 8 "Separate bank etc. Accounts required for some money"; Regulation 11 "Payments, procedures for making"; Regulation 12 "Payments from municipal fund or trust fund, restrictions on making"; and Regulation 13 "Payments from municipal fund or trust fund by CEO, CEO's duties as to etc."
File Number:	<ul style="list-style-type: none"> FIN2/FIN3/FIN6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.

CS1 PAYMENTS FROM MUNICIPAL FUND OR TRUST FUND	
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services; • Manager Planning and Development; • Manager Assets and Services; • Finance Manager; and • Finance Officer.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	5 February 2021

CS2 Investment of Surplus Funds

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the CEO the exercise of its power to authorise and make payments from the municipal or trust fund (referred to in Section 6.14 "Power to Invest" of the *Local Government Act 1995*) in accordance with Regulation 19C "Investment of money, restrictions on" from the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to:

- Establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with regulation 19 "Investments, control procedures for" of the *Local Government (Financial Management) Regulations 1996*.
- Invest surplus funds to maximise Council's interest earning capability (referred to in Section 6.14 "Power to Invest" of the *Local Government Act 1995*) in accordance with regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with regulation 19C Investment of money, restrictions on (Act s. 6.14(2)(a)) when investing money referred to in subsection 6.14 "Power to invest" of the *Local Government Act 1995*.

CONDITIONS

Refer to Delegation CS1.

All investments are to be made in accordance with Finance Policy F.9 Investment of Surplus Funds.

Clause 8 (3) "Separate bank etc. accounts required for some money" from the *Local Government (Financial Management) Regulations 1996* which states that money from different accounts may be placed in a common investment authorised by the Act.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid by the CEO is to be prepared each month.

CS2 INVESTMENT OF SURPLUS FUNDS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Investment of Surplus Funds; and</i> <i>Authorised Signatures.</i>
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> Subsection 6.14 "Power to invest" (1).
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996</i>	<ul style="list-style-type: none"> Regulation 8 "Separate bank etc. Accounts required for some money"; Regulation "12 Payments from municipal fund or trust fund, restrictions on making"; Regulation "13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." Clause "19 Investments, control procedures for"; and Clause "19C Investment of money, restrictions on (Act s. 6.14(2)(a)).
File Number:	<ul style="list-style-type: none"> BNK2/BNK4
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Accounts and/or Financial Statements to be presented at Meetings of Council through its Agenda process.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.

CS2 INVESTMENT OF SURPLUS FUNDS	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	15 February 2021

CS3 Amend Rate Record

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the CEO the exercise of its power or the discharge of any of its duties in relation to Part 6, Division 6 “Rates and Services Charges to amend a rate record (referred to in Subdivision 3 – Imposition of rates and service charges of the *Local Government Act 1995*) in accordance with Regulation 55 Rate record, form of etc. (Act s. 6.39(1)) from the *Local Government (Financial Management) Regulations 1996*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with (referred to in Subdivision 3 – Imposition of rates and service charges of the *Local Government Act 1995*) in accordance with Regulation 55 Rate record, form of etc. (Act s. 6.39(1)) from the *Local Government (Financial Management) Regulations 1996*.
- prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government’s official website in accordance with Section 6.36 (3A) of the *Local Government Act 1995* and regulation 56 Rate notice, content of etc. (Act s. 6.41) of the *Local Government (Financial Management) Regulations 1996*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with the relevant sections of the *Local Government Act 1995* specified below:

- Section 6.33 Differential general rates.
- Section 6.35 Minimum payment.
- Section 6.37 Specified area rates.
- Section 6.38 Service charges.
- Section 6.39 (2) Rates Record.

- Section 6.40 Effect of amendment of rate record of the Act.

CONDITIONS

Refer to Delegation CS1.

Service of a rate notice is to be in accordance with Part 6, Division 6, Section 6.41 of the *Local Government Act 1995* and the Shire of Toodyay Finance Policy F.5 Debt Collection.

CS3 AMEND RATE RECORD	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Debt Collection</i>
Other Relevant References: <i>Local Government (Financial Management) Regulations 1996:</i>	<ul style="list-style-type: none"> • Part 5 Rates and Service Charges
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Part 6, Division 6, Sub-division 3 Imposition of rates and service charges.
File Number:	<ul style="list-style-type: none"> • RAT1 (General); • Relevant Property file.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Amendments of rate record(s) to be made in writing and decisions related thereto to be in writing and kept in the relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>

CS3 AMEND RATE RECORD	
Adoption Date:	22 September 2015
Last Review Date:	16 February 2021

CS4 Approval of Payment Arrangement for Payment of Rates and Service Charges

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Departments:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **public authority** under the *Financial Management Act 2006*, to delegate to the CEO the exercise of its power or the discharge of any of its duties in relation to Part 6, Division 6 “Rates and Services Charges to make an agreement with a person for the payment of rates or service charges (referred to in Subdivision 4 – Payment of rates and service charges of the *Local Government Act 1995*) in accordance with Part 2 General financial management (s.6.10) of the *Local Government (Financial Management) Regulations 1996*.

POWER AND DUTIES

This delegation authorises the CEO to accept a payment of a rate of service charge due and payable by a person in accordance with an agreement made with a person for the payment of rates or service charges (referred to in Subdivision 4 – Payment of rates and service charges of the *Local Government Act 1995*) in accordance with Section 6.49 Agreement as to payment of rates and service charges of the *Local Government Act 1995*.

FUNCTION

The CEO, as an Authorised Officer, will exercise the above powers and perform executive functions in accordance with Part 6 – Financial Management of the *Local Government Act 1995* and will comply with the relevant sections of the *Local Government Act 1995* specified below:

- Section 6.45 Options for payment of rates or service charges.
- Section 6.49 Agreement as to payment of rates and service charges.
- Section 6.56 Rates or service charges recoverable in court.

CONDITIONS

Refer to Delegation CS1, CS3 and Section 7.

All necessary measures have been taken to recover the debt, and all decisions are to be in accordance with Council Policy F.5 Debt Collection.

To comply with the regulations when accepting payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person referred to in Part 6, Division 6, Section 6.49 " Agreement as to payment of rates and service charges" of the Act.

CS4 APPROVAL OF PAYMENT ARRANGEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Debt Collection</i>
Other Relevant References:	<ul style="list-style-type: none"> Part 6, Division 6, Subdivision 4 Payment of rates and service charges [Section 6.49 " Agreement as to payment of rates and service charges"] of the <i>Local Government Act 1995</i>; Part 5 Rates and Service Charges of the <i>Local Government (Financial Management) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> RAT1 (General); Relevant Property file.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Decisions and matters related thereto are to be made in writing and kept in the relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 April 2013
Last Review Date:	16 February 2021

CS5 Legal Representation and Costs Indemnification

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- (a) deal with requests for the payment of legal representation costs;
- (b) approve written applications made by Council Members or Employees with respect to legal representation costs, limited to circumstances where a delay in the approval of an application will be detrimental to the legal rights of the applicant; and
- (c) make payments from the Municipal Account for the provision of urgent legal service costs indemnification prior to an application being considered by Council.

POWERS AND DUTIES

Section 9.56 "Certain persons protected from liability for wrongdoing" of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

Section 3.1 "General Function" of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Section 6.7(2) "Municipal Fund" of the Act provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law.

In accordance with the above provisions a local government can expend funds to provide legal representation for council members and employees, as long as it believes that the expenditure falls within the scope of the local government's function.

FUNCTION

To exercise any of the local government's powers or the discharge of any of its duties in relation to making payments from the Municipal Fund in accordance with section 6.7(2) of

the Act and Regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996*.

CONDITIONS

Refer to Delegation CS1.

An application approved by the CEO in accordance with Council Policy A.4 Legal Representation Costs Indemnification is to be submitted to the next Ordinary Meeting of Council. Council may exercise its powers, under this policy, including its powers under clause 3 of Council Policy A.4.

Section 9.56 of the *Local Government Act 1995* (the Act) does not preclude people taking action against individual council members or employees if they believe that the council member or employee has not acted in good faith.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

CS5 LEGAL REPRESENTATION AND COSTS INDEMNIFICATION	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Administration Policy A.4 Legal Representation Costs Indemnification; and</i> <i>Authorised Signatures.</i>
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government (Financial Management) Regulations 1996 - r.5, r.12 and r.13.</i> <i>Department of Local Government and Communities Local Government Operational Guideline "Legal Representation for Council Members and Employees" Date: 29 April 2019.</i>
File Number:	<ul style="list-style-type: none"> LEG (Prefix) (multiple files)
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Include in List of Payments - Council Agenda for Meetings of Council.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.

CS5 LEGAL REPRESENTATION AND COSTS INDEMNIFICATION	
Conditions	<ul style="list-style-type: none"> In accordance with the conditions of this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	16 February 2021

CS6 Issue of Writ, Summons or Other Process

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- Take possession of land and hold the land as against a person having an estate or interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years [s.6.64 (1)].
- Lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64 (3)].

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the recovery of overdue unpaid rates as well as the costs of proceedings, if any, for that recovery, incurred in a court of competent jurisdiction. As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.

FUNCTION

To issue summonses without continual reference back to Council referred to in section 6.56 "Rates or Service Charges recoverable in Court" of the *Local Government Act 1995*.

To comply with Section "6.64 (1) and (3) "Actions to be Taken" from the *Local Government Act 1995 and Finance Policy F.5 Debt Collection*.

CONDITIONS

Regulation "r.12 Payments from municipal fund or trust fund, restrictions on making" from the *Local Government (Financial Management) Regulations 1996* states that a payment may only be made from the municipal fund or the trust fund if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO.

Regulation "r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc." from the *Local Government (Financial Management) Regulations 1996* requires a

list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

Refer to CS1, CS3 and CS4.

CS6 ISSUE OF WRIT, SUMMONS OR OTHER PROCESS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Debt Collection; and</i> • <i>Authorised Signatures.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 - Part 6, Division 6, Sub-division 4 Payment of rates and service charges; and</i> • <i>Local Government (Financial Management) Regulations 1996: Part 5 Rates and Service Charges.</i>
File Number:	<ul style="list-style-type: none"> • RAT9
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Issues of writ, summons or other processes performed are to be in writing and kept on the relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Corporate & Community Services
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions of this delegation; and • Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	16 February 2021

CS7 Power to Defer, Grant Discounts, Waive or Write-off Debts

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Departments:	Corporate Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

1. Waive or grant a concession in relation to any amount of money owed to the Shire of Toodyay; and
2. Write off any amount of money which is owed to the Shire of Toodyay; and
3. Determine conditions to be applied to waive, grant a concession or write-off money owed to the Shire.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to deferring, granting discounts, waiving or writing off debts referred to in Part 6, Division 4, Section 6.12 "Power to defer, grant discounts, waive or write off debts" of the *Local Government Act 1995*.

FUNCTION

To comply with the regulations when deferring, granting discounts, waiving or writing off debts referred to in Part 6, Division 4, Section 6.12 "Power to defer, grant discounts, waive or write off debts" of the *Local Government Act 1995*.

To waive or grant a concession in relation to any amount of money which is owed to the Shire of Toodyay and to write off any amount of money which is owed to the Shire of Toodyay.

CONDITIONS

All necessary measures have been taken to recover the debt, and all decisions are to be in accordance with Council Policy F.5 Debt Collection.

The CEO may write off amounts of up to \$2,000.

CS7 POWER TO DEFER, GRANT DISCOUNTS, WAIVE OR WRITE-OFF DEBTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> <i>Debt Collection</i>
Other Relevant References:	<ul style="list-style-type: none"> Part 6, Division 4, s.6.12 "Power to defer, grant discounts, waive or write off debts" of the <i>Local Government Act 1995</i>; Annual Budget Part 3, regulation 26 "Discounts for early payment etc., information about required" from the <i>Local Government (Financial Management) Regulations 1996</i>; and Financial Reports Part 4, regulation 42 Discounts for early payment etc., information about in annual financial report from the <i>Local Government (Financial Management) Regulations 1996</i>.
File Number:	<ul style="list-style-type: none"> RAT5 (Debt Collection); and RAT6 (Write-Offs).
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Details of decisions to be recorded in appropriate file or financial record.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions of this delegation; and Subject to Section 5.43 of the <i>Local Government Act 1995</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24 November 2005
Last Review Date:	16 February 2021

CS8 Application for Public Events

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Community Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- approve applications and issue permits for events on behalf of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* (the Act); and
- vary the requirements of Council Policy A11 Applications for Public Events where it is considered that full compliance with the policy is impractical or a variation is warranted in the circumstances of the proposed event so long as variations to the policy do not contravene the requirements set through regulatory legislation.

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to managing the day-to-day operations of the local government in accordance with Section 5.41 "Functions of CEO" of the Act subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

FUNCTION

To comply with the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

All decisions relating to applications for a Public Event are to be made subject to and in accordance with the Shire of Toodyay's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law" and "Local Government Property Local Law" together with relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the Act.

Local government plays a key role for all events and are an integral part of the risk management process. Local government has a responsibility to ensure that events cause the minimum inconvenience and harm to the community. They must also consult with the WA Police and other authorities to ensure that any policing issues are addressed.

CS8 APPLICATION FOR PUBLIC EVENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;</i> <i>Local Government Property Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>A.11 Applications for Public Events;</i> <i>A.13 Temporary Road Closures Policy;</i> <i>A.14 Trading in Thoroughfares and Public Places;</i> <i>LPP.24 - Directional Signage & Signage within Thoroughfares;</i> <i>LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places</i>
Other Relevant References:	<ul style="list-style-type: none"> Not applicable.
File Number:	<ul style="list-style-type: none"> EVT (Prefix) multiple files
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Applications and matters related thereto to be made in writing and kept on relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	22 September 2015
Last Review Date:	16 February 2021

CS9 Consumption of Liquor on local government property

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate and Community Services
Responsible Officer:	Manager Corporate & Community Services

BACKGROUND

The Shire of Toodyay "*Local Government Property Local Law*" was gazetted on 25/10/2001 in accordance with Section 3.5 "Legislative Powers of Local Governments" and Section 3.12 "Procedure for making Local Laws" of the *Local Government Act 1995*.

The Shire of Toodyay "*Local Government Property Local Law*" states that the Head of Power in relation to this delegation is the *Liquor Control Act 1988* (formerly named the *Liquor Licensing Act 1988*).

Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the *Liquor Control Act 1988* states that the local government is a "Public Body", and as such local governments have the power under this Act to properly control the consumption of liquor on local government property.

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- approve applications and issue permits for the consumption of liquor on local government property; and
- use his discretion concerning whether to waive or reduce fees to be imposed on applicants that are contained in the *Shire of Toodyay's Schedule of Fees and Charges*.

POWERS AND DUTIES

To exercise any of the local government's powers or the discharge of any of its duties in relation to approve and properly control the consumption of liquor on local government property, subject to the applicants being advised of restrictions contained in the *Liquor Control Act 1988* and relevant Council Policies.

FUNCTION

To comply with Section 5.41 "Functions of CEO" of the *Local Government Act 1995*.

CONDITIONS

All decisions relating to granting a permit are subject to and in accordance with the *Shire of Toodyay's "Local Government Property Local Law"* and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

CS9 CONSUMPTION OF LIQUOR ON LOCAL GOVERNMENT PROPERTY	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> <i>Shire of Toodyay's "Local Government Property Local Law"</i>
Relevant Council Policy:	<ul style="list-style-type: none"> <i>A.11- Applications for Public Events; and</i> <i>A.14 Trading in thoroughfares and public places.</i>
Other Relevant References:	<ul style="list-style-type: none"> Section 37 "Pre-requisites for grants of licences etc.; conditions on licences" from the <i>Liquor Control Act 1988</i>; Section 122 "Regulated premises, offences as to juveniles" of the <i>Liquor Control Act 1988</i>; Policy titled "Exemptions to the <i>Liquor Control Act 1988</i>" (Effective: 18 July 2011) published by the Department of Racing, Gaming and Liquor in accordance with the <i>Liquor Control Act 1988</i>.
File Number:	<ul style="list-style-type: none"> MEM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Applications and matters related thereto are to be made in writing and kept on a relevant file in accordance with the Shire of Toodyay Record Keeping Plan; Report in the Executive Services Section of the monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Corporate & Community Services.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.

CS9 CONSUMPTION OF LIQUOR ON LOCAL GOVERNMENT PROPERTY	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	23 June 2020

CS10 Accession of Artefacts into Museum Collection

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate and Community Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to approve the acquisition of and deaccession of objects to and from the Museum Collection.

POWER AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties in relation to the recommendations made by Council by the Museum Advisory Committee in accordance with the provisions of Council Policy A.17.

FUNCTION

To comply with the provisions of the *Shire of Toodyay's Council Policy O.4 Museum Collection and Conservation Management*.

CONDITIONS

There are no other conditions other than mentioned above.

CS10 ACCESSION OF ARTEFACTS INTO MUSEUM COLLECTION	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Council Policy O.4 Museum Collection and Conservation Management; and</i> • <i>Council Policy A.17 Consideration of Committee Recommendations.</i>
Relevant References:	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> • Section 3.18 Performing Executive Functions.
File Number:	<ul style="list-style-type: none"> • HER10.

CS10 ACCESSION OF ARTEFACTS INTO MUSEUM COLLECTION	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Minutes of Museum Advisory Committee Meetings are to be where the consideration of items into and out of the Museum Collection are recorded. Decisions made by the Delegators will require the creation of an electronic record in the Museum Collection database that would have its own unique identifiable number in accordance with the Shire of Toodyay Record Keeping Plan. The Museum Curator would find a place for items to be stored and make a record of that place on the above electronic record.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Museum Curator.
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Refer to Statement of Intent.
Adoption Date:	27 May 2014 (<i>Council Resolution 120/05/14</i>)
Last Review Date:	16 February 2021

SECTION 4 Development Services (Delegations to CEO)

BHS1 Applications for Treatment of Sewage and Disposal of Effluent and Liquid Waste

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as an **enforcement agency** and a **public authority** under the *Public Health Act 2016*, having delegated to the CEO, as Council's Deputy, the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Prescribed Acts* stated below:

- *Health (Miscellaneous Provisions) Act 1911, in accordance with section 26 Powers of local government; and*
- *Public Health Act 2016 in accordance with s.21(1)(b) Enforcement Agency may delegate and s.24 (1) Designation of Authorised Officers of the Public Health Act 2016.*

The intent with respect to the Prescribed Acts mentioned above is that the authority will extend to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise of any local government (Council) powers or the discharge of any Council duties in respect to s.24 of the *Public Health Act 2016* including the provisions of any subsidiary legislation.
- To approve applications for septic tanks and other alternate effluent disposal treatment systems that are compliant with the Health (Miscellaneous Provisions) Act 1911 and relevant provisions of any subsidiary regulations.
- appoint persons or classes of persons as a designated officer for the purpose of fulfilling prescribed functions within the Public Health Act 2016 and the provisions of any subsidiary legislation.
- instigate appropriate action in a timely and efficient manner relating to breaches of the Shire of Toodyay Local Planning Scheme No. 4.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority and enforcement agency as follows:

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

- Regulation 4(3) (a) – grant approval subject to form and conditions set out by Council;
- Regulation 4(3) (b) – refuse to grant approval;
- Regulation 10(2) – (relating to approvals);
- Regulation 10(4) (b) – (relating to approvals);
- Regulation 22(2) (a) – (relating to appeals); and
- Regulation 22(2) (b) – (relating to appeals).

CONDITIONS

Refer to Delegation ES3 *Public Health Act 2016* as that Act is the Head of Power of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

To comply with s.25 'Certain Authorised officers required to have qualifications and experience' of the *Public Health Act 2016*.

Section 38 of the *Health (Miscellaneous Provisions) Act 1911* states that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Chief Health Officer may direct, report to the Chief Health Officer concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

Refer to Delegation EA7.

BHS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Health Local Law 2017.</i>
Relevant Council Policy:	<p><u><i>Local Planning Policies:</i></u> <i>No. LPP09 – Amendments to the Shire's local planning scheme;</i> <i>No LPP10 – Temporary on-site accommodation during construction of a dwelling;</i> <i>No LPP16 – Transported and Relocated dwellings;</i> <i>No.LPP17 Extracts Industrial Area Policy;</i> <i>No.LPP18 – Glencoe Estate Design Guidelines; and</i> <i>No LPP25 – Dams.</i></p>

BHS1 APPLICATIONS FOR TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT AND LIQUID WASTE	
Other Relevant References:	<ul style="list-style-type: none"> • <i>Health (Miscellaneous Provisions) Act 1911;</i> • <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;</i> • <i>Twelfth Report of Joint Standing Committee on delegated legislation in relation to the treatment of sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No 2) 1993;</i> • <i>Application to construct or install an apparatus for treatment of sewage.</i>
File Number:	<ul style="list-style-type: none"> • HLT17
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Approvals for applications for septic tanks and other alternate effluent disposal treatment systems (and matters related thereto) are to be kept in a relevant file in accordance with the Shire of Toodyay Record Keeping Plan; • Reported in monthly Council Information Bulletin; and • All decisions in respect to Appointment of Authorised Persons are to be made in writing and kept on file, in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Not applicable.
Adoption Date:	24 November 2005
Last Review Date:	26 February 2021

BHS2 Issue of Notice of Breach (Fencing)

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The *Land Administration Act 1997*:

- is a Prescribed Act as defined by the *Criminal Procedures Act 2004*; and
- defines a **public authority** as meaning a local government.

The intent of this delegation is for Council, as a public authority to delegate to the CEO, as Council's Deputy, the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the enforcement of the Shire of Toodyay Local Laws Relating to Fences Act 1961, written in accordance with section 24 of the *Dividing Fences Act 1961*.

POWERS AND DUTIES

This delegation authorises the CEO to issue and serve a 'notice of breach' for non-conformance within the requirements of the *Shire of Toodyay Local Laws relating to Fencing 1999*.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority within the requirements of the *Shire of Toodyay Local Laws relating to Fencing 1999*.

CONDITIONS

To comply with the *Shire of Toodyay Local Laws relating to Fencing 1999*.

This delegation is subject to the express provisions of the *Local Government Act 1995*, and the Shire of Toodyay's adopted schemes, codes, policies and practices.

BHS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Relevant Practice:	Management <ul style="list-style-type: none"> • <i>Local Planning Scheme No 4.</i>

BHS2 ISSUE OF NOTICE OF BREACH (FENCING)	
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Local Government Property Local Law; and</i> • <i>Local Laws Relating To Fencing.</i>
Relevant Council Policy:	<p><i>Local Planning Policies:</i></p> <ul style="list-style-type: none"> • <i>LPP5 – Foggarthorpe Design Guidelines;</i> • <i>LPP26 Subdivision Development Guidelines;</i> • <i>LPP18 – Glencoe Estate Design Guidelines;</i> • <i>LPP20 – Central Toodyay Heritage Area;</i> • <i>LPP21 – Landscaping Plans;</i> • <i>LPP1 - Signage Outside the Central Toodyay Heritage Area</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO";</i> • <i>Dividing Fences Act 1961;</i> • <i>Building Services (Registration) Regulations 2011;</i> • Local Government (Building Surveyor's) Regulations 2008; • <i>Land Administration Act 1997;</i> • <i>Vermin Act 1918;</i> • <i>Bush Fires Act 1954.</i>
File Number:	<ul style="list-style-type: none"> • LAW6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • <i>Details of notices recorded on the appropriate file or register; and</i> • <i>Reported in Council Information Bulletin.</i>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • <i>Manager Planning and Development; and</i> • <i>Planning Officer</i>
Conditions	<ul style="list-style-type: none"> • <i>In accordance with the conditions listed in this delegation.</i>
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to Statement of Intent; and</i> • <i>Section 3.26(2) of the <i>Local Government Act 1995</i> is suitable for Acting Through.</i>
Adoption Date:	<ul style="list-style-type: none"> • 27 March 2008
Last Review Date:	<ul style="list-style-type: none"> • 26 February 2021

BHS3 Dealing with Clearing Matters

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

BACKGROUND

The Department of Environmental Regulation (DER) is responsible for administering the native vegetation clearing provisions. The Department of Mines and Petroleum (DMP) has delegated authority under Section 20 of the *Environmental Protection Act 1986* (the EP Act) to administer the clearing provisions for mining and petroleum activities regulated under the *Mining Act 1978*, various petroleum laws and activities under State agreements.

A local government is a public authority who, under the authority of a written law administers or carries on for the benefit of the State, or any district or other part thereof, a social service or public utility.

The EP Act and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations)* provides details on the clearing provisions as well as information on clearing processes under the assessment bilateral agreement under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to provide written comment for clearing applications under the *Shire of Toodyay's Local Planning Scheme No 4* and to provide written advice to the Department of Environment and Conservation on applications for clearing permits, based on the following criteria:

1. Support of applications to clear land will be granted in the following circumstances:
 - (a) Clearing of trees or vegetation that are dangerous i.e., constituting a threat to life or property;
 - (b) Clearing of trees or vegetation that are not native to the region or have been commercially grown;
 - (c) Clearing of land within two metres of infrastructure, such as power lines, sewer, water mains, stormwater drains etc. where the vegetation is likely to damage or disrupt this infrastructure;

- (d) Clearing of land that is occurring as part of a native tree replanting programme or other rehabilitation project approved by Council;
 - (e) An area up to two metres in width for a fence line that is being established as a new property boundary or to support legitimate farming practices;
 - (f) Clearing of land for a building site, either to the maximum size of an approved building envelope shown on a development plan or plan or subdivision or to the extent required for the proposed buildings;
 - (g) Clearing of land to provide access to a building site, where the access track has a maximum width of six metres;
 - (h) Clearing of land for pasture, grazing or other farming activities in the Rural or Rural Living zones of *Local Planning Scheme No 4* where such clearing complies with all provisions of Council's Local Planning Scheme, the Local Planning Strategy and any other adopted policy;
 - (i) The clearing of land to collect firewood, to obtain fencing or farming materials, for woodwork or the clearing of isolated trees where the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* for these activities are achieved; and/or
 - (j) The total area of clearing for all activities does not exceed more than 5ha in any financial year.
2. Applications to clear land will not be supported in the following circumstances:
- (a) Where the proposed area to be cleared is situated within fifty metres of any major watercourse and/or within the designated flood way and flood fringe for the Avon River;
 - (b) The clearing of land for a building site greater than the extent required for the proposed buildings or outside of a defined building envelope; and/or
 - (c) Where the clearing of land will likely have a significant negative impact upon the environment and/or landscape of an area.
3. Applications to clear land in the following circumstances will be referred to Council for determination:
- (a) Any proposal which does not meet the criteria detailed in Parts (1) or (2);
 - (b) Applications to clear land in areas where the topography of the land raises concerns regarding the potential negative impacts of the proposed clearing activities.

POWERS AND DUTIES

This delegation will facilitate the timely processing of applications to clear land under the *Shire of Toodyay's Local Planning Scheme No 4* and to provide prompt written responses to the DER on applications for clearing permits.

FUNCTION

Under Section 51B (4) of the *Environmental Protection Act 1986*, DER will consult with any public authority which has an interest in a matter. In relation to clearing permits this includes the local government.

The CEO is to provide input when the proposed clearing falls within the Statement of Intent parameters or otherwise refer the matter to Council.

CONDITIONS

Section 72 of the *Planning and Development Act 2005* refers to a local government's ability to prepare and adopt a local planning scheme.

Part 1, Section 4 of the *Planning and Development Act 2005* states that the local government is a responsible authority, except as provided in regulations made under section 171A (2) (a) that means, in relation to a local planning scheme or local interim development order, that the local government is responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government.

BHS3 DEALING WITH CLEARING MATTERS	
Relevant Management Practice:	<ul style="list-style-type: none"> Local Planning Scheme No 4.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Local Planning Policy No.LPP26 Subdivision Development Guidelines.
Other Relevant References:	<ul style="list-style-type: none"> Environmental Protection Act 1986; Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Regulations); and the Planning and Development Act 2005.
File Number:	<ul style="list-style-type: none"> TEC32.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Determinations in respect to application (and correspondence in respect to matters related thereto) are to be kept in writing on the relevant file in accordance with the Shire of Toodyay Record Keeping Plan. Council to be notified, in respect to determinations
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.

BHS3 DEALING WITH CLEARING MATTERS	
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development; and Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> In accordance with the conditions of this delegation.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Not applicable.
Adoption Date:	27 April 2006
Last Review Date:	23 June 2020

BHS4 Swimming Pools and Inspections

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the CEO as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to note that it has authorised the CEO to exercise of any local government (Council) powers or the discharge of any Council duties in accordance with regulation 70 Approved officers and authorised officers of the *Building Regulations 2012*.

