

Ordinary Council Meeting

26 October 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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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 2 November 2021.

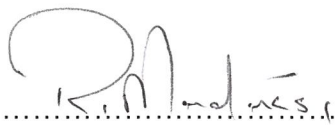


Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 23 November 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 Ruthven, Deputy Shire President, assumed the Chair as Presiding Member on behalf of Cr Madacsi, Shire President, who was an apology for the meeting.

Cr Ruthven declared the meeting open at 4.06pm and read through preliminaries, followed by the 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 B Ruthven	Deputy Shire President
Cr B Bell	<i>joined the meeting through Microsoft Office Teams</i>
Cr C Duri	
Cr P Hart	
Cr S McCormick	
Cr M McKeown	
Cr S Pearce	
Cr D Wrench	

Staff

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

Visitors

P Ruthven	C Lavery	S Hanson
E Hall	F Panizza	M Sinclair-Jones
G Fletcher	B Foley	R Pearce

2.1 APOLOGIES

Cr R Madacsi Shire President

2.2 APPROVED LEAVE OF ABSENCE

Cr Bell – 28 September 2021 to Friday 5 November 2021.

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Ruthven requested that she be granted Approved Leave of Absence from Monday, 8 November 2021 to Monday, 15 November 2021 inclusive.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 204/10/21

MOVED Cr Pearce

That the Application for Leave of Absence by Cr Ruthven from Monday, 8 November 2021 to Monday, 15 November 2021 inclusive be granted.

MOTION CARRIED 8/0

Cr Pearce requested that she be granted Approved Leave of Absence from 17 January 2022 to 28 January 2022 inclusive.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 205/10/21

MOVED Cr Hart

That the Application for Leave of Absence by Cr Pearce from 17 January 2022 to 28 January 2022 inclusive be granted.

MOTION CARRIED 8/0

3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS *(responded to by the Presiding Member unless otherwise indicated)*

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 28 September 2021, there were no questions taken on notice.

4.2 PUBLIC QUESTION TIME

M Sinclair Jones

Summary of Question One

I understand that you have Councillor Bell taking part in the meeting through teams. Can you explain how it works and what teams is?

CEO responded, through the Chair, as follows:

Teams is a Microsoft Office software program and it allows electronic attendance at meetings. We had put this in place because Cr Bell indicated an interest in attending the meeting but because of COVID restrictions relating to quarantine arrangements from Queensland, which will be lifted at 12.01am tomorrow, he is not able to attend in person.

Summary of Question Two

What is the black box that keeps popping up onto the screen?

CEO responded, through the Chair, as follows:

That is the Teams background. He does not have a camera on because the bandwidth is not sufficient and it indicates that he is present at the moment.

B Foley

Summary of Question One

In respect to the proposed changes to LPS5 in reference to the Roman Catholic Church group of buildings relating to changes that have been made. Would Council consider the changes are to lessen the strength of the policy and make it easier for the Catholic Church to sell any of the buildings?

The Shire President deferred to the CEO.

The CEO responded, through the Chair, as follows:

I believe the question was directed at Council. I cannot speak on behalf of Council but the intent was not to make it easier. It was more to abide with the spirit of the scheme.

Summary of Question Two

This whole precinct had a set of regulations, etc., when the buildings were subdivided and now we are looking at changing the conditions subsequent to that?

The CEO sought clarification, through the Chair, as follows:

So your question is “are we looking at changing the conditions?”

B Foley

Yes

The Acting Manager Planning and Development responded, through the Chair, as follows:

Which conditions are you referring to?

B Foley

There are a lot that have been crossed out and substituted. For instance, the fencing between the lots. It now states that the fencing between the lots will be “permeable” to ensure buildings are kept as a heritage group and yet previously it was that there will be no fences. What do you mean by permeable in fencing?

The Acting Manager Planning and Development responded, through the Chair, as follows:

Permeable means that you can look through it and it is not a solid fence.

Summary of Question Three

The density of the residential development has been noted it shall be R10 to R50. The local government will only permit development to occur at the R50 density coding and the land can be connected to reticulated sewer services. I am asking why would even an R50 be put in there as it seems a huge amount of residential development in that area?

The Acting Manager Planning and Development responded, through the Chair, as follows:

I believe that it is consistent with the current zoning that we have immediately in the area. In the town centre we certainly permit R10/R50. Obviously any development proposals that go through are going to get stringent scrutiny through various levels of the State Government and also at Council level as well so whilst it does say R50 is an option I think it would take quite some getting through to get it approved in the future.

The Presiding Member sought clarification in respect to how many more questions Mr Foley intended to ask.

B Foley

Summary of Question Four

In that section there, there are a lot of references to other policies and conditions and I just wondered why would those actually not be mentioned by name such as LPP20?

The Presiding Member deferred to the Acting Manager Planning and Development who took the question on notice.

Summary of Question Five

In reference to Agenda Item 9.5.3, the CEO Performance Remuneration Review there is a confidential attachment. My question is, who actually made that decision for the review to be confidential?

The Presiding Member responded as follows:

According to the Local Government Act 1995 a contract with a staff member is confidential.

Summary of Question Seven

I understand that but is the review actually confidential; and you can take out remuneration parts?

The Presiding Member responded as follows:

The resolution will not be confidential at the end of it but any discussion concerning what is in the review is confidential.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 28 September 2021

OFFICER'S NO. 206/10/21	RECOMMENDATION/COUNCIL	RESOLUTION
<p>MOVED Cr Pearce</p> <p>That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 28 September 2021 be confirmed.</p>		
MOTION CARRIED 8/0		

5.2 Special Meeting of Council held on 29 September 2021

OFFICER'S NO. 207/10/21	RECOMMENDATION/COUNCIL	RESOLUTION
<p>MOVED Cr Hart</p> <p>That the Unconfirmed Minutes of the Special Meeting of Council held on 29 September 2021 be confirmed.</p>		
MOTION CARRIED 8/0		

5.3 Agenda Briefing held on 19 October 2021

OFFICER'S NO. 208/10/21	RECOMMENDATION/COUNCIL	RESOLUTION
MOVED Cr Duri		
That the Notes of the Agenda Briefing held on 19 October 2021 be received.		
MOTION CARRIED 8/0		

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil

6.2 DEPUTATIONS

Nil

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

A submission can be made ad hoc, but it is preferred that notice be given by midday on the day of the Meeting.

An address was made to Council regarding Agenda Item 9.1.1 Shire of Toodyay Local Planning Scheme No. 5 – Consideration of submissions and final adoption by:

- **F Panizza**

For clarity, probity and openness I am a member of the Catholic Community here in Toodyay.

The purpose of my submission here today is to draw Council's attention to the proposed amendments to be included in LPS5. In particular, Point 15 on page 65 of the draft which Council should have in front of them. The proposed amendments relate to the Special Use Zone on land described as Lots 1, 2, 3, 4, and 5 on deposited plan 415396 Roman Catholic Church group of buildings. All of these lots and the heritage buildings situated on the land are within the Central Toodyay Heritage area. Additionally, the special precinct known as the Catholic Precinct. Development controls within the Shire of Toodyay's Central Toodyay Heritage area are set out in LPP20 and I must say that there are 46 pages of policy that I was part architect of during my tenure here as a Councillor for the Shire of Toodyay in 2006.

LPP20, Section 2.1 Extent of Application states that:

These guidelines shall apply to all development, including new development and the extension, alteration, addition, modification or demolition of existing buildings.

Furthermore, LPP20, Section 2.4.13 Development of Buildings on the State Register of Heritage Places states that:

Development proposals affecting places on the State Register of Heritage Places must be referred by the Shire of Toodyay to the Heritage Council for advice.

LPP20 states that it must be referred. Four of the properties in the Catholic Precinct namely, the Ship, Mercy House, O'Connor House and St Aloysius House were former school classroom buildings and boys'/girls' dormitories.

In LPP20 currently in Appendix 3 states those four buildings are not registered according to this and the register of heritage places. In fact this is incorrect. On 26 August 2019, all of these buildings were registered as a heritage place therefore Appendix 3 in LPP20 is incorrect and requires amendment.

Broadly speaking, the proposed amendments contained within the draft LPS5 either water down controls that have been in place for 15 years or seek to stand aside from LPP20 altogether. For example, there are existing conditions that state that fencing within the precinct would generally not be permitted. The stated aims of LPP20 are to keep the scale and the general ambience of the area intact. The amendments sought by the developer's Consultants, RobertsDay Town Planning, and the owner, the Roman Catholic Archdiocese Perth, suggesting that fencing should be permeable. The dictionary defines permeable as a barrier that allows liquids or gases to flow through it. If Council was to accept this proposed amendment fencing within the precinct would now be allowable; something which is clearly at odds with the intent of LPP20. The current draft seeks to delete the requirement for a local development plan. Delete the requirement completely. To examine such issues as suitability of access, carparking and traffic impacts.