Note: The rules for pools and spas is regulated by the Department of Mines, Industry Regulation and Safety, Building and Energy.

The rules state that Local government, as the **permit authority**, is responsible for granting building permits for swimming and spa pools and their associated barriers. The approval process ensures that the building and barrier standards are satisfied. Pools are registered with the local government so that periodic inspections of the installed barrier can occur. These inspections should occur at least once every four years.

POWERS AND DUTIES

This delegation authorises the CEO to appoint a person to be an Authorised Officer for the purpose of performing the functions under sections 27 and 28 of the *Building Regulations 2012*, specifically in relation to swimming pool inspections being undertaken.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the prescribed public (permit) authority and enforcement agency as follows:

Building Regulations 2012

- r.27. Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a))
- r.28. Required inspection: barrier to private swimming pool (s. 36(2)(a))
- r.51 Approvals by permit authority
- r.53 Inspection of barrier to private swimming pool
- r.69 Prescribed offences and modified penalties

Authorised Officers will be responsible for monitoring compliance with the requirements that apply to a swimming or spa pool barrier by:

- acting on behalf of the permit authority by receiving and processing building permit applications for swimming and spa pools and their associated barriers;
- arranging and conducting inspections of barriers at least once every four years;
- Issuing infringement notices or commencing legal proceedings if a barrier is found to be non-compliant; and
- Issue swimming pool infringement notices.

CONDITIONS

Refer to Delegation ES5.

BHS4 SWIMMING POOL INSPECTIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Health Local Law 2017</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Building Services (Registration) Regulations 2011;</i> • Section 31C “Applicable building standards for private swimming pools” of the Building Regulations 2012 (s. 3, 19(3) and 37(1) of the <i>Building Act 2011</i>); • <i>Local Government (Miscellaneous Provisions) Act – Section 245A;</i> and • <i>Provisions of the Australian Standard 1926.1-2012.</i>
File Number:	<ul style="list-style-type: none"> • SWM2
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Details of inspections recorded on the appropriate file or register in accordance with Shire of Toodyay Record Keeping Plan; and • Reported in monthly Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • Same conditions as Delegation ES5.

BHS4 SWIMMING POOL INSPECTIONS	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	26 February 2021

BHS5 Crossing from Public Thoroughfare to Private land or private thoroughfare.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

*The Local Government (Uniform Local Provisions) Regulations 1996 defines that **local government** in relation to land, a public thoroughfare, a public place or local government property, means the local government in whose district the land, thoroughfare, place or property is located. It also states that a **lawful authority in relation to the doing of a thing means.***

- (a) the authority under a provision of a written law to do the thing; or
- (b) an authorisation, approval, licence, permit or other right, granted by the local government or any other person, under another written law, to do the thing; or
- (c) if neither paragraph (a) nor (b) applies, the written permission of the local government to do the thing;

The intent of this delegation is for Council to delegate power to the CEO to approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with *Local Government (Uniform Local Provisions) Regulations 1996*.

POWERS AND DUTIES

This delegation authorises the CEO to approve the construction of a crossing giving access from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with Section 12(1) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

FUNCTION

To check either a Building or Planning application against any relevant policies (engineering) and the requirements or restrictions contained within the Residential Design Codes and the Building Act & Building Regulations. If an application does not comply within all these areas and relevant approvals are not in place the Shire must not issue a Building Permit hence their mention of the Building Act, Building Regulations &

section 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*. In short, this delegation gives the Shire’s Development Services the ability to consider a Crossover application and either refuse or approve the placement of a crossover.

CONDITIONS

Refer to Delegation ES2 and ES5.

This delegation is subject to the express provisions of the *Building Act 2011* and the *Building Regulations 2012*, as well as Section 12(2) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

BHS5 CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE	
Relevant Management Practice:	<ul style="list-style-type: none"> • Nil.
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • A.14 Trading in thoroughfares and public places; • LPP.24 - Directional Signage & Signage within Thoroughfares.
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996 – regulation 12(1) Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2);</i> • <i>Building Regulations 2012.</i>
File Number:	<ul style="list-style-type: none"> • LAW11
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Determinations in respect to application (and correspondence in respect to matters related thereto) are to be kept in writing on the relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Manager Assets and Services .

BHS5 CROSSING FROM PUBLIC THOROUGHFARE TO PRIVATE LAND OR PRIVATE THOROUGHFARE	
Conditions	<ul style="list-style-type: none"> Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	2 March 2021

SECTION 5 Assets & Technical Services (Delegations to CEO)

AS1 Crossovers

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the CEO as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Local Government (Uniform Local Provisions) Regulations 1996*.

The intent with respect to the above is that the authority will extend to any *Shire of Toodyay Local Laws* where the head of power is the *Local Government Act 1995*.

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers given to a local government as a public authority in respect to Schedule 9.1 of the *Local Government Act 1995*.
- Designate an employee to exercise powers or duties that have been delegated to the CEO in accordance with section 5.74 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
- Issue a notice to a person who is carrying out plastering, painting or decorating operations over or near a footpath on land that is local government property in accordance with section 5 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
- approve the construction of a vehicular crossover and payment of subsidies relating to the construction of a vehicular crossover as prescribed in the prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2A(a) in accordance with regulation 12 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
- Issue a notice to a person who is the owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with regulation 13 Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3) of the *Local Government (Uniform Local Provisions) Regulations 1996*.

- Where a notice given under section 3.25(1)(b) of the *Local Government Act 1995* is not complied with the CEO may, under section 3.26, authorise for the local government to do what the notice required and recover the cost from the offender in accordance with regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

FUNCTION

Functions specifically performed by the CEO, an Authorised Person that the CEO has been *statutorily delegated to appoint* under s.9.10, and/or an employee of local government in accordance with s.5.44 of the *Local Government Act 1995* are as follows:

Local Government (Uniform Local Provisions) Regulations 1996

- r.6 Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)
- r.7A. Obstruction of public thoroughfare by fallen things — Sch. 9.1 cl. 3(1)(b)
- r.7 Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)
- r.8 Separating land from public thoroughfare — Sch. 9.1 cl. 4.
- r.9 Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
- r.11 Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6
- r.12 Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)
- r.13 Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)
- r.15. Contribution to cost of crossing — Sch. 9.1 cl. 7(4).
- r.17 Private works on, over, or under public places — Sch. 9.1 cl. 8
- r.21 Wind erosion and sand drifts — Sch. 9.1 cl. 12

CONDITIONS

Refer to Council Policy E.3 Standards and Specifications - Vehicle Crossovers.

Refer to Delegations ES2, ES10 and BHS5.

AS1 CROSSOVERS	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • Engineering Policy E3 - Standards and Specifications - Vehicle Crossovers.

AS1 CROSSOVERS	
Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995, Schedule 9.1, Clause 7 (3);</i> • <i>Local Government (Uniform Local Provisions) Regulation 1996, Sections 12, 13, 14, 15 and 16; and</i> • <i>Section 21A - Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</i>
File Number:	<ul style="list-style-type: none"> • Relevant Property Files.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Notices and matters related thereto are be made in writing and kept on relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services ; • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2007
Last Review Date:	9 February 2021

AS2 Private Works on, over or under public places

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the CEO as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Regulation 17 “Private works on, over, or under public places — Sch. 9.1 cl. 8” of the *Local Government (Uniform Local Provisions) Regulations 1996*.

POWERS AND DUTIES

The CEO, or an Authorised Officer may grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.

FUNCTION

To authorise the construction of anything on, over or under a public thoroughfare or other public place that is local government property in accordance with Regulation 17(2) *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

Refer to Delegations ES2, ES5, BHS5, AS1, PD2 and PD7.

This delegation is also subject to the express provisions of the *Local Government Act 1995*, and the *Shire of Toodyay’s adopted local laws, schemes, codes, policies and practices*.

AS2 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES	
Relevant Management Practice:	<ul style="list-style-type: none"> <i>Local Planning Scheme No 4.</i>
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>

AS2 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No LPP01 – Signage outside the Central Toodyay Heritage Area;</i> • <i>Local Planning Policy No. LPP20 – Central Toodyay Heritage Area;</i> • <i>Local Planning Policy No LPP24 – Directional Signage and signage within thoroughfares; and</i> • <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Regulation 17 “Private works on, over, or under public places — Sch. 9.1 cl. 8” of the <i>Local Government (Uniform Local Provisions) Regulations 1996.</i>
File Number:	<ul style="list-style-type: none"> • TEC8
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Determinations and correspondence related thereto to be recorded on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services ; and • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	2 March 2021

AS3 Licence to deposit materials on or excavate adjacent to a street.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the CEO as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any local government (Council) powers or the discharge of any Council duties in respect to Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a).

POWERS AND DUTIES

This delegation authorises the CEO to issue licences to deposit materials on a street, way or other public place and to excavate on land neither abutting nor adjoining a street, way or other public place in accordance with Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a).

This delegation is pursuant to Section 25 “Transitional and savings provisions” of the *Local Government (Uniform Local Provisions) Regulations 1996*.

FUNCTION

To comply with provisions of:

- (a) Section 36 of the *Planning and Development Regulations 2009*;
- (b) *Building Act 2011*; and the
- (c) *Local Government {Uniform Local Provisions} Regulations 1996*.

CONDITIONS

- (a) The Chief Executive Officer obtaining confirmation in writing from the Manager Assets and Services that the proposed activity will not create undue interference with the operations of the street, way or public place.
- (b) Licences are to be issued subject to the condition detailed in Section 25 “Transitional and savings provisions” of the *Local Government (Uniform Local*

Provisions) Regulations 1996 and such other conditions as considered relevant by the Chief Executive Officer.

Refer to Delegation ES2 and ES5.

AS3 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No.LPP21 – Landscaping Plans; and</i> • <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Regulation 6 “Obstruction of public thoroughfare by things placed and left” — Sch. 9.1 cl. 3(1)(a); • Section 25 “Transitional and savings provisions” of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; • <i>Building Act 2011</i>; • Section 36 Rights, powers and privileges under easements (Act s. 167(2)) <i>Planning and Development Regulations 2009</i>.
File Number:	<ul style="list-style-type: none"> • CPS2.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • License and correspondence related thereto to be recorded in relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services ; • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011</i>.

AS3 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET	
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013.
Last Review Date:	2 March 2021

AS4 Altering Thoroughfare Alignments

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

Refer to Delegation ES2.

POWERS AND DUTIES

This delegation authorises the CEO to, prior to fixing or altering the level of alignment of a public thoroughfare, invite submissions from any person prescribed as having an interest in accordance with the *Local Government Act 1995* Section 3.51(3).

FUNCTION

Refer to Delegation PD2.

CONDITIONS

To comply with Section 3.51(3) "Affected owners to be notified of certain proposals" of the *Local Government Act 1995*.

This delegation is subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

AS4 ALTERING THOROUGHFARE ALIGNMENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> Shire of Toodyay "Local Planning Scheme No 4".
Relevant Local Law:	<ul style="list-style-type: none"> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in thoroughfares and public places; LPP.24 - Directional Signage & Signage within Thoroughfares.
Other Relevant References:	<ul style="list-style-type: none"> <i>Planning and Development Act 2005.</i>
File Number:	<ul style="list-style-type: none"> LAW11.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Documentation and correspondence relating to the invitation of submissions to be kept on relevant file in accordance with Shire of Toodyay Record Keeping Plan.

AS4 ALTERING THOROUGHFARE ALIGNMENTS	
Delegation made by Council to authorise the CEO and/or other	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services ; and • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation; and • Subject to Section 5.43 of the <i>Local Government Act 1995</i>
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to Statement of Intent;</i> • <i>Suitable for Acting Through in accordance with 3.52(3) of the Local Government Act 1995.</i>
Adoption Date:	18 April 2013
Last Review Date:	2 March 2021

AS5 Dangerous excavation

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Assets and Services
Responsible Officer:	Manager Assets and Services

STATEMENT OF INTENT

If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation in accordance with Regulation 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, and having appointed the CEO as an authorised Officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), and section 6(b), to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under Regulation 11(1) *Local Government (Uniform Local Provisions) Regulations 1996*.

Refer to Delegations ES2, PD2 and AS3.

POWERS AND DUTIES

This delegation authorises the CEO to:

- Use their discretion in respect to whether an excavation is dangerous, in a public thoroughfare or land adjoining a public thoroughfare;
- request the owner or occupier to fill or securely fence the excavation; and/or
- authorise a suitably qualified officer to fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation.

FUNCTION

The CEO, as Council's Deputy, will perform the functions of Clause 2, Division 2 of the *Local Government Act 1995* pertaining to Dangerous excavation in or near public thoroughfare) in accordance with provisions contained in Regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

CONDITIONS

To comply with Part 9 – Miscellaneous Provisions (Section 9.1) where:

authorisation means a licence, permit, approval, or other means of authorising a person to do anything, other than one that has been excluded by regulations from being an authorisation for the purposes of this definition;

decision means a decision or notice that, in accordance with section 9.1, causes this Division to apply.

AS5 DANGEROUS EXCAVATION	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No.LPP21 – Landscaping Plans; and</i> • <i>Local Planning Policy No.LPP26 Subdivision Development Guidelines.</i>
Other Relevant References:	<ul style="list-style-type: none"> • Part 9 (Miscellaneous Provisions) Division 1 (Objections and Review) Section 9.1 When this division applies whenever a local government gives a person a notice under section 3.25, and for the purposes of this Division the giving of a notice under that section is to be regarded as the making of a decision; • Section 25 “Transitional and savings provisions” of the Local Government (Uniform Local Provisions) Regulations 1996; • Building Act 2011; and • Section 36 Rights, powers and privileges under easements (Act s. 167(2)) <i>Planning and Development Regulations 2009.</i>
File Number:	<ul style="list-style-type: none"> • CPS2
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Records to be kept on an appropriate file and instances where this delegation has been enacted, to be communicated to the Council.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Assets and Services ; • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • Subject to Section 127 (3) and Section 127(6A) of the <i>Building Act 2011.</i>

AS5 DANGEROUS EXCAVATION	
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 April 2013
Last Review Date:	2 March 2021

SECTION 6 Planning Services (Delegations to CEO)

PD1 Stallholder Applications

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to:

- (a) approve applications and issue permits for stallholder applications on behalf of the local government in accordance with Section 5.41 "Functions of CEO"; and
- (b) make determinations in relation to stallholder applications including whether to waive or reduce stallholder's fees to be imposed on applicants that are contained in the Shire of Toodyay's Schedule of Fees and Charges.