Furthermore, a proposed inclusion as a D use is a carpark. Another proposed inclusion as a D use is a telecommunications infrastructure. Councillors, it is all in there. Telecommunications structure - do we really need to entertain the prospect of a mobile phone tower in such a historic place at the entrance to our beautiful heritage town? The proposed deletion of the following clause causes me the most alarm.

The intent of the zone is to provide for redevelopment of the precinct in a manner that retains the heritage values of the site and allows for

continued connection between the buildings. That was in TPS4 and the proposal is to delete that entirely and replace it with nothing. This is clearly designed to override LPP20's intent by empowering TPS5 to contradict the broad intent contained within LPP20. That is, that any development must preserve and enhance the heritage value and amenity of the area. Clearly the proposed amendments are designed to entice a broader range of potential buyers and/or developers who may consider development in the precinct too onerous. The tone of the submission by RobertsDay Town Planners made to the Council last week was that the current town planning scheme and associated policies contain numerous steps that appear to be onerous and unnecessary. Their inference that only minor work such as painting with no external works, may result in Council requiring a full Heritage Impact Assessment is misleading. Painting of internal walls inside a Heritage Building does not require a development application and never will. Councillors, I implore you to reject the proposed amendments as I do not see the need for them and the amendments in my view are designed to water down protections that our community want and respect. Thank you for allowing me to finish. I have copies of my submission available.

- Christine Lavery

Thank you for the opportunity to address Council. I made a submission on the review of the Local Planning Scheme No. 5 in regard to reducing the setbacks in rural residential areas and I am just disappointed that my submission seems to have been dismissed and disregarded without your consideration. I have copies of my submission here for you this evening if you have not seen them before. I certainly would like to just mention that the consultation and the lack of targeted consultation that would have demonstrated transparency and meaningful engagement with the community. The consultation should have ensured that the ratepayers and residents of the Shire would clearly understand the changes proposed in the scheme review and what they would mean for them and their rural lifestyle.

The consultation letter was very general and unless you dug deeper into the scheme itself, you would not have known what the changes were, nor have understood what the changes were and as most people are unaccustomed to doing this it is likely that they do not know what the implications are for them and therefore would not have made a submission.

I am reliably advised that this is not the way that meaningful and transparent consultation is undertaken in regard to the local planning scheme review. If the Council want to actually know what their ratepayers and residents think would provide clear information to

them in the consultation letter, specific to the change that would affect them and not just the general letter to all that there is a local planning scheme review. This does take a little more time but provides Council with a clear understanding of the community's views and enables you and your community to make informed decisions in relation to the proposed changes. Some might question that the reason why the Shire has provided minimal information was so that you don't have to deal with the volume of submissions. Despite this impacting on probably hundreds of people, my submission has been responded to by the Administration as being a singular issue in nature and therefore not worthy of reporting to you in this extremely brief report for the adoption of your local planning scheme.

The Presiding Member asked Ms Lavery to tone down the language in her submission and aim to be less critical, particularly of staff.

Ms Lavery continued her submission as follows:

I had three main points and only one seems to have been addressed.

My three points were:

1. most people move into a rural area and rural residential lots do so to gain some space and separation from their neighbours as I did and I had the expectation that the protections provided under the scheme of a minimum setback of 30m from boundaries would be maintained.
2. there has been no justification prior to the reduction in setback other than stating that this is "how it used to be." This is no justification at all. Council has the discretion to approve a variation to the minimum 30m where there is a cogent reason to depart from it and where it has considered the matter as described to consider under the deemed provisions clause 57(2) of the Planning and Development Local Planning Scheme's regulations. There is no need or benefit to a blanket reduction of the setbacks.
3. My comments in relation to bushfire management related to the logic of having spoken to those involved in fighting our fires and it seemed clear to me that the further apart the buildings are the more likely that they are to survive a fire. Surely this is common sense and the reduction in setbacks is a backward move.

Has a Bushfire Management Plan been undertaken for those areas that are subject to this change to ensure that you are not putting us at further risk?

Have you taken into consideration State Planning Policy 3.7 Planning in Bushfire prone areas and the requirements for higher construction standards where separation is reduced?

Only my concerns regarding the consultation process and the likely increased risk in the bush fire comment have been forwarded to you for consideration, albeit in an abbreviated form which has been noted and dismissed. The other matters have not been reported to you for your consideration but rather dismissed out of hand. There is no justification for why the setbacks have been reduced and I can see no benefits in doing so.

In closing I would like to point out that submissions on planning matters are confidential. In this case, despite me specifically asking for my name not to be published, not only has my name been published in the agenda but you have also forwarded not only my email but all email addresses of other people making submissions to each other so that I now have other people's private email addresses and those people have also my private email address. This is a breach of privacy. I am extremely disappointed in this process and I feel that I have little option but to make a deputation to the Western Australian Planning Commission and the Hon Minister of Planning on this matter, in order to have this matter properly considered should Council proceed with this unjustified change.

The Presiding Member asked Ms Lavery to provide a copy of her submission as soon as possible due to the fact that she had asked several questions.

Cr McKeown objected, by way of a Point of Order, in accordance with Standing Order 8.2 pertaining to Standing Order 5.11 because we don't need a copy of those questions to answer the questions as we have it being recorded and somebody is taking minutes. We do not need to get a copy of the questions from the submitter.

The Presiding Member rejected the Point of Order in accordance with Standing Order 8.5 and asked the CEO to speak.

The CEO, through the Chair, stated as follows:

Ms Lavery, it would be beneficial to have a copy of your submission if you would like to provide it.

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

Nil.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND DEVELOPMENT

9.1.1 Shire of Toodyay Local Planning Scheme No. 5 – Consideration of submissions and final adoption

Date of Report:	9 September 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPS5
Author:	H de Vos – Acting Manager Planning & Development
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	28 August 2018
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Shire of Toodyay Local Planning Scheme No. 5 (as modified); 2. Schedule of Submissions; and 3. Extract from Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.

PURPOSE OF THE REPORT

Council is asked to assess and determine the submissions made in respect of the proposed Shire of Toodyay Local Planning Scheme No. 5 (LPS5) and to consider adopting it, with or without modification, for the purpose of seeking final approval of the Minister for Planning.

This report provides a brief overview of the procedures involved in preparation of LPS5, milestones reached, and addresses in detail the submissions received pursuant to statutory advertising.

BACKGROUND

Procedures involved in Preparation of Local Planning Scheme

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) prescribe the procedures to be followed in the preparation of a Local Planning Scheme. The predominant stages can be summarised as follows: -

Resolution to prepare a Local Planning Scheme:

- i) Preparation and Adoption of Local Planning Scheme for purpose of Seeking Consent to Advertise for Public Comment;
- iii) Grant of Consent to Advertise by the Hon Minister for Planning and seeking the advice of the Environmental Protection Authority;
- iv) Public Advertisement of Local Planning Scheme and Consultation with affected Government Agencies;
- v) Consideration by Council of Submissions;
- vi) Adoption of Local Planning Scheme with Modifications (if appropriate) arising from Consideration of Submissions;
- vii) Final Approval of Hon Minister to be sought to Modified Scheme;
- viii) Publication of Scheme Text of Local Planning Scheme in Government Gazette following grant of Final Approval by Minister; and
- ix) LPS5 becomes operative and LPS4 is automatically revoked.

Procedures Covered to Date

To date, stages i) – iv) of the procedures listed above have been completed. The purpose of this report, together with its recommendations, is to present to Council the submissions that have been received for consideration, decide upon the modifications to be made to the Scheme documents in light of the submissions, and adopt the Scheme as modified for the purpose of seeking the Hon Minister for Planning's Final Approval – thus completing stages v) – vii) of the above schedule.

Process of preparing LPS5

In 2017, Council resolved to prepare the Shire of Toodyay Local Planning Scheme No. 5.

The first draft was submitted to the Department of Planning, Lands and Heritage (DPLH) for preliminary comment in mid-2018. After consideration, DPLH staff met with Shire officers and provided comment, which has been taken into consideration during refinement of LPS5.

The refined draft was presented to the Council at the Council Forum held on 1 August 2018.

Draft LPS5 was formally presented to full Council on 28 August 2018 in order to progress with formal referral of the documentation to the WA Planning Commission (WAPC) for consent to advertise in accordance with the Regulations. During the course of 2019, both DPLH and the Environmental Protection Authority (EPA) requested Council to make minor modifications and to correct anomalies/inconsistencies in the draft LPS5 text and scheme maps.

The WAPC and the EPA provided formal consent to advertise LPS5 in April 2020. The relevant notice was published in the Toodyay Herald of Tuesday 1 September 2020. The Public Notice to landowners and State Government Agencies inviting submissions

was posted the week prior. The Public Notice inviting submissions by 3 December 2020, was also published in the Toodyay Herald on 7 October 2020 and 4 November 2020.

Proposed LPS5 attracted 24 submissions pursuant to the statutory advertising period. Submissions have been summarised and are reflected in the Schedule of Submissions at Attachment 2. Of the 24 submissions, 4 submissions were from Government agencies.

COMMENTS AND DETAILS

Because the subject matter of the submissions ranges over many issues, all of which are covered by the assessments in the Schedule of Submissions, it is not considered appropriate to replicate all of the issues in this report.

To ensure that the topics of greatest concern are drawn to attention, the principal issues are discussed below using, among other comment, some extracts from the respective topics in the Schedule of Submissions.

Note: Refer to Attachment 2 – Schedule of Submissions.

All submissions in the Schedule of Submissions are noted, however the terminology of “Dismiss”, “Upheld”, or “Partially Upheld” is typically used for recommendations to the WAPC. In the Council’s Recommendation column, if a submission is only “Noted”, it is to mean that the Council has considered the submission, however, it does not recommend any modification to LPS5 documents as a result of the submission. If a submission is “Upheld”, it means that Council agrees that the amendment should be modified as a result of the submission. If a submission is “Dismissed”, it means that no modifications are recommended.

Additional Uses (refer submission #'s 1, 2 and 4)

Council has received three (3) submissions from, or on behalf of, landowners in the district as follows:

Submission 1 additional use: Holiday Accommodation

Lot 1 (480) Julimar Road in West Toodyay is currently classified ‘Parks and Recreation’, but proposed LPS5 Scheme Map proposes the site is zoned ‘Residential’. In the Zoning Table (Table 4) of proposed LPS5, the use class *holiday accommodation* is a use that is not permitted.

The submitter’s justification for requesting *holiday accommodation* as an additional use for this site rests on the environmental values of the land, its configuration and extensive frontage to the Avon River.

Officers support the submission on the basis that the additional use will facilitate the orderly planning and development of the area in a manner that respects the character and environmental values of the area and will be responsive to the current and future community needs and aspirations.

Submission 2 additional use: Caravan Park

Lots 20, 23 and 24, (122) Railway Road in Toodyay is the existing Toodyay Caravan Park. The site is zoned 'Special Residential' in LPS4 but will be zoned 'Residential' in proposed LPS5. The site was approved and developed as a caravan park many years ago, and is a non-conforming use in LPS4, and will continue to be a non-conforming use in proposed LPS5.

Officers support the request to add *caravan park* as an additional use in Schedule 1 of proposed LPS5 on the basis that the existing caravan park in this location is compatible with adjoining land uses and will not compromise the likely future amenity of the locality.

Submission 4: Industry – Light

The owner of Lot 77 (111) Clarkson Street in West Toodyay has operated the business known as Reid's Mechweld from the site for more than 18 years. The business specialises in the manufacture of agricultural equipment such as harvesting and planting equipment.

Council has previously granted the owner development approval for a home business.

The request to add an additional use (light-industry) in Schedule 1 of proposed LPS5 is supported at officer-level on the basis that the impacts on the amenity of the locality caused by the business, can be mitigated and controlled appropriately by way of an Additional Use instrument and appropriate conditions of approval.

Objections to mining in the district (refer submission #'s 3, 10 and 21)

Council has received three (3) submissions citing concerns about the addition of the use classes *mining operations* and *mining operations on minerals to owner land* in the Zoning Table of proposed LPS5. Two (2) of the three (3) submitters are concerned that mining is incompatible with environmental values in the Shire, and regarding the potential for and off-site impacts caused by mining exploration, mine development and mining operations.

To this end, it is worth noting that the current Scheme (LPS4) does not distinguish between mining operations determined by the Department of Mines, Industry Regulation and Safety under the *Mining Act 1978*, or by the local government or a development assessment panel under the *Planning and Development Act 2005*.

The inclusion of mining operations in the zoning table of proposed LPS5, however, is intended to be used to 'trigger' the consultation process outlined in section 120(2) of the *Mining Act 1978*. Accordingly, 'Mining Operations' was expressly included in the zoning table of Draft LPS5 as a discretionary use. This will allow the local government to advise the Minister for Planning and the Minister for Mines and Petroleum that proposed mining operations may conflict with the local planning scheme.

'Mining Operations on Minerals to Owner' land is an 'A' use for 'Rural' zone, and an 'X' use for all other zones. It is a key aim of LPS5 to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process.

Permissibility of some land uses in the Zoning Table (refer submission #'s 5 and 20)

A small number of submissions suggest Council considers making modifications to the level of permissibility of a handful of use classes in the Zoning Table of proposed LPS5 such as –

- *commercial vehicle parking* in the 'Rural Residential' zone, and the new 'Rural Enterprise' zone; and
- *restaurant/café, brewery and industry-extractive* in the 'Rural Smallholdings' zone.

With respect to whether *commercial vehicle parking* is a use that may be appropriate with the development approval of Council in the 'Rural Residential' and 'Rural Enterprise' zones, officers, having considered the merits of the matter in detail, disagree that it should be made a discretionary use in the 'Rural Residential' zone due to the potential for adverse impacts on the amenity of localities (i.e., undue generation of noise, fumes, odours and the like). Visual amenity of 'Rural Residential' zoned properties may also be compromised as viewed from the street or adjacent properties.

With respect to *restaurant/café, brewery and industry-extractive*, officers agree that these uses should be made discretionary uses in the Zoning Table of proposed LPS5.

'Tiny houses' (refer submission #'s 10, 22 and 24)

The concept of so-called 'tiny houses' is a matter that has been raised, both formally and informally, by Councillors many times in the past.

Council has received three (3) submissions requesting recognition for the concept in proposed LPS5 as, currently, LPS4 is silent on the permissibility of *tiny houses* as a form of short-term accommodation in the district.

Officers consider the concept is appropriate to bolster tourism options in the Shire of Toodyay through the addition of nature-based parks as a new use class in the Zoning Table of proposed LPS5 ('A' use in the 'Rural' and 'Nature Conservation' zones), and that this modification will eliminate inconsistencies between the development approval requirements and those provided for under the *Caravan Parks and Camping Grounds* legislation.

Roman Catholic Church Group of Buildings Precinct (refer submission # 16)

The Roman Catholic Church Group of Buildings (Lots 1 – 5 on Deposited Plan 415396) in Toodyay has recently been the subject of subdivision approval. The subdivision created five (5) lots, a foreshore reserve, and a new road (Mercy Retreat) providing access to the foreshore reserve, and Lots 4 and 5.

The landowner's representative has appointed Roberts Day Town Planners to review the provisions of Special Use # 15 in Schedule 2 of proposed LPS5.

Currently, in proposed LPS5, Special Use 15 makes it a requirement to submit a Local Development Plan* (LDP), a Heritage Impact Assessment (HIA) to accompany a development application, and to consider the environmental impacts of flooding, foreshore management and access.

- * A local development plan is a mechanism used to coordinate and assist in achieving better built form outcomes by linking lot design to future development.

Roberts Day believe the requirement to submit an LDP, individual HIA's and the requirement to consider the impact of flooding is superfluous because –

- the recent subdivision was approved by the WAPC, the new lots in the subdivision created and new certificates of title issued;
- the submission of a full HIA would be onerous and unnecessary for change of use proposals and minor works proposals such as painting and no external works; and
- the approved subdivision has ceded the foreshore area adjacent to the Avon River.

In light of the above, Officers recommend Council accedes to Roberts Day's request to revisit the conditions for Special Use 15 as outlined and described in Submission # 16 in the Schedule of Submissions.

Other Submissions

In the main, the other points raised in submissions not covered by the above are single issue in nature and are addressed in the Schedule of Submissions, each with its own recommendation. This report recommends that the recommendations of the Schedule be adopted, and the submissions determined accordingly.

Actions by Others

It should be noted that not only is Council required to evaluate, consider the implications of, and determine the submissions, but full copies of the submissions are required to be submitted to the WAPC for consideration by the Commission and the Minister for Planning in the context of granting final approval.

Modifications to the Scheme Documents arising from Consideration of Submissions

The consequences of recommending that submissions be upheld are that the Scheme Documents comprising the Scheme Text and Scheme Map will need to be modified. These modifications are included in the documents described as Attachment 1 and Attachment 2.

IMPLICATIONS TO CONSIDER

Consultative:

The availability of the Scheme documents for public inspection and comment was published in the Toodyay Herald on 2 September 2020 commencing the advertising period of a minimum of 3 months (90 days) which closed on 3 December 2020.

The requirements of the Regulations are that formal notice of the availability of Scheme for public comment be advertised once in a newspaper circulating in the area for 90 days. The notice is to include reference to the purpose for the Scheme, the places where the Scheme documentation can be inspected and state the date by

which submissions should be made. The notice is also required to state the person and the address to which submissions should be directed.

A copy of the formal notice was also given to each public authority that the Shire considered is likely to be affected by proposed LPS5.