POWERS AND DUTIES

Determination of applications is pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act 2005*, the Shire of Toodyay's Local Law and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

FUNCTION

The purpose of this delegation is to comply with:

- (a) *Local Government (Uniform Local Provisions) Regulations 1996* which came into operation on 1 July 1996. Under section 9.60 of the Act, these regulations apply as if they were local laws made by each local government;
- (b) *The Shire of Toodyay "Local Planning Scheme No 4" made in accordance with the Planning and Development Act 2005* which came into operation on 17 December 2007; and
- (c) the Shire of Toodyay "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*", gazetted on 25/10/2001 in accordance with Section 3.5 "Legislative Powers of Local Governments" and Section 3.12 "Procedure for making Local Laws" of the *Local Government Act 1995*.

CONDITIONS

In relation to Food Stall Holder Applications decisions made are subject to Section 115 of the *Food Act 2008* which requires the local government, as an enforcement agency, to be responsible for preparing and maintaining a list of:

- (a) food businesses notified to the agency in respect of any premises under section 107; and
- (b) Food businesses registered by the agency in respect of any premises under section 110.

Waiving of fees is subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

PD1 STALLHOLDER APPLICATIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> • A.14 Trading in Thoroughfares and Public Places; • LPP.24 - Directional Signage & Signage within Thoroughfares; • LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government (Uniform Local Provisions) Regulations 1996;</i> • <i>Regulation 115 - Food Act 2008;</i> • <i>Shire of Toodyay "Local Planning Scheme No 4";</i> and • <i>Planning and Development Act 2005.</i>
File Number:	<ul style="list-style-type: none"> • EVT1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Report in Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development; and • Environmental Health Officer.

PD1 STALLHOLDER APPLICATIONS	
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005
Last Review Date:	23 June 2020

PD2 Thoroughfares and Trading in Thoroughfares and Public Places Permits

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to make determinations in relation to applications for a permit including whether to waive or reduce fees to be imposed on applicants that are contained in the *Shire of Toodyay's Schedule of Fees and Charges*.

POWERS AND DUTIES

To approve applications and issue permits on behalf of the local government in accordance with Section 5.41 "Functions of CEO" of the *Local Government Act 1995* subject to the requirements of legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices*.

FUNCTION

The purpose of this delegation is to comply with:

- (a) *Local Government (Uniform Local Provisions) Regulations 1996*;
- (b) the Shire of Toodyay "*Local Planning Scheme No 4*"; and
- (c) The Shire of Toodyay "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*."

CONDITIONS

Determination of applications is pursuant to consideration of the Local Planning Scheme in accordance with the *Planning and Development Act*, subject to and in accordance with Clause 7.2 of the Shire of Toodyay's "*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*" and relevant Council Policies as determined by Council in accordance with Section 2.7(2) (b) of the *Local Government Act 1995*.

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> A.11 Applications for Public Events; A.14 Trading in Thoroughfares and Public Places; LPP.24 - Directional Signage & Signage within Thoroughfares; LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places
Other Relevant References:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law. Date: 25/10/2001; <i>Local Government (Uniform Local Provisions) Regulations 1996</i>; Weights and Measures Act 1915 (repealed by the <i>Trade Measurement Administration Act 2006</i> (No. 12 of 2006) s. 36(1) as at 1 Jun 2007 (see s. 2 and Gazette 29 May 2007 p. 2485); Section 172 of the Health (Miscellaneous Provisions) Act 1911; r.115 <i>Food Act 2008</i>; <i>Shire of Toodyay "Local Planning Scheme No 4"</i>; and <i>Planning and Development Act 2005</i>.
File Number:	<ul style="list-style-type: none"> MEM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Report in Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development Environmental Health Officer
Conditions	<ul style="list-style-type: none"> In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	24 November 2005

PD2 THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES PERMITS	
Last Review Date:	23 June 2020

PD3 Development Application Delegations

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005* within the district of the Shire of Toodyay in accordance with Clause 82 of Schedule 2, Part 10 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

* *Absolute majority required.*

POWERS AND DUTIES

Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015* state that the local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than his power of delegation.

FUNCTION

1. DEVELOPMENT APPROVAL - GENERAL

Authority to approve or refuse applications for development approval, with or without conditions, subject to consistency with *Shire of Toodyay Local Planning Scheme No. 4* (the Scheme), including giving due regard to relevant Local Planning Policies, and / or WAPC / State Planning Policies, and the exclusions / conditions set out below.

CONDITIONS

General Exclusions

Applications for development approval for development:

- (i) exceeding \$2M in value; and / or
- (ii) a net increase of in excess of 10 dwellings; and / or
- (iii) a net increase of over 500m² in building floor area; and/or
- (iv) located in the Roman Catholic Church Precinct

may not be determined under delegated authority.

Specific Exclusions and Exceptions for Minor Works, etc.

- a) Subject to f) below, with respect to applications for development approval for development other than advertising signage, domestic outbuildings, sea containers and/or other similar storage containers, fencing, residential additions/alterations and setback variations, any delegated decision must be consistent with, rather than giving due regard to, relevant Local Planning Policies.
- b) Subject to f) below, applications for development approval for development of land within a Local Reserve may only be approved under delegated authority where it is consistent with the purpose of the Reserve.
- c) Subject to f) below, applications for development approval for the types of land-use or development listed below may only be refused under delegated authority:
- (i) Abattoir;
 - (ii) Animal Establishment in other than the 'Rural' Zone;
 - (iii) Animal Husbandry – Intensive;
 - (iv) Hotel;
 - (v) Industry - Extractive;
 - (vi) Motel;
 - (vii) Night Club;
 - (viii) Restricted Premises;
 - (ix) Small Bar;
 - (x) Tavern;
 - (xi) Telecommunication Infrastructure; and
 - (xii) Any other development associated with racing, gaming or the sale of liquor, other than where development is of a temporary nature (no more than 48 hours duration).

(Note: Should the Chief Executive Officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- d) Subject to f) below, unless specifically provided for in a Local Planning Policy or Policies, applications for development approval that must be assessed under the provisions of Clause 3.4.2 of the Scheme (the 'interpretation of the Zoning Table' provisions) may only be refused under delegated authority.

(Note: Should the Chief Executive Officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- e) Subject to f) below, applications for development approval that must be assessed under the provisions of Part 4, clauses 3.8 up to and including 3.12 of the Scheme (the 'non-conforming uses' provisions) may only be refused under delegated authority.

(Note: Should the Chief Executive Officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- f) Subject to g) below, the provisions of a) – e) above do not apply to applications to –
- amend the approval so as to extend the period within which the approval must be substantially commenced; and
 - alterations and/or expansions affecting a maximum area of 10% of the existing development or 200m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser, and which are associated with existing, lawful land-uses, wherein the application may be refused or approved, with or without conditions, under delegated authority.
- g) Where an application to extend the period within which the approved development must be substantially commenced is issued pursuant to f) above, the term of any extension shall not exceed 12 months, however, an unlimited number of extensions may be granted under delegated authority.

2. DEVELOPMENT APPROVAL - AMENDED PLANS

Notwithstanding a) and b) above, amended plans relating to applications determined by Council, may be determined under delegated authority where -

- a) The amended plan, if submitted as a new application, could have been determined under delegated authority; and/or
- b) The amended plans do not differ from the determined plans in any respect which generates a need to undertake consultation pursuant to clause 64 of the *deemed provisions for local planning schemes* (advertising applications) and/or Part 4 (Consultation) of the R-Codes; and/or
- c) The amended plans do not differ from the determined plans in respect of the number of residential units or an increase in floor space of more than 10% or 200m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser.

3. DEVELOPMENT APPROVAL - CONDITIONS RELATED TO CONSULTATION

Applications for development approval that have been advertised for consultation purposes in accordance with the provisions of clause 64 (advertising applications) of the *deemed provisions for local planning schemes* and/or Part 4 of the R-Codes (consultation), may only be approved under delegated authority if-

- a) No submissions were received, or only supportive submissions that do not request any change to the development were received; or
- b) Submissions that raise concerns with the proposed development were received, and those concerns are, in the opinion of the Chief Executive Officer, clearly not material planning considerations;

- c) Submissions that raise concerns with the proposed development were received, and those concerns are material planning considerations, but;
- i) Through liaison with the party or parties that lodged the submissions and/or amendments to the application and/or the application of conditions, the matters raised in the submissions can be resolved to the satisfaction of the Chief Executive Officer, the applicant, and the party or parties that lodged the submissions (the Chief Executive Officer must also ensure that the interests of fourth parties are protected and undertake further consultation if considered necessary), and
 - ii) Prior to approval of the application, the applicant and/or party or parties who lodged the submissions have provided written (including via email) confirmation of their acceptance of the terms of the proposed delegated decision.

(Note: Should (a), (b) or (c) above not apply, or the Chief Executive Officer feel that the application should be refused, the application shall be reported to Council for consideration)

PD3 DEVELOPMENT OF SUBDIVISION APPLICATION DELEGATIONS	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4 (referencing 11.3.1 and 11.3.2).</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted local planning policies.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005;</i> • <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO"</i> • <i>deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> • <i>PLS2.</i>

PD3 DEVELOPMENT OF SUBDIVISION APPLICATION DELEGATIONS	
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <p>(a) how the power was exercised or the duty was discharged;</p> <p>(b) When the power was exercised or duty discharges; and</p> <p>(c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.</p> <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer (<i>excluding subdivision clearances</i>).
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	23 June 2020

PD4 Illegal Development

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*, section 214(2), (3) and (5) *in accordance with Clause 82 of the Planning and Development (Local Planning Schemes) Regulations 2015*.

* *Absolute majority required.*

POWERS AND DUTIES

The deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* are to be read in conjunction with the Local Planning Scheme No. 4.

This delegation will enable appropriate action to be instigated in a timely and efficient manner relating to breaches of the *Shire of Toodyay Local Planning Scheme No. 4*.

Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015* state *that the local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than his power of delegation.*

FUNCTION

This delegation will enable the CEO to appoint an Authorised Officer for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed.

- (a) Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;

- (b) Give a written direction to the owner or any other person who undertook an unauthorised development subject to the provisions of clause 65 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
- i) to remove, pull down, take up, or alter the development; and
 - ii) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- (c) Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.

CONDITIONS

Part 1, Section 4 of the *Planning and Development Act 2005* states that the local government is a responsible authority, except as provided in regulations made under Section 171A (2) (a) that means, in relation to a local planning scheme or local interim development order, that the local government is responsible for the enforcement of the observance of the scheme or order, or the execution of any works which under the scheme or order, or this Act, are to be executed by a local government.

This delegation is also subject to the requirements of legislation and regulations and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

PD4 ILLEGAL DEVELOPMENT	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Local Planning Scheme No 4 (referencing 11.1.2, 11.3.1 and 11.3.2).</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted local planning policies.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO"</i> • <i>Planning and Development Act 2005 section 214 "Illegal development, responsible authority's powers as to" (2), (3) or (5);</i> • <i>Part 13 of the Planning and Development Act 2005.</i> • <i>deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</i>

PD4 ILLEGAL DEVELOPMENT	
File Number:	<ul style="list-style-type: none"> • PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	23 June 2020

PD5 Appointment of Authorised Persons – the Shire of Toodyay Local Planning Scheme No. 4

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The purpose of this delegation is to satisfy the provisions of Clause 82 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* that state a local government may, by resolution, delegate to the CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under the *Shire of Toodyay Local Planning Scheme No. 4*

* *Absolute majority required.*

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties the *Planning and Development Act 2005*, section 214(2), (3) and (5).

FUNCTION

This delegation will enable the CEO to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of the local planning scheme have been or are being observed.

CONDITIONS

There are no conditions. **Refer to ES2** for information related to the *Planning and Development Act 2005*.

PD5 APPOINTMENT OF AUTHORISED PERSONS – THE SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO 4	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted policies.</i>

PD5 APPOINTMENT OF AUTHORISED PERSONS – THE SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO 4	
References - <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> Part 13, Division 3, Section 234 "Designated persons, appointment of". Deemed provisions for local planning schemes in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005;</i> <i>Refer to the Statement of Intent.</i>
Adoption Date:	24/11/2015 Council Resolution No 242/11/15
Last Review Date:	23 June 2020

PD6 Deed of Covenant for the Payment of a Developer Contribution.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

The purpose of this delegation is to satisfy the provisions of Clause 2.2 of the *Shire of Toodyay Local Planning Scheme No. 4* in respect to Council authorising the CEO to exercise any of its powers or the discharge of any of its duties as a responsible authority in relation to land that is subject to a local planning scheme under the *Planning and Development Act 2005*.

* *Absolute majority required.*

POWERS AND DUTIES

This delegation authorises the CEO to exercise any of the local government's powers or the discharge of any of its duties the *Planning and Development Act 2005, Part 10 – Subdivision and Development Control*.

FUNCTION

This delegation of authority will enable the Shire President and the Chief Executive Officer to enter into a Deed of Covenant for the Payment of a Development Contribution with prospective developer(s) proposing to rezone land under Local Planning Scheme No 4 to enable further subdivision subject to the proposed rezoning being supported under the provisions of the Local Planning Strategy.

CONDITIONS

Subject to the proposed rezoning being supported under the provisions of the Local Planning Strategy.

Refer to ES2 for information related to *Planning and Development Act 2005*.

PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION
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PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Planning Schemes and Strategies.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's adopted Local Laws.</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • LPP.19 - Subdivision Contributions For Road And Footpath Upgrading; and • LPP.26 – Sub-divisional Development Guidelines.
References - <i>Planning and Development Act 2005</i>	<ul style="list-style-type: none"> • Part 13, Division 3, Section 234 "Designated persons, appointment of". • deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> • PLA1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Detail of deeds to be recorded in appropriate register and upon the common seal being affixed, reported in the Council Information Bulletin.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • <i>Refer to the Statement of Intent.</i>
Adoption Date:	18 June 2008

PD6 DEED OF COVENANT FOR THE PAYMENT OF A DEVELOPER CONTRIBUTION	
Last Review Date:	23 June 2020

PD7 Gutters for new buildings in the Central Toodyay Heritage Area

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate power to the CEO to exercise the discretion contained in Clause 2.4.4 of Local Planning Policy LPP 20 – Central Toodyay Heritage Area to the extent that the requirement for quad or half round gutters in relation to new buildings in the Central `Heritage Area will not be required.

Section 3.4.17 (Residential Developments): the requirement for quad or half round gutter on new buildings; and

Section 4.4.13 (Commercial Developments): the requirement for quad or half round gutter on new buildings.

POWERS AND DUTIES

The deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* are to be read in conjunction with the Local Planning Scheme No. 4.

This delegation authorises the CEO to waive the requirement of quad or half round gutters for new buildings in the Central Toodyay Heritage Area.

Clause 83 of the Planning and Development (Local Planning Schemes) Regulations 2015 state *that the local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than his power of delegation.*

FUNCTION

To waive the requirement of quad or half round gutters for new buildings in the Central Toodyay Heritage Area.

CONDITIONS

Refer to Delegation ES2 and ES5.

PD7 GUTTERS FOR NEW BUILDINGS IN THE CENTRAL TOODYAY HERITAGE AREA	
Relevant Management Practice:	<ul style="list-style-type: none"> • Clause 11.3 of Local Planning Scheme No 4
Relevant Council Policy:	<ul style="list-style-type: none"> • A.11 Applications for Public Events; • A.14 Trading in Thoroughfares and Public Places; • LPP.24 - Directional Signage & Signage within Thoroughfares; and • LPP. 12 – Alfresco Dining A. 14 – Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> • Shire of Toodyay "Local Planning Scheme No 4"; and • <i>Planning and Development Act 2005</i>; and • <i>Deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> • PLA1.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <p>(a) how the power was exercised or the duty was discharged;</p> <p>(b) When the power was exercised or duty discharges; and</p> <p>(c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.</p> <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	18 February 2014 (<i>Council Resolution No 43/02/14</i>)
Last Review Date:	23 June 2020

PD8 Caravan Park and Camping Grounds Act 1995

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council, defined as a **prescribed public authority** under the *Criminal Procedure Act 2004*, to note Delegation ES2 and the delegation by Council to the CEO of the exercise of any local government (Council) powers or the discharge of any Council duties in respect to the *Caravan Parks and Camping Grounds Act 1995* in accordance with s.5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

The intent with respect to the above is that the authority will extend to any subsidiary legislation of the legislation specified above, and any Shire of Toodyay Local Laws where the head of power is either the *Local Government Act 1995*, the *Public Health Act 2016* or the *Health (Miscellaneous Provisions) Act 1911*.

The *Shire of Toodyay "Local Government Property" Local Law* refers to "facility" as having the same meaning as is given to it in section 5(2) of the *Caravan Parks and Camping Grounds Act 1995*. The Local Law also states that the functions performed under this local law can be performed by an "authorised person" authorised under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an authorised person under this local law. **Refer to Delegation ES2.**

POWERS AND DUTIES

This delegation authorises the CEO to:

- exercise the powers that are conferred or imposed on the local government and perform the functions of the agency in relation to the *Caravan Parks and Camping Grounds Act 1995*.
- appoint one or more persons for the purpose of performing the functions of an authorised person in accordance with section 23(1) of the *Caravan Parks and Camping Grounds Act 1995*.

FUNCTION

The CEO, as Council's Deputy, will administer the functions that are conferred or imposed on the public authority as follows:

Caravan Parks and Camping Grounds Act 1995

- s.7. Application for grant or renewal of licence;
- s.10. Prohibition notice;
- s.14. Register;;
- s.15. Local government may operate facility in its district without licence;
- s.21. Inspections and works specification notices;
- s.18 Powers of entry;
- s.20 Entry of occupied caravan or camp;
- s.22 Legal proceedings to be taken by authorised person;
- s.23 Infringement notices.

CONDITIONS

Refer to Delegation ES2.

To comply with the requirements of the *Caravan Park and Camping Grounds Act 1995* and regulation 6 of the *Caravan Parks and Camping Grounds Regulations 1997*.

In the absence of the CEO the sub-delegated Officers may carry out the provisions of the *Caravan Park and Camping Grounds Act 1995* and the provisions of any subsidiary regulations.

Section 17(2) of the *Caravan Parks and Camping Grounds Act 1995* states that an authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.

This delegation is subject to express provisions of the *Local Government Act 1995*, and the Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.

PD8 CARAVAN PARK AND CAMPING GROUNDS	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Not applicable.</i>
Relevant Local Law:	<ul style="list-style-type: none"> • <i>Shire of Toodyay's Parking and Parking Facilities local law; and</i> • <i>Shire of Toodyay Local Government Property Local Law</i>

PD8 CARAVAN PARK AND CAMPING GROUNDS	
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Local Planning Policy No. LPP03 Caravan and Camping Grounds;</i> • <i>Local Planning Policy No. LPP10 – Temporary Onsite Accommodation during construction of a dwelling; and</i> • <i>Local Planning Policy No. LPP17 – Extracts Industrial Area Policy.</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Caravan Park and Camping Grounds Act 1995; and</i> • <i>Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997.</i>
File Number:	<ul style="list-style-type: none"> • CAM1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Records pertaining to this delegation to be kept on appropriate file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning and Development. • Manager Assets and Services.
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions of this delegation.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to ES2; and • Not applicable.
Adoption Date:	18 April 2013
Last Review Date:	8 February 2021

PD9 Recommendations to the WAPC Regarding Applications for Subdivision / Amalgamation or Strata Title

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate, by resolution, to the CEO the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to making recommendations to the Western Australian Planning Commission (WAPC) with regards to applications referred to Council pursuant to Part 10 (subdivision and development control) of the *Planning and Development Act 2005*.

* *Absolute majority required.*

POWERS AND DUTIES

Section 5.42 of the *Local Government Act 1995* establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

FUNCTION

The WAPC grants subdivision approvals for residential subdivisions (excluding built strata with 5 or less units, which require Local Government Approval).

Subdivision applications submitted to the WAPC are referred to the Shire (as well as other agencies) for comment. This delegation will facilitate timely responses to the WAPC regarding subdivision, amalgamation and strata title referrals.

CONDITIONS

Subject to consistency with the Scheme, relevant Local Planning Policies, and/or WAPC/State Planning Policies, applications that, were they approved by the WAPC, might result in a net increase of more than 20 lots, a recommendation to the WAPC may only be made under delegated authority if-

- a) The application is consistent with a structure plan approved by the WAPC, a local development plan approved by Council, or other plan endorsed by Council, or which forms part of the Scheme and/or a Local Planning Policy; and/or
- b) The application is for amended plans for an application that has been considered by Council within the last two years and the amendments are, in the opinion of the delegated officer, of a minor nature.

PD9 RECOMMENDATIONS TO THE WAPC REGARDING APPLICATIONS FOR SUBDIVISION / AMALGAMATION OR STRATA TITLE	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Local Planning Scheme No 4</i>
Relevant Local Law:	<i>Not Applicable</i>
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Local Planning Policy No. 19 - Subdivision Contributions for Road and Footpath</i>
Other Relevant References:	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005;</i> • <i>Schedule 2, Part 4 – Structure Plans of the Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>Local Government Act 1995 – Section 5.42 "Delegation of some Powers and Duties to CEO".</i>
File Number:	<ul style="list-style-type: none"> • PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ol style="list-style-type: none"> how the power was exercised or the duty was discharged; When the power was exercised or duty discharges; and the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer

PD9 RECOMMENDATIONS TO THE WAPC REGARDING APPLICATIONS FOR SUBDIVISION / AMALGAMATION OR STRATA TITLE	
Conditions	In accordance with the conditions listed in this delegation; and that the application for subdivision is not located in the Roman Catholic Precinct. Consideration of Delegation EA11 required prior to any decision.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	25 June 2019
Last Review Date:	23 June 2020

PD10 Clearance of Conditions of Development Approval, or Conditions of Subdivision / Amalgamation or Strata Title Approval

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties in relation to clearance of conditions of development approval issued under Council’s Local Planning Scheme No.4 (the Scheme), including clearance of conditions to advise the Western Australian Planning Commission (WAPC) with regards to the clearance of conditions for which Council is nominated as a clearance agency.

POWERS AND DUTIES

Clearance of Conditions of Development Approval

Clause 82 of the *deemed provisions for local planning schemes* (Schedule 2 Part 10 of the *Planning and Development (Local Planning Schemes) Regulations 2015*) establishes that the local government may, by resolution, delegate to a committee or to the local government CEO* the exercise of any of the local government’s powers or the discharge of any of the local government’s duties under the Scheme.

Clearance of Conditions of Subdivision

Section 5.42 of the *Local Government Act 1995* (the Act) establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

**Absolute Majority required*

FUNCTION

This delegation will facilitate good and proper planning practices, including timely responses to clearance of conditions of development approval issued under the Scheme, and clearance of conditions set pursuant to Part 10 (Subdivision and development control) of the *Planning and Development Act 2005* and for which Council is nominated as a clearance agency.

CONDITIONS

Authority to: -

- clear conditions of development approval issued under Council’s Local Planning Scheme No.4 pursuant to Clause 82 of the *deemed provisions for local planning schemes*: and
- Advise the WAPC with regards to the clearance of conditions set pursuant to Part 10 (Subdivision and development control) of the *Planning and Development Act 2005* and for which Council is nominated as a clearance agency, subject to consistency with the Scheme and Local Planning Policies.

Specific Exclusions

- Applications to clear conditions of development approval in the Roman Catholic Church Precinct may not be determined under delegated authority.
- Advice to the WAPC with regards to the clearance of conditions for which Council is nominated as a clearance agency in the Roman Catholic Church Precinct may not be determined under delegated authority.

PD10 CLEARANCE OF CONDITIONS OF DEVELOPMENT APPROVAL, OR CONDITIONS OF SUBDIVISION / AMALGAMATION OR STRATA TITLE APPROVAL	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Local Planning Scheme No 4.</i>
Relevant Local Law:	Not Applicable
Relevant Council Policy:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Local Planning Policy No. 19 - Subdivision Contributions for Road and Footpath Upgrading</i>
Other Relevant References:	<ul style="list-style-type: none"> • Planning and Development Act 2005; • <i>Local Government Act 1995 – Section 5.42</i> • "Delegation of some Powers and Duties to CEO" • <i>Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> • PLS2.

PD10 CLEARANCE OF CONDITIONS OF DEVELOPMENT APPROVAL, OR CONDITIONS OF SUBDIVISION / AMALGAMATION OR STRATA TITLE APPROVAL	
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons ☐ Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	25 June 2019
Last Review Date:	23 June 2020

PD11 Advice to the Department of Planning Lands and Heritage (DPLH) Regarding Matters Associated with the Land Administration Act 1997

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties as a responsible authority in relation to proposed changes of tenure, changed / new management orders, and / or granting or renewing of leases and / or licences relating to Crown Land.

POWERS AND DUTIES

Section 5.42 of the *Local Government Act 1995* (the Act) establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

**Absolute Majority required*

FUNCTION

This delegation will facilitate good and proper planning practices, including timely responses to the Department of Planning Lands and Heritage (DPLH) for matters referred to Council under the *Land Administration Act 1997*.

CONDITIONS

Authority to advise the DPLH is extended to the Chief Executive Officer with respect to proposed changes of tenure, changed / new management orders, and / or granting or renewing of leases and / or licences relating to Crown Land.

PD11 ADVICE TO THE DEPARTMENT OF PLANNING LANDS AND HERITAGE (DPLH) REGARDING MATTERS ASSOCIATED WITH THE LAND ADMINISTRATION ACT 1997	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Local Planning Scheme No 4.</i>
Relevant Local Law:	Not Applicable

PD11 ADVICE TO THE DEPARTMENT OF PLANNING LANDS AND HERITAGE (DPLH) REGARDING MATTERS ASSOCIATED WITH THE LAND ADMINISTRATION ACT 1997	
Relevant Council Policy:	Not Applicable
Other Relevant References:	<ul style="list-style-type: none"> • Planning and Development Act 2005;
File Number:	<ul style="list-style-type: none"> • PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ul style="list-style-type: none"> (a) how the power was exercised or the duty was discharged; (b) When the power was exercised or duty discharges; and (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer
Conditions	In accordance with the conditions listed in this delegation.
Appointment of Authorised Officers / Authorised Persons <input type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	25 June 2019

PD11 ADVICE TO THE DEPARTMENT OF PLANNING LANDS AND HERITAGE (DPLH) REGARDING MATTERS ASSOCIATED WITH THE LAND ADMINISTRATION ACT 1997

Last Review Date:

23 June 2020

PD12 Advising other Regulatory Authorities.

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

The intent of this delegation is for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties as a responsible authority to advise regulatory authorities other than the Western Australian Planning Commission (WAPC) with respect to matters where planning-related advice is required.

POWERS AND DUTIES

Section 5.42 of the *Local Government Act 1995* (the Act) establishes that a local government may delegate to the CEO* the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43 or the *Planning and Development Act 2005* section 214(2), (3) or (5).

**Absolute Majority required*

FUNCTION

This delegation will facilitate good and proper planning practices, including timely responses to regulatory authorities other than the WAPC with respect to matters where planning-related advice is required.

CONDITIONS

Authority to advise other regulatory authorities (other than the WAPC with respect to applications for subdivision) with respect to matters where planning-related advice is required, is extended to the Chief Executive Officer, subject to consistency with existing planning or other local government approvals, as appropriate, and the Scheme, relevant Local Planning Policies and/or WAPC/State Planning Policies.

Specific Exclusions

- Planning related advice to other regulatory authorities with respect to the Roman Catholic Church Precinct shall be reported to Council for consideration. \

PD12 ADVISING OTHER REGULATORY AUTHORITIES

PD12 ADVISING OTHER REGULATORY AUTHORITIES	
Relevant Management Practice:	<ul style="list-style-type: none"> • <i>Shire of Toodyay Local Planning Scheme No 4.</i>
Relevant Local Law:	Not Applicable
Relevant Council Policy:	Not Applicable
Other Relevant References:	<ul style="list-style-type: none"> • Planning and Development Act 2005; • <i>Local Government Act 1995 – Section 5.42</i> "Delegation of some Powers and Duties to CEO" • <i>Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Number:	<ul style="list-style-type: none"> • PLS2.
Record Keeping (s.546(3))	<p>Obligation under r.19 of the <i>Local Government (Administration) Regulations 1996</i>, to keep a record of:</p> <ol style="list-style-type: none"> how the power was exercised or the duty was discharged; When the power was exercised or duty discharges; and the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty. <p>In the Shire of Toodyay Record Keeping System, in a relevant property file in accordance with the Shire of Toodyay Record Keeping Plan.</p>
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • CEO
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Manager Planning & Development; • Planning Officer
Conditions	In accordance with the conditions listed in this delegation.