The actions undertaken by Shire officers have far exceeded those basic requirements with the following actions having been taken: -

- Writing to each landowner, advising that proposed LPS5 is available for inspection at the Administrative Offices of Council and on the Shire's website – and that submissions are welcomed;
- Formal Notice in The West Australian; and
- Notices in the Toodyay Herald on multiple occasions.

Scheme Documents were made available at the Office of the Department of Planning, Lands and Heritage, the Administrative Offices of Council, in the Shire Library, and were available on the Council's website for the duration of the public comment period and beyond.

Strategic:

The preparation and finalisation of LPS5 is a key objective of the Shire's Local Planning Strategy.

Policy related:

The Shire's local planning policies (LPPs) adopted under the provisions of LPS4 will continue to operate under a transitional clause in LPS5 until such time the review of Council's local planning policies has been completed. It is important that the LPPs are current and consistent with the provisions of LPS5 and represent the needs of the community.

Financial:

If recommendations of this report are adopted, there will be a need to prepare final documentation once the Minister for Planning's decision with respect to the grant of final approval is known.

The greatest cost to be incurred is publishing the Scheme Text in the Government Gazette as required by legislation. Officers anticipate that the cost of publication is likely to be of the order of \$25,000 to \$30,000. This amount has been included in the recently adopted 2021/2022 budget.

Legal and Statutory:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (Part 4 (r19 – r33) read with r76A);*
- *Shire of Toodyay Local Planning Strategy 2018.*

Risk related:

There are no direct risks for Council of the recommendations of this report. However, should Council choose not to adopt the recommendations of this report, there are reputational and compliance risks to be contemplated. These are considered high.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Receives the Schedule of Submissions that forms the subject of Attachment 3 to this report;
2. Determines the submissions by resolving to adopt the recommendations in the Schedule of Submissions that formed the subject of Attachment 3 to this report;
3. Amends proposed Shire of Toodyay Local Planning Scheme No. 5 in light of the submissions in accordance with the attached modified document that formed the subject of Attachment 2 to this report;
4. Authorises the Chief Executive Officer to undertake any necessary minor editorial, grammatical and other modifications to the Scheme documents that do not change the effect of the Scheme as adopted;
5. Adopts proposed Shire of Toodyay Local Planning Scheme No. 5 (as modified), comprising the modified Scheme Text and modified Scheme Map that formed the subject of Attachment 2 to this report;
6. Submits proposed Local Planning Scheme No. 5 (as modified) to the Western Australian Planning Commission as required by the *Planning and Development (local planning schemes) Regulations 2015* seeking final approval of the Scheme by the Minister for Planning.

Cr Pearce foreshadowed an alternate motion as follows:

That Council:

1. **Defers the adoption of the Local Planning Scheme No 5 until a review of the local planning strategy is completed in 2022; and**
2. **Requests the CEO to bring a plan and timetable to Council regarding a review of the Shire of Toodyay Local Planning Strategy and the Local Planning Scheme No 5 by December 2021.**

Clarification was sought.

The Presiding Member asked if anyone wanted to move the Officer's Recommendation.

Further clarification was sought.

Discussion ensued.

The CEO, through the Chair, responded as follows:

I believe the first motion must be dealt with first. If there is no mover then it would be automatically lost and I do not believe we can move on to the alternate motion. However, if the first motion is dealt with and it is lost through lack of votes, then the alternate motion that has been foreshadowed can be dealt with.

The CEO departed Council Chambers, with the leave of the Chair, at 4.45pm.

The CEO returned to Council Chambers at 4.55pm.

Further clarification was sought.

Discussion ensued.

Cr Hart objected, by way of raising a Point of Order, in accordance with Standing Order 8.4 pertaining to Part 9 Debate on Substantive Motions because he did not recall there actually being a modified motion. I recall that that motion was redefined as an alternate motion.

The Point of Order was dismissed.

Further clarification was sought.

Discussion ensued.

The CEO, through the Chair, responded as follows:

We have sought advice from WALGA, and the advice is that the Officer's Recommendation is only a recommendation at this point and if there is no mover for the Officer Recommendation then Council may move a motion, which Cr Pearce has foreshadowed according to what is currently shown on the screen. So the process would be that Cr Ruthven would need to ask for a mover for the Officer's Recommendation and if there is a mover you run through the process but if there is no mover then Cr Pearce can move her alternate motion.

Cr Ruthven called for a mover of the Officer's Recommendation.

Clarification was sought.

Cr Pearce moved an alternate motion as follows:

That Council:

- 1. Defers the adoption of the Local Planning Scheme No 5 until a review of the local planning strategy is completed in 2022; and**
- 2. Requests the CEO to bring a plan and timeline to Council regarding a review of the Shire of Toodyay Local Planning Strategy and Local Planning Scheme No 5 by December 2021.**

Further clarification was sought.

Cr McKeown foreshadowed an amendment to the motion.

Discussion ensued.

Cr Hart seconded the motion.

Debate commenced.

The motion was put.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. 209/10/21

MOVED Cr Pearce

SECONDED Cr Hart

That Council:

1. Defers the adoption of the Local Planning Scheme No 5 until a review of the local planning strategy is completed in 2022; and
2. Requests the CEO to bring a plan and timeline to Council regarding a review of the Shire of Toodyay Local Planning Strategy and Local Planning Scheme No 5 by December 2021.

MOTION CARRIED 8/0

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – September 2021
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Date of Report:	7 October 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN6
Author:	C Murcott – HR/Finance Officer
Responsible Officer:	T Bateman – Manager Corporate & Community Services
Previously Before Council:	N/A
Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. List of Payments for the month ending 30 September 2021

PURPOSE OF THE REPORT

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

BACKGROUND

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

COMMENTS AND DETAILS

A list of all payments processed under delegated authority during September 2021 is attached.

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

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

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

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.

Creditor invoices and other charges paid have been duly incurred and authorised for payment in accordance with Shire policies F.2 Authorised Signatories Policy and F.3 Purchasing Policy.

Financial:

Whilst the 2021/2022 Annual Budget was not adopted until 30 September 2021, payments made to the end of September are consistent with the ongoing operational requirements of the Shire or for previously approved projects in accordance with section 6.8(1)(a) of the *Local Government Act 1995*.

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.

Section 6.8(1)(a) of the *Local Government Act 1995* states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

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 for each month and presented to Council.

Risk related:

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

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council notes as being paid, payments listed and presented for the month of September 2021 as attached to this report, summarised as follows:

September 2021	
Direct Debits	25,426.48
EFT Payments	952,042.11
Direct Debits Payroll	416,691.60
Municipal Cheques	21,458.20
<hr/>	
Total	1,415,618.39

Cr Hart moved the Officer’s Recommendation.

Clarification was sought.

The motion was put.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION NO. 210/10/21

MOVED Cr Hart

That Council notes as being paid, payments listed and presented for the month of September 2021 as attached to this report, summarised as follows:

September 2021	
Direct Debits	25,426.48
EFT Payments	952,042.11
Direct Debits Payroll	416,691.60
Municipal Cheques	21,458.20
<hr/>	
Total	1,415,618.39

MOTION CARRIED 8/0

9.2.2 RSL Toodyay Sub-Branch – Request for approval of Public Art – Alma Beard memorial

Date of Report:	5 October 2021
Applicant or Proponent:	RSL Toodyay Branch
File Reference:	COMG1 / ART2
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Not Applicable
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Correspondence from RSL Toodyay Branch – Request for approval for installation of Alma Beard Memorial 2. Correspondence from Wheatbelt Health GP Network

PURPOSE OF THE REPORT

To consider a request received from the RSL Toodyay Sub-Branch (RSL) to install public art at the Alma Beard Medical Centre.

BACKGROUND

In October 2020, Council adopted a Public Art Policy to support the development and delivery of public art projects in the Shire of Toodyay. One of the key objectives of the policy is to acknowledge and celebrate the culture and history of the Shire through art.

In August 2021, the Shire received an application from the RSL to consider installation of a memorial commemorating Alma Beard, to be situated at the Medical centre so named. Sister Alma Beard was a Toodyay girl, who trained to become a nurse and later enlisted in the army. Sadly, she was one of the nurses executed during World War II.

COMMENTS AND DETAILS

Public art plays a vital role in articulation of the Shire of Toodyay’s history and meets the objectives of the Strategic Community Plan and Corporate Business Plan.

The RSL is seeking Council approval to progress the project with a completion target of 16 February 2022 which coincides with the 80th anniversary of Sister Alma Beard's death. The application provides further detail of the scope and location of the proposed statue and plaque (Attachment 1).

In accordance with the policy, applications received from groups must be presented to Council for consideration and approval. In the absence of a Public Art Advisory Group, officers have considered the application on its merits and are recommending that Council approves this request.

IMPLICATIONS TO CONSIDER

Consultative:

The RSL is proposing to install the commemorative statue and plaque at the Alma Beard Medical Centre situated at 81 Stirling Terrace, Toodyay. The building is currently leased by Wheatbelt Health GP Network which is supportive of the public art display (Attachment 2).