PD12 ADVISING OTHER REGULATORY AUTHORITIES	
Appointment of Authorised Officers / Authorised Persons <input type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	25 June 2019
Last Review Date:	23 June 2020

SECTION 7 External Agency Delegations (Delegations to CEO / Local Government Employees)

As explained in the Introduction, where legislation has prescribed that decision-making powers and duties are to be performed (or delegated to) a CEO, President, Mayor, Elected Member, EHO, Building Surveyor, or Returning Officer a local government (Council) cannot make any further directives or make amendments to the decision-making powers and/or duties prescribed by legislation to these officeholders.

The table below details statutory officer appointments.

Head of Power	Detail	Conditions
<i>Local Government Act 1995</i>	<p><i>In respect to the appointment of authorised persons in relation to the following laws or specified provisions of 1 of more specified laws:</i></p> <p><i>law means any of the following —</i></p> <ul style="list-style-type: none"> <i>(a) this Act;</i> <i>(b) the Caravan Parks and Camping Grounds Act 1995;</i> <i>(c) the Cat Act 2011;</i> <i>(d) the Cemeteries Act 1986;</i> <i>(e) the Control of Vehicles (Off-road Areas) Act 1978;</i> <i>(f) the Dog Act 1976;</i> <i>(g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);</i> <i>(h) a written law prescribed for the purposes of this section;</i> <p><i>specified means specified in the instrument of appointment.</i></p>	
<i>Planning and Development Act 2005</i>	<p>in respect to appointment of designated persons (Section 234) that the CEO of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of Sections 228, 229, 230 and 231.</p>	<p>In relation to Section 228 "Giving of infringement notice" states a person who is authorised to give infringement notices is not eligible to be a designated person for the purposes of any of the other sections in accordance with Section 234</p>
<i>Animal Welfare Act 2002</i>	<p>in respect to appointment of authorised persons (Section 64) that the CEO of</p>	<p>Section 64 (4) "Appointment of Authorised Persons" states that</p>

Head of Power	Detail	Conditions
	the local government is an authorised person only in respect of infringement notices given by the local government.	a person cannot be both an authorised person and an inspector.
<i>Litter Act 1979</i>	In respect to appointment of authorised persons (Section 26(1)) that the CEO of the local government is an authorised person.	
<i>The Bush Fires (Infringement) Regulations 1978</i>	already delegates, in respect to the withdrawal of infringement notices, that the CEO and the Shire President are Prescribed Officers (Section 4) for the purposes of section 59A (5) "withdrawal of infringement notices" of the Act.	
<i>The Caravan Parks and Caravans Act 1995</i> already delegates	Appointment of authorised persons (Section 17(1)) that the CEO of the local government (a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and (b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.	Section 17(2) states that an authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.
<i>The Local Government Act 1995</i>	s.5.5. Convening council meetings (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting. (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.	
<i>The Local Government Act 1995</i>	s.3.34 Entry in emergency an emergency exists where the local government or its CEO is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or	s.3.35 of the Act states a person who enters or who has entered any land, premises or thing on behalf of a local government is to give particulars of the power by virtue of which the local government claims a right of entry

Head of Power	Detail	Conditions
	<p>unreasonable because of, or because of the imminent risk of —</p> <ul style="list-style-type: none"> (a) injury or illness to any person; or (b) a natural or other disaster or emergency; or (c) such other occurrence as is prescribed for the purposes of this section. 	on being requested to do so.
The <i>Local Government Act 1995</i>	<p>s.4.31.(1B) Rateable property: ownership and occupation</p> <p>If an enrolment eligibility claim is made in respect of rateable property situated partly in one ward and partly in another ward or wards, it is to be regarded for the purposes of that claim as being in —</p> <ul style="list-style-type: none"> (a) the ward nominated by the owner or occupier making the claim; or (b) if no nomination is made, the ward determined by the CEO. 	
The <i>Local Government Act 1995</i>	<p>s.5.29. Convening electors' meetings</p> <p>(1) The CEO is to convene an electors' meeting by giving —</p> <ul style="list-style-type: none"> (a) at least 14 days' local public notice; and (b) each council member at least 14 days' notice, <p>of the date, time, place and purpose of the meeting.</p>	<p>Suitable for Acting through:</p> <p>s.5.27(2) General meeting of electors to be held on a day selected by a local government but not more than 56 days after the local government accepts the annual report for the previous financial year.</p> <p>s.5.53(1) A local government must prepare an annual report for each financial year</p>
The <i>Local Government Act 1995</i>	<p>s.5.32. Minutes of electors' meetings</p> <p>The CEO is to —</p> <ul style="list-style-type: none"> (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered. 	

Head of Power	Detail	Conditions
The <i>Local Government Act 1995</i>	s.5.55. Notice of annual reports. The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.	
The <i>Local Government Act 1995</i>	s.5.55A. Publication of annual reports The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.	
The <i>Local Government Act 1995</i>	s.5.88 (1) Register of financial interests A CEO is to keep a register of financial interests.	
The <i>Local Government Act 1995</i>	s.5.89A(1). Register of gifts and contributions to travel. A CEO is to keep a register of gifts and contributions to travel.	
The <i>Local Government Act 1995</i>	s.5.95. Limits on right to inspect local government information. (1) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information — (a) which is not current at the time of inspection; and (b) which, in the CEO's opinion , would divert a substantial and unreasonable portion of the local government's resources away from its other functions.	
The <i>Local Government Act 1995</i>	s5.118 (1) Carrying out orders. The CEO of the local government concerned is required to arrange the publication of any censure ordered under section 5.110(6) by a standards panel and is to refer to the State Administrative Tribunal any failure to comply with any other order made under that subsection.	
The <i>Local Government Act 1995</i>	5.120. Complaints officer	

Head of Power	Detail	Conditions
	<p>(1) The CEO may designate an employee of the local government to be its complaints officer.</p> <p>(2) If an employee is not designated under subsection (1), the CEO is the local government's complaints officer.</p> <p>[Section 5.120 inserted: No. 16 of 2019 s. 57.]</p>	
The <i>Local Government Act 1995</i>	<p>s.6.5. Accounts and records</p> <p>The CEO has a duty —</p> <p>(a) to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and</p> <p>(b) to keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.</p>	
The <i>Local Government Act 1995</i>	<p>s.7.12AH (5) Reporting on a supplementary audit</p> <p>The CEO must publish a copy of the report on the local government's official website within 14 days after receiving a request under subsection (3)(b).</p>	
The <i>Local Government Act 1995</i>	<p>(s.9.19 Extension of time) prescribes that the CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.</p>	
The <i>Local Government Act 1995</i>	<p>(s.9.20 Withdrawal of notice) prescribes that the CEO of a local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</p>	

Head of Power	Detail	Conditions
The <i>Local Government Act 1995</i>	s.9.29 (2) Representing local government in court. In proceedings a person who is — (a) the CEO; or (b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case, may represent the local government in all respects as though the person were the local government.	
<i>Bush Fire Regulations 1954</i>	<u>Granting of Permits</u> Regulations 16 and 24 "Term used: authorised officer" of the <i>Bush Fire Regulations 1954</i> state that "for the purposes of this Part, the term <i>authorised officer</i> means the Chief Executive Officer of the local government or an officer duly appointed by the local government to grant a permit to burn clover.	
<i>Bush Fires (Infringement) Regulations 1978</i>	<u>Withdrawal of Infringement Notices</u> The already delegates, in respect to the withdrawal of infringement notices that the CEO and the Shire President are Prescribed Officers (Section 4) for the purposes of section 59A(5) of the Act.	
<i>Local Government (Functions and General) Regulations 1996</i>	16. Receiving and opening tenders, procedure for	18. Rejecting and accepting tenders
<i>Local Government (Functions and General) Regulations 1996</i>	24. People who submitted expression of interest to be notified of outcome	Nil
<i>Local Government (Financial Management) Regulations 1996</i>	Regulation 5 – CEO's duties as to financial management states that 'Efficient systems and procedures are to be established by the CEO of a local government' (a) to (g).	(2) The CEO is to — (a) ensure that the resources of the local government are effectively and efficiently managed; and (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

Head of Power	Detail	Conditions
		(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.
<i>Local Government (Audit) Regulations 1996</i>	r.17. CEO to review certain systems and procedures: (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to — (a) risk management; and (b) internal control; and (c) Legislative compliance.	(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years. (3) The CEO is to report to the audit committee the results of that review.
<i>Local Government Act (Miscellaneous Provisions) Act 1960</i> • s.478. Dying etc. impounded cattle, destruction of etc.	This section gives the power directly to the mayor, president, or chief executive officer, of the local government.	As per s.478
<i>Section 45(1) of the Cat Act 2011</i>	A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.	This delegation is subject to the provisions of Sections 45(3) and (6). The powers that an authorised person would have are detailed in Subdivision 2 of the Cat Act 2011.
<i>Section 286 of the Public Health Act 2016.</i>	A CEO of the local government, prescribed by the regulations in respect of the enforcement agency, is responsible for providing documentary evidence of certain matters as a "Relevant Officer" .	
<i>Section 23 Burning during prohibited burning times of the Bush Fires Act 1954</i>	The burning of bush under this section is subject to the owner or occupier of land obtaining a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land is situated, or from the chief	

Head of Power	Detail	Conditions
	executive officer of the local government if a bush fire control officer is not available.	
<i>Section 102 of the Conservation and Land Management Act 1984</i>	Public authority is the local government.	Local Government may make local laws.
<i>Section 45 of the CAT Act 2011</i>	A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.	(3) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of this section.
<i>Cemeteries Act 1986</i>	A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties for the purposes of section 63 on the terms and conditions that were applicable to the person's authorisation under section 64(1) immediately before the day referred to in subclause (1).	Sub-Clause 1 was the operation of the Local Government Legislation Amendment Act 2019 section 97.
<i>Section 38 Control of Vehicles (Off Road Areas) Act 1978</i>	The CEO can appoint authorised persons for the purposes of the Act either in respect of the whole of a district or any part of a district specified in the appointment.	
<i>Section 10AB of the Dog Act 1976</i>	The CEO is to keep a register of delegations made under Section 10AA(1)	
<i>Section 11A of the Dog Act 1976</i>	The CEO must, under the Local Government Act 1995 section 9.10(2), appoint persons to be authorised persons for the purposes of this Act.	

EA1 Noise Control – Serve Environmental Protection Notices [S65(1)]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.47, 19 March 2004

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows -

Powers and duties delegated -

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made –

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved -

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995*.

FUNCTION

Powers and duties stated above in the gazettal notice.

This Delegation made under Section 20 of the EP Act relates to Section 65 EPN's and not the Regulations. Even if the Council does not have any authorised officers nor do any noise enforcement the CEO can still issue an EPN for noise. It is advisable that they have some training if they were to issue that EPN hence authorised officers and measurements of sound etc.

The link is here: <https://www.der.wa.gov.au/our-work/programs/379-authorized-officer-program> there are manuals and assessments included.

CONDITIONS

Conditions stated above in the gazettal notice.

The DWER CEO authorises LGA officers under section 87 and 88 of the Environmental Protection Act 1986. The Local Government Authority CEO certifies that the LGA (employing authority) supports the applicant's authorisation. See [Application for Appointment form](#).

EA1 NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A14 Trading in thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>, Section 20, Delegation No 52; In accordance with Section 65 of the <i>Environmental Protection (Noise) Regulations 1997 Act</i>.
File Number:	<ul style="list-style-type: none"> HLT18.

EA1 NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Environmental protection notices issued are to be kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	When DR Reviewed (Correspondence ICR27296)
Review Date(s):	23 June 2020

EA2 Noise Control – Keeping of Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.232, 20 December 2013

EV402* ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* (“the Act”), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities—noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
- (h) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.
 JASON BANKS, Acting Chief Executive Officer.

Approved by—
 JOHN DAY, Acting Minister for Environment; Heritage.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995*.

FUNCTION

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA2 NOISE CONTROL – KEEPING OF LOGBOOKS, NOISE CONTROL NOTICES; CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> • A.14 Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> • <i>Environmental Protection Act 1986</i>; • In accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.
File Number:	<ul style="list-style-type: none"> • EVT1

EA2 NOISE CONTROL – KEEPING OF LOGBOOKS, NOISE CONTROL NOTICES; CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS	
Record Keeping (s.546(3))	<p>The following written records are to be kept in a relevant file in accordance with the Shire of Toodyay Record Keeping Plan:</p> <ul style="list-style-type: none"> • Noise Management Plans relating to specified works. • A log recording bellringing or amplified calls to worship • Noise Control Notices in respect of community noise under regulation 16; • Noise Management Plans in relation to motor sport venues under Part 2 Division 3; • Noise Management Plans in relation to shooting venues under Part 2 Division 4; • details of calibration results undertaken and obtained under Schedule 4; and • Approval of events or venues for sporting, cultural and entertainment purposes.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent.
Adoption Date:	When DR Reviewed (Correspondence ICR27296)
Review Date(s):	23 June 2020

EA3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Environmental Health Officers

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

Published in Government Gazette No.71 – 16 May 2014

EV405*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* (“the Act”), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of —

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act, all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.
 JASON BANKS, Acting Chief Executive Officer.

Approved by—
 Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage

POWERS AND DUTIES

This delegation is a Statutory Delegation to the CEO holding office under the *Local Government Act 1995* and to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act.

FUNCTION

Powers and duties stated above in the gazettal notice.

CONDITIONS

Conditions stated above in the gazettal notice.

EA3 NOISE CONTROL – NOISE MANAGEMENT PLANS – CONSTRUCTION SITES	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> A.14 Trading in Thoroughfares and Public Places.
Other Relevant References:	<ul style="list-style-type: none"> <i>Environmental Protection Act 1986</i>, Section 20, Delegation No 52.
File Number:	<ul style="list-style-type: none"> EVT1.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Noise Management Plans are to be kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Suitable for Acting through an Authorised Person as stated in the Statement of Intent.
Adoption Date:	24 November 2005
Review Date(s):	23 June 2020

EA4 Delegation to the CEO In relation to the Freedom of Information Act 1992

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Freedom of Information Act 1992* which defines:

- (a) an **agency** as being a public body or office and a **public body** as meaning a local government; and
- (b) a **principal officer** of an agency “(c) in relation to a local government – the Chief Executive Officer (CEO) of the local government.”

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995*.

FUNCTION

This delegation enables the CEO to make decisions on behalf of the Agency or direct an officer of the agency to make a decision, either generally or in a particular case in respect to an FOI Application in accordance with Section 100 “who in Agency makes decisions” of the *Freedom of Information Act 1992*.

The *Freedom of Information Act 1992* [Part 5 Publication of Information about agencies] section 94 “Terms used: information statement” stipulates that the information statement is required to contain information regarding the designation of the officer or officers to whom initial inquiries as to access to documents can be made.

CONDITIONS

Decisions made under the *Freedom of Information Act 1992* by an agency are to be made by the principal officer of the agency, or an officer of the agency directed by the principal officer for that purpose, either generally or in a particular case. This is in accordance with Section 100 “Who in Agency makes its decisions” of the *Freedom of Information Act 1992*.

Staff are given authority by the CEO to make decisions in regard to applications submitted to the Shire under Division 2 - Procedure for dealing with access applications of the *Freedom of Information Act 1992* in accordance with Council Administration Policy A.16 Freedom of Information.

Only the CEO will make determinations regarding applications for an Internal Review made under Division 5 — Internal review of decisions as to access (s.39-44) of the *Freedom of Information Act 1992*.

Section 5.94 "Public can inspect certain local government information" states that a person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government and whether or not it is current at the time of inspection.

Section 5.95 of the Local Government Act 1995 defines the restrictions in place where a person's right to inspect information referred to in Section 5.94 does not extend to the inspection of information in certain circumstances.

Regulation 29A "Limits on right to inspect local government information" defines the nature under which information is prescribed as being of a private or confidential nature that may or may not be available for inspection if a local government so resolves. In cases where access to information would fall into this category, the CEO will bring the matter to Council for consideration.

EA4 DELEGATION TO THE CEO IN RELATION TO THE FREEDOM OF INFORMATION ACT 1992	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Administration Policy A.16 Freedom of Information.
Other Relevant References: <i>Freedom of Information Act 1992</i> [Part 5 Publication of Information about agencies]	<ul style="list-style-type: none"> • Section 94 "Terms used: information statement"; • Section 95 "Term used: internal manual"; • Section 96 "Information statement, each agency to publish annually"; and • Section 97 "Information statement and internal manual, each agency to make available etc.
Other Relevant References: <i>Local Government Act 1995</i>	<ul style="list-style-type: none"> • Section 5.94 "Public can inspect certain local government information"; • Section 5.95 "Limits on right to inspect local government information"; and • Section 5.96 "Copies of information to be available".

EA4 DELEGATION TO THE CEO IN RELATION TO THE FREEDOM OF INFORMATION ACT 1992	
Other Relevant References: <i>Local Government (Administration) Regulations 1996</i>	<ul style="list-style-type: none"> • Regulation 29 “Information to be available for public inspection” (Part 7 – Access to Information); • Regulation 29A “Limits on right to inspect local government information”; and • Regulation 29B “Copies of certain information not to be provided”.
File Number:	<ul style="list-style-type: none"> • FOI/FOI1
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Any applications or response to those applications via written means related to FOI requests are to be retained in the records system on an FOI file.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Suitable for Acting through an Authorised Person as stated above.
Adoption Date:	18 April 2013
Last Review Date:	23 June 2020

EA5 Delegation to the CEO In relation to the Public Interest Disclosure Act 2003

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Corporate and Community Services
Responsible Officer:	Manager Corporate & Community Services

STATEMENT OF INTENT

This delegation was from an External Agency through the *Public Interest Disclosure Act 2003* which defines a *public authority* as meaning a local government or a regional local government.

POWERS AND DUTIES

This delegation is a Statutory Delegation to the Principal Executive Officer of the Public Authority, holding office under the *Local Government Act 1995*.

FUNCTION

Powers and duties of a Principal Executive Officer are in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

The CEO, as the principal executive officer of a public authority has the power to designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

CONDITIONS

Conditions are in accordance with Section 23 of the *Public Interest Disclosure Act 2003*.

EA5	DELEGATION TO THE CEO IN RELATION TO THE PUBLIC INTEREST DISCLOSURE ACT 2003
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> • Section 23 of the <i>Public Interest Disclosure Act 2003</i>.

EA5 DELEGATION TO THE CEO IN RELATION TO THE PUBLIC INTEREST DISCLOSURE ACT 2003	
File Number:	<ul style="list-style-type: none"> • MAN8.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Internal procedures prepared under subsection (1)(e) must be consistent with guidelines prepared by the Commissioner under section 21; • prepare and publish internal procedures relating to the authority's obligations under this Act; and • Ensure a Register is kept of any disclosures made and correspondence is registered between the Shire of Toodyay and the Commissioner's Office.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable.
Conditions	<ul style="list-style-type: none"> • Not applicable.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Suitable for Acting Through</i>	<ul style="list-style-type: none"> • Suitable for Acting through a Designated Person as stated above.
Adoption Date:	22 September 2015
Last Review Date:	23 June 2020

EA6 Delegation to the CEO In relation to the Local Government Act 1995 – Elections and other polls

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Local Government Act 1995* which defines through Part 4 Elections and other polls [Division 7 Provisions about electoral officers and the conduct of elections] the following:

Section 4.20 “CEO to be returning officer unless other arrangements are made” of the *Local Government Act 1995*, appoints the CEO of a local government for each election as a Returning Officer.

Section 4(1) of the Act provides the definition of an electoral officer as meaning “a returning officer or a deputy returning officer or electoral officer appointed by a returning officer”.

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995*.

Section 4.19 “Returning Officer” states that “the principal electoral office of a local government is that of returning officer.”

FUNCTION

The CEO, appointed under section 4.20(1) of the *Local Government Act 1995*, will appoint one or more deputy returning officers or electoral officers to assist in the conduct of elections according to the principles set out in section 5.40 of the *Local Government Act 1995* (refer to r.6 “Appointment of electoral officers” of the *Local Government (Elections) Regulations 1997*).

CONDITIONS

In accordance with Section 7 “Declaration by electoral officer” of the *Local Government (Elections) Regulations 1997* before beginning to act as an electoral officer the Returning

Officer appointed under section 4.21 or an electoral officer appointed under Section 4.32 is to make a declaration (Form 1) before the Returning Officer (i.e., CEO).

Section 4.26 (2) “Delegation” of the *Local Government Act 1995* states that a returning officer may delegate any of his or her powers or duties under this Act (except this power of delegation) to a deputy returning officer.

Section 4.27 “Regulations about electoral officers and conduct of elections” of the *Local Government Act 1995* states that the regulations may include provisions for (b) the appointment, removal or suspension of electoral officers, (c) declarations to be made by electoral officers, and (d) setting out functions to be performed by local governments, CEOs and returning officers to ensure the proper and efficient conduct of elections.

EA6 DELEGATION TO THE CEO IN RELATION TO THE LOCAL GOVERNMENT ACT 1995	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
<i>Local Government Act 1995</i> Part 4 Elections and other polls [Division 7 Provisions about electoral officers and the conduct of elections]	<ul style="list-style-type: none"> • Section 4.20 “CEO to be returning officer unless other arrangements made”; • Section 4.21 “Deputy Returning Officer”; • Section 4.26 “Delegation”; and • Section 4.27 “Regulations about electoral officers and conduct of elections”. • Section 4.32. “Eligibility to enroll under s. 4.30, how to claim.” • Section 4.34. “Accuracy of enrolment details to be maintained.” • Section 4.35. “decision that eligibility to enroll under s. 4.30 has ended”
<i>Local Government (Elections) Regulations 1997</i> Part 2 “Electoral Officers”	<ul style="list-style-type: none"> • Section 6 “Appointment of electoral officers”; • Section 7 “Declaration by electoral officer”; and • Section 8 “Electoral codes of conduct”.
File Number:	<ul style="list-style-type: none"> • ELE1.

EA6 DELEGATION TO THE CEO IN RELATION TO THE LOCAL GOVERNMENT ACT 1995	
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Returning Officer is required to keep written records of all actions taken in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable.
Conditions	<ul style="list-style-type: none"> Not applicable.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent.
Adoption Date:	22 September 2015
Last Review Date:	23 June 2020

EA7 Delegation to the Environmental Health Officer (EHO) in relation to the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through Section 26 of the *Health (Miscellaneous Provisions) Act 1911* that in terms of the powers of local government, stated the following:

Every local government is authorised and directed to carry out within its district the provisions of the Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

Section 3 of the Act states “A reference in a written law or document to an environmental health officer, medical officer or public health official may, if the context permits, be taken to be a reference to an authorised officer.”

Refer to Delegation ES3.

POWERS AND DUTIES

The powers and duties of an EHO are stated in Section 312 of the *Public Health Act 2016*.

FUNCTION

The functions performed by an EHO will be in accordance with Prescribed Acts (and the provisions of those Acts) as follows:

- (a) Parts 8, 9, 14 and 16 of the *Public Health Act 2016*; and

- (b) the Health Act sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and
- (c) the *Dog Act 1976*; and
- (d) the *Tobacco Products Control Act 2006*; and
- (e) the *Food Act 2008*; and
- (f) the *Cat Act 2011*.

Refer to Delegation ES3.

CONDITIONS

Section 38 of the Act implies that every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Executive Director, Public Health may direct, report to the Executive Director, Public Health concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.

EA7 DELEGATION TO THE EHO IN RELATION TO THE PUBLIC HEALTH ACT 2016 AND THE HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 -	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> • <i>Public Health Act 2016,</i> • <i>Health (Miscellaneous Provisions) Act 1911;</i> • <i>and</i> • <i>Health Legislation Administration Act 1984.</i>
File Number:	<ul style="list-style-type: none"> • STR22
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Decisions made in respect to this delegation and any matters related thereto are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.

EA7 DELEGATION TO THE EHO IN RELATION TO THE PUBLIC HEALTH ACT 2016 AND THE HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 -	
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Environmental Health Officer
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> <i>Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent
Adoption Date:	28/06/2016 (Council Resolution: 90/06/16)
Review Date(s):	23 June 2020

EA8 Delegation to the CEO In relation to the Local Government Act 1995 – Powers of Entry in an emergency

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Local Government Act 1995* which defines through Part 3 Functions of Local Governments (Division 3 Executive functions of Local Governments the following:

Section 3.34 “Entry in an emergency” of the *Local Government Act 1995* states that if it is the opinion of the CEO of a local government that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or unreasonable because of, or because of the imminent risk of an emergency that the CEO can authorise Officers to enter land in an emergency without notice or consent.

This delegation is to authorise entry onto land to fulfil any statutory function that the Shire of Toodyay has under the *Local Government Act 1995 (subdivision 3 – Powers of Entry)*.

POWER AND DUTIES

This delegation is a Statutory Delegation to the Principal Officer of the Agency, holding office under the *Local Government Act 1995 (the Act)*.

This delegation will allow the Local Government to, in an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the Chief Executive Officer.

FUNCTION

The CEO will determine in an emergency, whether Officers of the Shire of Toodyay may lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency in accordance with Section 3.34 “Entry in an emergency” of the Act.

CONDITIONS

This delegation does not include those duties referred to in section 5.43 of the Act. This delegation is also subject to the requirements of other legislation and regulations and the *Shire of Toodyay's adopted local laws, schemes, codes, policies and practices.*

Refer to E2 Delegation to the CEO – Local Government Act 1995 in respect to the appointment of Authorised Persons.

EA8	Delegation to the CEO In relation to the Local Government Act 1995 - Powers of Entry in an emergency
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i>, Part 3, Division 3, Subdivision 3.
File Number:	<ul style="list-style-type: none"> Relevant Property File.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Notices and relevant evidence of determinations recorded on relevant file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Corporate & Community Services; Manager Planning & Development; and Manager Assets and Services .
Conditions	<ul style="list-style-type: none"> In accordance with conditions above.
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Suitable for Acting Through	<ul style="list-style-type: none"> Suitable for Acting Through in accordance with 3.31(2) of the <i>Local Government Act 1995</i>.
Adoption Date:	18 April 2013
Last Review Date:	23 June 2020

EA9 Development Applications made under the auspices of the Planning and Development Act 2005 (PDA)

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Manager Planning and Development

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

In order to reduce processing times and costs, the Minister for Lands Hon. Terry Redman MLA, has recently approved new and more streamlined arrangements to allow Local Government Authority CEOs to sign selected Development Applications, without need of referral to the Department of Lands (DoL).

POWERS AND DUTIES

This is a Statutory Delegation made to any person holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

The Schedule to the Instrument of Authorisation dated 2 June 2016, sets out the specific types of Development Applications for which a local government CEO can now sign as owner.

FUNCTION

The Schedule referred to in the Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005* contained three columns. The second column listed all local governments. The third column listed the conditions to the delegation (refer to the “conditions” section of this delegation).

Column 1 of the Instrument of Authorisation reads as follows:

The power to sign as owner in respect of Crown land that is:

- (a) A reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- (b) The land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a “minor encroachment” in the *Building Regulations 2012* (Regulation 45A), or is an “awning, verandah or thing”(Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.

In respect of development applications being made under or referred to in:

- (a) Section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (b) Section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);

- (c) Section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (d) Section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (e) Section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (f) Section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the Heritage of Western Australia Act 1990, or of which such a place forms part;
- (g) Section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

CONDITIONS

In accordance with and subject to approved Government Land policies.

Please ensure that any such signature is subject to and also annotated with the standard endorsement i.e.

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Development Applications relating to Unallocated Crown land, Unmanaged Reserves, land under management order to a local government where the development is not consistent with the reserve's purpose, or is used for commercial purposes, or land which is subject to a lease issued under the *Land Administration Act 1997*, will still need to be referred for the Department of Lands' consideration and signature.