Officers have sought comment from LGIS to clarify insurance factors. Consequently, the sculpture will be recorded on the Shire's insurance register and insured for replacement value. The Shire will also be responsible for public liability. LGIS further highlighted the importance of a regular maintenance regime and documented evidence of inspections.

Strategic:

Strategic Community Plan.

Social: 0.3 Support the development of places and spaces for recreation, learning, art and culture.

Corporate Business Plan.

S2.4 Support development of arts, culture, heritage and environmental tourism.

S3.4 Maintain open space for recreation and connection.

Policy related:

G.2 Public Art Policy

Financial:

As detailed within the attached application, the RSL Toodyay Sub-Branch will be responsible for construction costs and ongoing maintenance, inspections and cleaning. In accordance with G.2 Public Art Policy, public artworks on Shire owned land will be valued and insured (at replacement cost) by the Shire of Toodyay. The cost of this is considered a minor expense.

Legal and Statutory:

The existing lease agreement with Wheatbelt Health GP Network, refers to leased areas and common areas within the building. It is silent on the surrounding land and garden areas.

Risk related:

The Public Art policy was adopted in recognition of limited displays of public art in the Shire of Toodyay and to assist Council in assessing applications for public art. Rejecting this application could pose a reputational risk considering it appears to meet the requirements of the policy.

Council could also be faced with a financial risk in the event necessary insurance was not in place or routine maintenance was not undertaken. Implementation of a regular inspection and maintenance program can help to mitigate this risk.

Workforce related:

Should Council approve the Officer's recommendation, ongoing actions can be managed within current resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the application for Public Art received from RSL Toodyay Sub-Branch as attached to this report, to construct and install the commemorative memorial of Sister Alma Beard to be situated at the Alma Beard Medical Centre, 81 Stirling Terrace, subject to:

- (a) development and implementation of a regular inspection and maintenance program by the RSL Toodyay Sub-Branch; and
- (b) the results of inspections to be reported to the Shire annually.

Cr Pearce moved the Officer's Recommendation with an amendment as follows:

That Council approves the application for Public Art received from RSL Toodyay Sub-Branch as attached to this report, to construct and install the commemorative memorial of Sister Alma Beard to be situated at the Alma Beard Medical Centre, 81 Stirling Terrace, subject to:

- (a) development and implementation of a regular inspection and maintenance program by the RSL Toodyay Sub-Branch; and**
- (b) the results of the inspections accompanied with details of any maintenance performed to be reported to the Shire annually**

Clarification was sought.

Cr McKeown seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 211/10/21

MOVED Cr Pearce

SECONDED Cr McKeown

That Council approves the application for Public Art received from RSL Toodyay Sub-Branch as attached to this report, to construct and install the commemorative memorial of Sister Alma Beard to be situated at the Alma Beard Medical Centre, 81 Stirling Terrace, subject to:

- (a) development and implementation of a regular inspection and maintenance program by the RSL Toodyay Sub-Branch; and
- (b) the results of the inspections accompanied with details of any maintenance performed to be reported to the Shire annually.

MOTION CARRIED 8/0

9.2.3 Monthly Financial Statements – September 2021

Date of Report:	11 September 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	T Bateman - Manager Corporate & Community Service
Responsible Officer:	T Bateman - Manager Corporate & Community Service
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative/Review
Attachments:	1. Monthly Financial Statements for month ending 30 September 2021.

PURPOSE OF THE REPORT

This report provides Council with financial information for the period ending 30 September 2021.

BACKGROUND

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

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

COMMENTS AND DETAILS

This report is presented for Council's consideration and provides information for the period ended 30 September 2021 and includes the monthly financial reports and provides details of the Shire's outstanding rates and sundry debtors.

The Statement of Financial Activity summarises the Shire's operating activities and non-operating activities and is a valuable tool to help monitor the Shire's financial performance. In accordance with *FM Regulation 34(1)* this statement is to include comparisons with the annual budget and the year-to-date budget.

For the months of July and August however, budget comparison figures were not available due to later than usual budget adoption. For the month of September, officers are presenting a Statement of Financial Activity in a modified format due to the ongoing issues with the Datascope implementation.

The following information provides balances for key financial areas for the Shire of Toodyay's financial position as at 30 September 2021.

Outstanding Rates and Services

The total outstanding rates balance at the end of September was \$492,784 compared to the June 2021 closing balance of \$671,213. This indicates regular payments are being made and many existing payment arrangements are being adhered to.

Rates were raised for the 2021/2022 year in early October 2021 and are due 17 November 2021.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of September was \$1,095,824 broken down as follows;

Category	\$
> 90 days and over	305,288.98
> 60 days and over	8,828.20
> 30 days and over	142,707.11
Current	638,999.23
TOTAL	1,095,823.52

The balance in the current category includes \$634,238 of grant funding payable by Main Roads WA. The balance in the 30 days and over category is due to a timing issue for the CESM recoup and is expected to be paid in October. The balance in the 90 days and over category relates to two main invoices; a disputed invoice relating to water charges at the Toodyay Recreation Centre. Additionally, grant funding due from DFES for the Bushfire Risk Management Planning Coordinator is subject to finalisation of the appropriate acquittal documentation.

IMPLICATIONS TO CONSIDER

Consultative:

Datacom

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

CS.1 Payments from the Municipal or Trust Fund (referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*)

Financial:

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

Legal and Statutory:

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

Section 6.8(1)(a) of the *Local Government Act 1995* states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

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

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. It is envisaged that as the transition progresses, the presentation of the monthly financial reports will improve.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Statement and Outstanding Rates and Sundry Debtors information for the month ending 30 September 2021.

Cr Hart moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

Cr McCormick seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 212/10/21

MOVED Cr Hart

SECONDED Cr McCormick

That Council receives the Monthly Financial Statement and Outstanding Rates and Sundry Debtors information for the month ending 30 September 2021.

MOTION CARRIED 8/0

9.3 EXECUTIVE SERVICES

9.3.1 Committee Member Representation

Date of Report:	11 October 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	MEM1
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. Expression of interest form

PURPOSE OF THE REPORT

To consider the process for community membership of Council Committees.

BACKGROUND

Section 5.11 of the *Local Government Act 1995* states that where a person is appointed as a member of a committee, the person's membership of the committee continues until the next ordinary elections day which fell on 16 October 2021. This means that all Committee positions are now vacant.

This report recommends that expressions of interest are sought for community representative positions on Council committees.

COMMENTS AND DETAILS

Council will be required to consider appointments of Elected Members, Community Members and Stakeholders to various Council Committees following the ordinary elections day.

The Shire of Toodyay website permanently placemarks that every two years expressions of interest will be sought from the community to participate in a Committee of Council at the link below.

<https://www.toodyay.wa.gov.au/council/council-meetings-committees/council-committees/expression-of-interest-to-participate-in-a-committee-of-council.aspx>

Three Council Committees established under the *Local Government Act 1995* include community member representation as per the table below:

Council Committee	Community Membership 2019-2021
Audit and Risk Committee	Three Community Representatives
Environmental Advisory Committee	Three Community Representatives
Museum Advisory Committee	Three Community Representatives

This report recommends advertising for expressions of interest from community members to be considered for appointment to these three Council Committees.

It is proposed to advertise for these expressions of interest via print and social media and the Shire's website. Applications will close on 9 November 2021 in order to be included in the report that will be provided to Council as part of the 23 November 2021 Ordinary Council Meeting Agenda.

Councillors will be aware that there are three other Council Committees that include stakeholder members from the community. This report does not apply to these Council Committees as they are established under different legislative instruments as per the table below:

Name of Council Committee	Established under
Bush Fire Advisory Committee	Part V, Section 67 of the <i>Bush Fires Act 1954</i>
Local Emergency Management Committee	Section 38(1) of the <i>Emergency Management Act 2005</i> and State Emergency Management Guidelines.
Local Recovery Committee	Section 36(b) of the <i>Emergency Management Act 2005</i> .

Council will, however, need to consider appointment of elected members to these Committees.

IMPLICATIONS TO CONSIDER

Consultative:

Officers have sought expressions of interest from community member representatives who have been sitting members during 2019-2021. To date, one formal expression of interest has been received.

Strategic:

A key strategic outcome of the Shire of Toodyay's Strategic Community Plan 2028 is to ensure the way the Shire leads and operates and is a Council that engages with the community and provides good governance on behalf of the community.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Relevant sections of the *Local Government Act 1995* are stated below:

5.10. Committee members, appointment of

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
- (b) *that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (d) *the next ordinary elections day,*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (d) *the next ordinary elections day,*

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council requests the CEO to seek expressions of interest, with a closing date of 9 November 2021, for community representation on Council Committees established under the *Local Government Act 1995*, through advertisement on social media platforms and local public notice.

Cr McCormick moved the Officer's Recommendation.

Clarification was sought.