EA9 DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE
PLANNING AND DEVELOPMENT ACT 2005 (PDA)

EA9 DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING AND DEVELOPMENT ACT 2005 (PDA)	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> <i>Planning and Development Act 2005: s.99 (2), s.103 (2), s.115, s.122A, s.162, s.163, s.171A and s.267A.</i> <i>Land Administration Act 1997: s.55 (2) and s.46;</i> <i>Building Regulations 2012: r45A, r45B.</i>
File Number:	<ul style="list-style-type: none"> DEV1/CON5.
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Applications and matters related thereto are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Manager Planning and Development.
Conditions	<ul style="list-style-type: none"> <i>In accordance with the functions and conditions placed upon this Statutory Delegation.</i>
Appointment of Authorised Officers / Authorised Persons <input checked="" type="checkbox"/> Not suitable for Acting Through	<ul style="list-style-type: none"> <i>Appointment of a Designated person subject to Section 234 of the Planning and Development Act 2005 and subject to Section 127 (3) and Section 127(6A) of the Building Act 2011; and</i> <i>Refer to the Statement of Intent.</i>
Adoption Date:	Department of Lands Director General Correspondence - ICR38764.
Review Date(s):	23 June 2020

EA10 Delegation to the Ranger, Pound keeper / Authorised Person in relation to the Biosecurity and Agricultural Management Act 2007

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Executive Services
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the *Biosecurity and Agricultural Management Act 2007* regulations for Identification and Movement of Stock and Apiaries that states a Ranger /Pound keeper means a ranger appointed under the *Local Government (Miscellaneous Provisions) Act 1960* section 449. (Refer to Delegation ES2).

POWERS AND DUTIES

This delegation is a Statutory Delegation to the Ranger/Pound keeper holding the office of an authorised person under the *Local Government Act 1995*.

The *Biosecurity and Agricultural Management Act 2007* defines a **public authority** and as meaning a local government (Council). The local government is also an “operator”.

FUNCTION

The Ranger / Pound Keeper (Authorised Officers) will exercise the provisions of the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013 and the Local Government Act (Miscellaneous Provisions) Act 1960.

CONDITIONS

The exercise of power will be in accordance with conditions set out in the Local Government Act 1995 and the Local Government Act (Miscellaneous Provisions) 1960 and the Biosecurity and Agricultural Management Act 2007.

Refer to Delegation ES2 in terms of authorised persons.

EA10 DELEGATION TO THE RANGER, POUND KEEPER / AUTHORISED PERSON IN RELATION TO THE BIOSECURITY AND AGRICULTURAL MANAGEMENT ACT 2007 -

EA10 DELEGATION TO THE RANGER, POUND KEEPER / AUTHORISED PERSON IN RELATION TO THE BIOSECURITY AND AGRICULTURAL MANAGEMENT ACT 2007 -	
Relevant Management Practice:	<ul style="list-style-type: none"> Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> Shire of Toodyay Health Local Law; and Shire of Toodyay Pest Plants Local Law.
Relevant Council Policy:	<ul style="list-style-type: none"> Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> Health (Miscellaneous Provisions) Act 1911; and Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013
File Number:	<ul style="list-style-type: none"> RGR7
Record Keeping (s.546(3))	<ul style="list-style-type: none"> Decisions made in respect to this delegation and any matters related thereto are to be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> Not applicable
Conditions	<ul style="list-style-type: none"> In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <i>☒ Not suitable for Acting Through</i>	<ul style="list-style-type: none"> Refer to the Statement of Intent
Adoption Date:	22 May 2018
Review Date(s):	23 June 2020

EA11 Delegation to Local Government Officers under the Strata Titles Act 1985

Responsible Officer:	Chief Executive Officer
Responsible Department:	Executive Services
Affected Department:	Planning and Development
Responsible Officer:	Chief Executive Officer

STATEMENT OF INTENT

This delegation was from an External Agency through the following instrument:-

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the Strata Titles Act 1985

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

POWERS AND DUTIES

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED-

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND "Del 2020/01-Powers of Local Governments" to give effect to its resolution and to publish an updated, consolidated instrument.

FUNCTION

Schedule 1

1. Applications made under section 15 of the Strata Titles Act 1985

Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that-

- (a) propose the creation of a vacant lot;
- (b) propose vacant air strata's in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to-
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined it is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the Strata Titles Act 1985

Power to determine applications under-

- (a) section 21 of the Strata Titles Act 1985;
- (b) section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

CONDITIONS

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Refer to Delegation ES2 in terms of authorised persons.

EA10 Delegation to Local Government Officers under the Strata Titles Act 1985	
Relevant Management Practice:	<ul style="list-style-type: none"> • Not applicable.
Relevant Local Law:	<ul style="list-style-type: none"> • Not applicable.
Relevant Council Policy:	<ul style="list-style-type: none"> • Not applicable.
Other Relevant References:	<ul style="list-style-type: none"> • Strata Titles Act 1985; • Government Gazette dated 29 Jan 2021, page 449 and 450.
File Number:	<ul style="list-style-type: none"> • MAN6
Record Keeping (s.546(3))	<ul style="list-style-type: none"> • Decisions made in respect to this delegation and any matters related thereto must be made in writing and kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
Delegation made by Council to authorise the CEO and/or other employees	<ul style="list-style-type: none"> • Not applicable.
Sub-Delegation made by the CEO to other employees	<ul style="list-style-type: none"> • Not applicable
Conditions	<ul style="list-style-type: none"> • In accordance with the conditions noted above.
Appointment of Authorised Officers / Authorised Persons <i><input checked="" type="checkbox"/> Not suitable for Acting Through</i>	<ul style="list-style-type: none"> • Refer to the Statement of Intent
Adoption Date:	
Review Date(s):	2 March 2021

Local Recovery Coordinator Aide Memoire

Local governments are to nominate a suitably skilled Local Recovery Coordinator in their Local Emergency Management Arrangements. More than one person should be appointed and trained in case the primary Local Recovery Coordinator is unavailable during an event.

ROLE

The Local Recovery Coordinator is responsible for the development and implementation of recovery arrangements for the local government, in conjunction with the [Local Recovery Coordination Group](#) (LRCG).

FUNCTIONS

Pre-Event

- Prepare, maintain and test the [Local Recovery Plan](#) in conjunction with the local government for endorsement by the Council of the local government;
- Ensure community engagement in recovery arrangements and increase community involvement in recovery preparedness, awareness and resilience;
- Identify vulnerable people within the community such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people;
- Consider potential membership of the LRCG prior to an event occurring;

During Event

- Consult with the Controlling Agency regarding attending appropriate response meetings such as: Incident Management Team, Incident Support Group and Operational Area Support Group meetings;
- Consider membership of the LRCG, during an emergency, that is event specific, based on the four recovery environments: social, built, economic and natural, or as required;
- Ensure the Controlling Agency with responsibility for the response to an emergency, starts recovery activities during that emergency;
- Consult with the Controlling Agency on completing the [Impact Statement](#) prior to transfer of responsibility for recovery to the affected local government(s);

Post-Event

- Provide advice to the Mayor/Shire President and Chief Executive Officer (CEO) on the need to convene the LRCG and provide advice to the LRCG, if established;
- Ensure the local government provides LRCG with Executive Officer and administrative support, such as meeting agenda, minutes, financial and administrative recordkeeping;
- Determine the required resources for effective recovery in consultation with the LRCG;
- Coordinate local level recovery activities for the event, according to the plans, strategies and policies determined by the LRCG;
- Monitor the progress of recovery and provide periodic reports to the LRCG and State Recovery Coordination Group, if established;
- Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally;
- Arrange for the conduct of an operational debriefing of all participating agencies and organisations as soon as possible after the arrangements have ended;
- Arrange an evaluation of the effectiveness of recovery activities, within 12 months of the emergency, to ensure lessons are captured and available for future managers; and
- Provide recovery evaluations to the State Recovery Coordinator and the State Emergency Management Committee (SEMC).

MEMBERSHIP

The Local Recovery Coordinator is to consider potential membership of the LRCG prior to an event occurring. During an emergency, consider membership of the LRCG that is event specific. The following agencies and organisations may have a role on the LRCG.

Core Members

- Local Recovery Coordinator;
- key local government staff and elected members;
- Community Recovery Coordinator and/or Community Liaison Officer;
- Controlling Agency;
- District Emergency Management Advisor; and
- local government networks, community members and community groups/associations /committees, e.g. environmental groups, farming groups, faith groups, sporting clubs, Aboriginal groups, schools, chambers of commerce and industry, etc.

Potential Members – Event Specific

- Australian Red Cross;
- Chamber of Commerce and Industry WA / Small Business Development Corporation;
- Department of Biodiversity, Conservation and Attractions;
- Department of Communities;
- Department of Education (or Local School Representative);
- Department of Fire and Emergency Services (DFES);
- Department of Health (or Local Health Services Provider/Officer);
- Department of Local Government, Sport and Cultural Industries;
- Department of Planning, Lands and Heritage;
- Department of Primary Industries and Regional Development;
- Essential Services Network Operators Reference Group representative;
- Essential Services such as:
 - Alinta Gas;
 - Telstra Corporation;
 - Water Corporation; and
 - Western Power/Horizon Power.
- Insurance Council Australia;
- Main Roads Western Australia;
- Public Information Reference Group representative;
- Volunteering WA;
- Western Australia Police Force; and
- Western Australian Local Government Association.

Support Services to LRCG

The following agencies and organisations may provide support and advice to the LRCG on a range of topics such as the: [Impact Statement](#); State Recovery Cadre; [Disaster Recovery Funding Arrangements Western Australia](#); environmental protection, clean up and waste management; Public Donations criteria for financial assistance; etc.:

- State Recovery (DFES);
- Department of Water and Environmental Regulation; and
- [Lord Mayor's Distress Relief Fund](#) (City of Perth).

LOCAL RECOVERY COORDINATOR ACTION CHECKLIST

(Please note this listing is a guide only and is not exhaustive)

(Timeframes are approximate only)

Task Description	
Prior to Emergency	
Promote community awareness and engagement in recovery planning including involvement in development of Local Recovery Plan .	
Prepare, maintain and test Local Recovery Plan in conjunction with local government for endorsement by the Council.	
Ensure the completed Local Recovery Plan clarifies any recovery and operational agreements made between local governments (i.e. Memorandums of Understanding, loan staff, equipment sharing); roles and responsibilities; and records of all recovery expenditure.	
Identify special needs people such as youth, the aged, people with disabilities, Aboriginal people, culturally and linguistically diverse people, and isolated and transient people.	
Consider potential membership of the Local Recovery Coordination Group (LRCG) prior to an event occurring based on the social, built, economic and natural environments, or as required.	
Within 48 hours	
Contact and alert key local contacts.	
Liaise with Controlling Agency and participate (or nominate a suitable local government representative i.e. Local Recovery Coordinator, executive staff or CEO) in the incident management arrangements, including the Incident Support Group and Operations Area Support Group where appropriate.	
Where more than one local government is affected, a coordinated approach should be facilitated by the Local Recovery Coordinators and supported by the State Recovery Coordinator, as required.	
Ensure an understanding of known or emerging impacts from the Impact Statement provided by the Controlling Agency.	
Consult the Department of Primary Industries and Regional Development on special arrangements to manage the welfare of wildlife, livestock and companion animals.	
Ensure Controlling Agency starts recovery activities during the response to that emergency.	
Provide advice to the Mayor/Shire President and CEO on the requirement to convene the LRCG and provide advice to the LRCG if convened.	
During an event, consider membership of the LRCG that is event specific, based on the social, built, economic and natural environments, or as required.	
Consider support required such as resources to maintain records, including a record/log of events, actions and decisions.	
Ensure the local government provides LRCG with an Executive Officer and administrative support, such as meeting agenda, minutes, financial and administrative recordkeeping (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Facilitate community meetings/briefings to provide relevant recovery information include, as applicable, Controlling Agency, State government agencies and other recovery agencies.	
Brief media on the recovery program throughout the recovery process, ensuring accurate and consistent messaging (use the local government's media arrangements, or seek advice or support from DFES State Recovery).	
Develop and implement an event specific Communication Plan, including public information, appointment of a spokesperson and the local government's internal communication processes.	

Within 1 week	
Consider fatigue management for self and recovery staff throughout all recovery (contact DFES State Recovery for advice or for possible State Recovery Cadre support).	
Consult with Controlling Agency on completing the Impact Statement before the transfer of responsibility for management of recovery to the local government.	
In conjunction with the Controlling Agency and other responsible agencies, assess the community's recovery requirements. Coordinate activities to rebuild, restore and rehabilitate the social, built, economic, natural and psychosocial wellbeing of the community.	
Liaise and meet with specific emergency management agencies involved with recovery operations to determine priority actions.	
Assess for the LRCG, the requirements for the restoration of services and facilities with assistance of the responsible agencies, where appropriate.	
Contact the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) Officers to determine if the event is eligible under the DRFAWA, and if so ensure an understanding of what assistance measures are available and the process requirements for assistance.	
Understand eligible criteria and payment procedures of the Lord Mayor's Distress Relief Fund , if activated. Payments are coordinated through the local government to affected individuals.	
Report on likely costs and establish a system for recording all expenditure during recovery (includes logging expenditure, keeping receipts and providing timesheets for paid labour).	
Determine the acquisition and appropriate use of resources necessary for effective recovery.	
Consider establishing a call centre with prepared responses for frequently asked questions.	
Determine level of State involvement in conjunction with the local government and the State Recovery Coordinator.	
Liaise with the State Recovery Coordinator on issues where State level support is required or where there are concerns with services from government agencies locally.	
Ensure recovery activities are consistent with the National Principles for Disaster Recovery .	
Within 1 to 12 months (or longer-term recovery)	
Monitor the progress of recovery and provide periodic reports throughout the recovery effort to the LRCG and State Recovery Coordination Group, if established.	
Ensure recovery projects that support the social, built, economic and natural recovery environments are community-led and targeted to best support affected communities.	
Arrange for an operational debriefing of all participating agencies and organisations as soon as possible after the arrangements have ended.	
Arrange for an evaluation of the effectiveness of recovery within 12 months of the emergency to make sure lessons are captured and available for future managers.	
Provide recovery evaluations to the State Recovery Coordinator to refer to the SEMC for review. Evaluations can involve community and stakeholder surveys, interviews, workshops, and assessment of key project outcomes.	
Social and personal support services are likely to be required in the longer term and the need for a considerable period of psychosocial support (often several years) should be planned for.	