Cr Duri seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 213/10/21

MOVED Cr McCormick

SECONDED Cr Duri

That Council requests the CEO to seek expressions of interest, with a closing date of 9 November 2021, for community representation on Council Committees established under the *Local Government Act 1995*, through advertisement on social media platforms and local public notice.

MOTION CARRIED 8/0

9.3.2 Correspondence - Department of Local Government, Sport & Cultural Industries

Date of Report:	13 October 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 16 September – 12 October 2021

PURPOSE OF THE REPORT

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

COMMENTS AND DETAILS

Correspondence with the DLGSC since the September OCM is attached at Attachment 1 and includes:

1. Correspondence regarding an application for extension to the deadline to submit the 2020/21 Annual Financials to the auditor -
 - Submission of formal extension request
 - Request for further information

Note: Officers are working with the Office of the Auditor General and the appointed auditors Butler Settineri to finalise a revised audit plan.

2. Submission of Governance Review Action Plan adopted by Council on 28 September 2021.
3. Correspondence regarding submission of plan and information update.

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:

Officer resources are required to formally report on all correspondence with the DLGSC.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 16 September 2021 to 12 October 2021 as outlined in and attached to, this report.

Cr Duri moved the Officer's Recommendation.

Clarification was sought.

Cr Hart seconded the motion

The motion was put.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION NO. 214/10/21

MOVED Cr Duri

SECONDED Cr Hart

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 16 September 2021 to 12 October 2021 as outlined in and attached to, this report.

MOTION CARRIED 8/0

9.3.3 2021 CEO Performance and Remuneration Review

The Presiding Member requested a motion be moved in accordance with Standing Orders 5.2 (2) that the meeting be closed to the public if members had any questions about the confidential attachment.

Cr Pearce moved a motion as follows:

That Council defers consideration of Item No. 9.3.3 2021 CEO Performance and Remuneration Review until the current meeting reaches Agenda Item 14 Confidential Business to enable behind closed doors discussion at that juncture.

Clarification was sought.

The motion was put.

MOTION / COUNCIL RESOLUTION NO. 215/10/21

MOVED Cr Pearce

That Council defers consideration of Item No. 9.3.3 2021 CEO Performance and Remuneration Review until the current meeting reaches Agenda Item 14 Confidential Business to enable behind closed doors discussion at that juncture.

MOTION CARRIED 8/0

9.4 ASSETS AND SERVICES

No reports.

9.5 COMMITTEE REPORTS

9.5.1 Submission on Draft Native Vegetation Policy

Date of Report:	11 October 2021
Applicant or Proponent:	Department of Water and Environmental Regulation (DWER) / Shire of Toodyay
File Reference:	PLA1/COC16
Author:	H de Vos – Acting Manager Planning and Development
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Advocacy
Attachments:	<ol style="list-style-type: none"> 1. Consultation draft Native vegetation policy for Western Australia August 2021; 2. Draft Submission from the Shire of Toodyay; and 3. Schedule of Modifications and Comments.

PURPOSE OF THE REPORT

To endorse a submission to the Department of Water and Environmental Regulation on its Consultation draft Native vegetation policy for Western Australia August 2021.

BACKGROUND

The Department of Water and Environmental Regulation (DWER) has developed a consultation draft Native vegetation policy for Western Australia. This document has been developed as a result of extensive consultation, where various stakeholders asked DWER for improved transparency and consistency in how native vegetation is considered across government processes. Four initiatives were developed as a result:

1. A State native vegetation policy.
2. Investing in better information including mapping and monitoring.
3. Improving our regulatory processes.
4. Exploring a bioregional approach to managing native vegetation.

These four initiatives form the first steps in DWER's staged approach to reform. They aim to improve clarity and certainty for industry and the community and build the Department's understanding of native vegetation status and trends across the State. They will build the foundation to plan and deliver the best possible environmental, community and economic outcomes from managing native vegetation.

For more information, please refer to the DWER webpage regarding the draft policy:

<https://www.wa.gov.au/service/environment/environment-information-services/consultation-draft-native-vegetation-policy-wa>

The first initiative is the release of the draft Native Vegetation Policy, which is a whole of Government policy. Please refer to Attachment 1.

The consultation period closes on 25 October 2021, however, to allow this submission to be reviewed and endorsed by Council, an extension has been sought and granted.

COMMENTS AND DETAILS

One of Council's most important roles is to advocate on behalf of its community. In making a submission for this very important policy, Council is able to fulfil this role and to promote a position which strongly values native vegetation.

IMPLICATIONS TO CONSIDER

Consultative:

The draft Native Vegetation Policy was referred to the Shire of Toodyay Environmental Advisory Committee (EAC). Due to the quarterly timing of the EAC meetings, the policy was discussed at a Committee workshop held on 5 October 2021.

The policy document underwent a full review, and the comments and proposed modifications were provided to the Acting Manager Planning and Development to develop a formal submission. This can be viewed at Attachment 2.

Strategic:

Shire of Toodyay Strategic Community Plan 2028

Our natural environment is highly prized by our community. Toodyay is an area of rare natural beauty and high conservation values, sitting in the Avon River Valley. With much of the Shire consisting of natural bush, the Shire is responsible for a significant number of high-quality natural places. We seek to preserve these values through proactive strategies and modelling sustainable practices.

A key strategic outcome of this strategy is to ensure our natural assets including ecosystems are maintained and protected for future generations.

This is defined by the following objectives:

- Objective 1: Preserve and protect our natural assets for future generations; and
- Objective 2: Ensure sustainable operating practices

The Native Vegetation Policy will be used by the Shire of Toodyay to assist with meeting these objectives in the future.

Policy related:

This whole of government Native Vegetation Policy will be used by the Shire of Toodyay to inform and guide the development of future policy in this area.

Financial:

Nil

Legal and Statutory:

Nil

Risk related:

Nil

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the submission developed in consultation with the Environmental Advisory Committee contained in Attachment 2 and the Schedule of Modifications / Comments contained in Attachment 3 to this report.
2. Requests the CEO to make the submission to the Department of Water and Environmental Regulation on behalf of the Council.

Cr Hart moved the Officer's Recommendation.

Clarification was sought.

Cr Pearce seconded the motion.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 216/10/21

MOVED Cr Hart

SECONDED Cr Pearce

That Council:

1. Endorses the submission developed in consultation with the Environmental Advisory Committee contained in Attachment 2 and the Schedule of Modifications / Comments contained in Attachment 3 to this report.
2. Requests the CEO to make the submission to the Department of Water and Environmental Regulation on behalf of the Council.

MOTION CARRIED 8/0

9.5.2 Submission regarding proposed clearing of native vegetation on Salt Valley Road

Date of Report:	12 October 2021
Applicant or Proponent:	E. Hall / Shire of Toodyay / MRWA
File Reference:	PLA1/COC16
Author:	H de Vos – Acting Manager Planning and Development
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Advocacy
Attachments:	1. Submission from E. Hall

PURPOSE OF THE REPORT

To consider a submission from E. Hall regarding the proposed removal of significant trees and other native vegetation on Salt Valley Road due to Main Roads WA Toodyay Road works.

BACKGROUND

The Shire of Toodyay’s Environmental Advisory Committee has received a submission from E. Hall with serious objections to the proposed removal of significant trees and other native vegetation on Salt Valley Road as part of the Toodyay Road upgrade works that are planned in that vicinity.

COMMENTS AND DETAILS

One of Council’s most important roles is to advocate on behalf of its community. Principally, the Council can present a concern or position of the community on important issues.

The submission to the Shire of Toodyay Environmental Advisory Committee has serious concerns about the scale of road works proposed by Main Roads WA at the junction of Salt Valley Road and Toodyay Road. The submission also states that whilst the environmental assessment by AECOM advised of six fauna habitats, one of which was *isolated trees*, it did not note the historical, environmental and tourism value of old growth trees such as the Powderbark Wandoo (*Eucalyptus accedens*).

Ms Hall writes:

“Located on the corner of Salt Valley and Toodyay Road this iconic tree is estimated to be 420 years old. Slightly behind and to the south of it the second tree is also estimated to be 400 years old. Together they are an imposing and magnificent sight.”

*“The trees are located on the flora designated road of Salt Valley Road, making for an impressive start to this very popular road with tourist operators owing to the abundance of colourful flora - in Spring - large bushes of *Leschenaultia biloba* and a colourful red flowering pea bush among many other flowering plants.”*

“Quite simply put, the roadworks need not involve the lowering of the hilltop by the amount of 11 metres. It need only be lowered by 1-2 metres to improve line of vision which has already been improved by the re-alignment of Toodyay Rd on the proposed plan by MRWA. We would still have the ascending lanes both sides. The hilltop is a small area and lowering it by 1-2 metres will give a clearer line of sight. The junction could be moved to the west by c.5 metres and that will mean that the Powderbark Wandooos will be preserved and the area of clearing significantly reduced.”

For more details, please refer to Attachment 1 – Submission.

Officer Comment

The need for Toodyay Road to be upgraded is not in dispute. Significant advocacy has been undertaken by local and state government members to attract the necessary funding to achieve these upgrades. It is important that Main Roads WA is able to take advantage of available funding to complete projects to the benefit of the community.

However, Main Roads WA understandably must consider its own budgets and ideally will develop a project which is addressing the environmental, economic and social elements of sustainable development. In doing so, a plan is prepared which factors in these.

Too often, however, the outcome is not a balanced one and it is the environment which makes way for a more dominant focus on economic and social impacts. This results in a plan which might be the most cost effective but may miss the mark by not addressing all environmental impacts as they are in reality.

The cost that the community bears is the loss of important environmental assets, which, in the case of a 420-year-old tree, cannot be replaced quickly through the usual environmental offset process.

As this work is under the jurisdiction of Main Roads WA, the Shire of Toodyay has no decision-making authority in this case. As discussed previously, it can advocate on behalf of the community by lodging an official submission to Main Roads WA on the matter.

The EAC submits that further conversation is needed in this instance. Is there a better way that does not involve the loss of this vegetation? There may, or there may not be.

Importantly, it is a strong message that the Council is giving to its community that it supports the environment and this is a major part of who we are and what we stand

for, but also that it is listening to its community and using its powers of advocacy to obtain better outcomes.

IMPLICATIONS TO CONSIDER

Consultative:

The submission from E. Hall was referred to the Shire of Toodyay Environmental Advisory Committee. Due to the quarterly timing of the EAC meetings, the submission was discussed at a Committee workshop held on 5 October 2021.

At the workshop, the EAC proposed that the Acting Manager Planning and Development prepare an agenda item with a recommendation that Council requests the CEO to prepare a submission to Main Roads WA seeking a review of the planning for this project to determine if a better outcome could be pursued which would not involve the removal of this important native vegetation.

Strategic:

Shire of Toodyay Strategic Community Plan 2028

Our natural environment is highly prized by our community. Toodyay is an area of rare natural beauty and high conservation values, sitting in the Avon River Valley. With much of the Shire consisting of natural bush, the Shire is responsible for a significant number of high-quality natural places. We seek to preserve these values through proactive strategies and modelling sustainable practices.

A key strategic outcome of this strategy is to ensure our natural assets including ecosystems are maintained and protected for future generations.

This is defined by the following objectives:

- Objective 1: Preserve and protect our natural assets for future generations; and
- Objective 2: Ensure sustainable operating practices

It is recommended that the Council requests the CEO write to the Department to achieve an outcome balancing the preservation of natural assets with the budget and design constraints.

Policy related:

Nil

Financial:

Nil

Legal and Statutory:

Nil

Risk related:

Environmental

The current plan for the road works to be undertaken in this area includes the removal of these trees. In the absence of any advocacy by the Shire, this risk remains high.

Reputational

Ongoing opposition to the proposed works could result in MRWA reconsidering the scope and possible loss of funding for these works. The community will be looking at how the Shire considers the importance of its vegetation.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Notes the submission from E. Hall regarding the proposed removal of native vegetation as part of the Toodyay Road upgrade at the intersection of Toodyay Road and Salt Valley Road.
2. Requests the CEO to write to the Department of Water and Environmental Regulation on behalf of the Council, requesting that further dialogue about the planning occurs to achieve an outcome balancing the preservation of natural assets with budget and design constraints.

Cr Wrench moved the Officer's Recommendation.

Cr Pearce objected to the motion.

Cr Hart seconded the motion.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 217/10/21

MOVED Cr Wrench

SECONDED Cr Hart

That Council:

1. Notes the submission from E. Hall regarding the proposed removal of native vegetation as part of the Toodyay Road upgrade at the intersection of Toodyay Road and Salt Valley Road.
2. Requests the CEO to write to the Department of Water and Environmental Regulation on behalf of the Council, requesting that further dialogue about the planning occurs to achieve an outcome balancing the preservation of natural assets with budget and design constraints.

MOTION CARRIED 7/1

Cr Pearce requested that her vote against the motion be recorded in accordance with Section 5.21 (4)(a) of the *Local Government Act 1995*.

9.5.3 Audit & Risk Committee Recommendations

Date of Report:	13 August 2021
Applicant or Proponent:	Audit & Risk Committee
File Reference:	COC2
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Extract ARC Minutes – October 2021 including relevant attachments.

PURPOSE OF THE REPORT

To consider recommendations made by the Audit & Risk Committee (ARC).

BACKGROUND

At the ARC Meeting held on 14 October 2021, recommendations were made to Council as follows:

Recommendation 1 – Risk Management Update and Policy Review

That Council:

1. *Adopts Policy A.18 Risk Management as attached to this report.*
2. *Requests the Chief Executive Officer to develop a Risk Management Dashboard in consultation with Local Government Insurance Services for presentation to the Audit and Risk Committee in December 2021.*

Recommendation 2 – Budget Amendments

That Council adopts the proposed budget amendments as detailed within Attachment 1 and requests the CEO to implement the changes.

Recommendation 3 – Datascape Update

That Council notes the update on the transition of the Shire's Enterprise Resource Planning system.

COMMENTS AND DETAILS

Information provided to the ARC is contained in Attachment 1 and a summary is provided below:

Recommendation 1 – Risk Management Update and Policy Review

This recommendation is in accordance with the endorsed process for a review of the Shire's risk management practices. Currently, the Shire addresses risk on an informal basis with direction from the existing risk management policies and principles.

Officers have reviewed policy A.18 Risk Management as attached to the Minutes of Audit and Risk Committee Meeting held on 14 October 2021 (Attachment 1). Below is a summary of the amendments to the policy:

- Risk Management Guidelines removed - to be replaced with a Risk Management Framework
- Responsibilities removed - risk management is the responsibility of all staff and shire representatives
- Principles and Framework – the revised policy specifies the key risk management principles as provided in AS/NZS ISO 31000
- Reporting and Monitoring – the revised policy commits to reporting the risk register to the Audit and Risk Committee biannually.

Recommendation 2 – Budget Amendments

Officers have proposed two amendments to the 2021/2022 budget adopted on 28 September 2021:

- Rectification of the \$70,000 typographical error identified at the OCM
- Request for upgrade of a proposed vehicle replacement to facilitate more efficient road patching practices.

Adoption of the Officer Recommendation will result in a surplus to the budgeted net current position of \$63,000. Approval is therefore sought for the budget adjustments detailed in the attachment to be recommended to Council.

Recommendation 3 – Datascape Update

This report provided an update on the progress of the transition of the Shire's ERP system.

IMPLICATIONS TO CONSIDER

Consultative:

Local Government Insurance Services (LGIS)

Department of Local Government, Sport and Cultural Industries – *Operational Guideline No 9*

Department of Local Government – *Risk Management Resources – March 2013*

Datacom

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.

Objective 3: Ensure rigorous organisational systems.

Policy related:

F.6 Significant Accounting.

F.16 Financial Governance.

A.18 Risk Management.

A.19 Internal Control.

A.20 Legislative Compliance.

Financial:

The result of the review forecasts a year end surplus of \$63,000 as at 30 June 2022. Details of proposed amendments are outlined within Attachment 1.

Development of a risk register may identify risks and therefore the need for mitigation. In the event unbudgeted funds are required, Officers will prepare a report for budget amendment for Council's consideration.

Financial implications may also include the costs of officer time to provide training to relevant staff.

Legal and Statutory:

Local Government Act 1995, Part 7.

Local Government (Financial Management) Regulations 1996.

Local Government (Audit) Regulations 1996.

Regulation 17 of the *Local Government (Audit) Regulations 1996* directs the Chief Executive Officer (CEO) to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management; internal control and legislative compliance at least once every 3 financial years and to report the results of the review to the ARC.

Risk related:

Effective risk management systems and processes enable an organisation to achieve an appropriate balance between realising opportunities for gain while minimising adverse impacts.

Failure to monitor and financially manage budgeted projects exposes Shire officers and Councillors to significant risk. This report helps to mitigate this risk.

Workforce related:

There will be some officer time required to provide training to relevant staff.

The review process will require input from officers across the Shire's operations. It is acknowledged that competing workload priorities could impact timelines for the review.

VOTING REQUIREMENTS

Simple Majority

AUDIT & RISK COMMITTEE RECOMMENDATION 1/COUNCIL RESOLUTION NO. 218/10/21

MOVED Cr Hart

That Council:

1. Adopts Policy A.18 Risk Management as attached to this report.
2. Requests the Chief Executive Officer to develop a Risk Management Dashboard in consultation with Local Government Insurance Services for presentation to the Audit and Risk Committee in December 2021.

MOTION CARRIED 8/0

AUDIT & RISK COMMITTEE RECOMMENDATION 2

That Council adopts the proposed 2021/2022 budget amendments as detailed within Attachment 1 and requests the CEO to implement the changes.

Cr McCormick moved the Audit & Risk Committee Recommendation No. 2 as follows:

That Council adopts the proposed 2021/2022 budget amendments as detailed within Attachment 1 and requests the CEO to implement the changes.

Clarification sought.

Cr McKeown moved an amendment as follows:

That the motion be reworded to read as follows:

That Council adopts the proposed 2021/2022 budget amendments referring to the water expenses at the Toodyay Recreation Centre and capital plant and equipment as detailed within Attachment 1 and requests the CEO to implement the changes.

Cr McCormick accepted the amendment to the motion.

Cr Bell objected to the motion.

Cr Pearce seconded the motion.

Debate commenced.

The motion was put.

AUDIT & RISK COMMITTEE RECOMMENDATION 2/COUNCIL RESOLUTION NO. 219/10/21

MOVED Cr Hart

That Council adopts the proposed 2021/2022 budget amendments referring to the water expenses at the Toodyay Recreation Centre and capital plant and equipment as detailed within Attachment 1 and requests the CEO to implement the changes.

MOTION CARRIED 7/1

Cr Bell requested that his vote against the motion be recorded in accordance with Section 5.21 (4)(a) of the *Local Government Act 1995*.

AUDIT & RISK COMMITTEE RECOMMENDATION 3/COUNCIL RESOLUTION NO. 220/10/21

MOVED Cr Hart

That Council notes the update on the transition of the Shire's Enterprise Resource Planning system.

MOTION CARRIED 8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

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

Nil

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

13.1 MEMBERS

Nil

13.2 EMPLOYEES

Nil

14. CONFIDENTIAL BUSINESS

The Presiding Member ruled that the meeting return to the business that had been deferred until this point in the meeting.

9.3.3 2021 CEO Performance and Remuneration Review

Date of Report:	14 October 2021
Applicant or Proponent:	Price Consulting
File Reference:	HR421
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	24 August 2021 (Resolution No. 175/08/21)
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive / Legislative
Confidential Attachments:	1. 2021 CEO Summary Performance Review Report from Price Consulting.

PURPOSE OF THE REPORT

To endorse the 2021 CEO Summary Performance Review Report and recommendations provided by Price Consulting (the Consultant).

BACKGROUND

Council resolved at the Ordinary Council Meeting held on 24 August 2021:

That Council:

1. *Appoints Price Consulting Group Pty Ltd (Option 1 as per the confidential attachment to this report) to assist Council to:

 - (a) Undertake the annual review of the CEO's performance;
 - (b) Review the CEO's remuneration for 2021/22; and
 - (c) Determine the CEO's performance criteria for 2021/22.*
2. *Endorses the methodology proposed by the selected Consultant for the CEO Performance and Remuneration Review and development of Performance Criteria.*

3. *Determines that all Elected Members may participate in the CEO Performance and Remuneration Review and development of Performance Criteria.*
4. *Notes that a report will be presented to Council as soon as is practicable to endorse the outcomes of the CEO's performance and remuneration review.*

COMMENTS AND DETAILS

Following completion of a detailed questionnaire by 7 councillors, a confidential report was presented to the CEO and all elected members. On 12 October 2021, the Consultant presented high-level outcomes to Councillors and facilitated a discussion that identified:

- Key achievements
- Priority focus areas for the next period; and
- Any changes required to the Key Performance Indicators (KPI) for the next period.

Following this discussion, the Consultant met with the CEO to advise her of the outcomes and then facilitated a formal feedback session with the CEO and Councillors.

The 2021 CEO Summary Performance Review Report is now presented to Council for endorsement and approval of the recommendations contained therein.

IMPLICATIONS TO CONSIDER

Consultative:

During the performance review process, the Consultant liaised with the CEO, the Shire President, and individual Councillors.

Strategic:

Nil.

Policy related:

G.5 Standards for CEO Recruitment and Selection, Performance Review and Termination

Financial:

Sufficient funds are available in the adopted 2021 / 2022 Budget to meet the costs of the CEO annual review.

Legal and Statutory:

The 2021 CEO Performance Review has been carried out in accordance with Regulations 16 – 19 of the **Local Government (Administration) Regulations 1996** as outlined below.

16. *Performance review process to be agreed between local government and CEO*
 - (1) *The local government and the CEO must agree on —*

- (a) *the process by which the CEO's performance will be reviewed; and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
 - (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
 - (3) *The matters referred to in subclause (1) must be set out in a written document.*
17. *Carrying out a performance review*
- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
 - (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*
18. *Endorsement of performance review by local government*
- Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.*
19. *CEO to be notified of results of performance review*
- After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —*
- (a) *the results of the review; and*
 - (b) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*

Risk related:

There is a compliance risk if Council fails to complete the annual CEO performance review in accordance with legislation. This risk is rated high.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the summary report and recommendations made by Price Consulting, as attached.
2. Requests the Shire President write to Ms Suzie Haslehurst, Chief Executive Officer, outlining the results of the Annual Review as contained in Confidential Attachment 1 to this report.

Cr Pearce moved a Procedural Motion to go behind closed doors as follows:

That the meeting be closed to the public in relation to 9.3.3 2021 CEO Performance and Remuneration Review at 5.37pm in accordance with Standing Order 10.1(e).

Clarification was sought.

The Presiding Member advised, in accordance with Standing Order 10.9 that Points 2 and 3 of the motion would be stated in the minutes as follows:

2. **In accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —**
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
3. **In accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.**

Further clarification was sought.

The Procedural Motion was put.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 221/10/21

MOVED Cr Pearce

That:

1. The meeting be closed to the public in relation to 9.3.3 2021 CEO Performance and Remuneration Review at 5.37pm in accordance with Standing Order 10.1(e).
2. In accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
3. In accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

MOTION CARRIED 8/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone to leave except the Members; the CEO and any employee specified by the Presiding Member.

All members of the public departed the Council Chambers at 5.40pm.

The Managers and the Chief Executive Officer departed Council Chambers at 5.42pm.

Cr Hart moved the Officer's Recommendation.

Clarification was sought.

Cr Pearce seconded the motion.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 222/10/21

MOVED Cr Hart

SECONDED Cr Pearce

That Council:

1. Endorses the summary report and recommendations made by Price Consulting, as attached.
2. Requests the Shire President write to Ms Suzie Haslehurst, Chief Executive Officer, outlining the results of the Annual Review as contained in Confidential Attachment 1 to this report.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/1

Cr Bell requested that his vote against the motion be recorded in accordance with Section 5.21 (4)(a) of the *Local Government Act 1995*.

MOTION/COUNCIL RESOLUTION NO. 223/10/21

MOVED Cr Pearce

That Council move from behind closed doors.

MOTION CARRIED 8/0

The Council Chambers were re-opened at 6.00pm.

The Chief Executive Officer returned to Council Chambers at 6.01pm.

In accordance with Standing Order 5.2(7), the Presiding Member read aloud Resolution No. 222/10/21 for the benefit of members of the public.

15. NEXT MEETINGS

Bush Fire Advisory Committee	2 November 2021
AROC Governance Group	8 November 2021
Local Emergency Management Committee	10 November 2021
Agenda Briefing	16 November 2021
Council Meeting	23 November 2021
Museum Advisory Committee	25 November 2021

16. CLOSURE OF MEETING

The Deputy Shire President declared the meeting closed at 6.01pm.

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Agenda Briefing

19 October 2021

Notes

Unconfirmed Notes

These notes were approved for distribution on 22 October 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 26 October 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 dated 26 October 2021.

NOTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Madacsi, declared the meeting open at 4.02pm.

2. RECORDS OF ATTENDANCE/APOLOGIES

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	
Cr P Hart	
Cr S McCormick	
Cr M McKeown	
Cr S Pearce	

Staff

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

Visitors

E Hall
P Ruthven
B Frayne
M Eberle

2.1 APOLOGIES

Cr D Wrench

2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr B Bell

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Name	Date from	Date To
Nil		

3. DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

As per the Council Meeting Agenda.

4.2 PUBLIC QUESTION TIME

B Foley

Summary of Question One

I was driving down Dewar's Pool Road last Monday and a works crew was repairing a pothole that had been there for approximately 6 to 8 weeks. The speed limit on the road is 110km. The pothole is around the corner. There were no safety signs in place at all. I asked four of the crew whether they had signage and they advised it was an emergency and there was no time to do it.

Will Council ask the Administration to investigate the safety culture of the Shire and if it is lacking will improvements be made?

Shire President response:

Thank you for bringing that to our attention. The relevant Officers are present at the meeting as well as the CEO.

Summary of Question Two

I was driving down Dewar's Pool Road last Friday and a works crew was present. All workers were wearing safety gear, and there were signs up everywhere. A loader was being used. It went into the edge of the road verge and back bladed native vegetation out of the way.

Does the Shire have a clearing permit for this work? Can Council investigate the verge clearing practices of the Shire?

Shire President response:

Thank you for bringing that to our attention. The relevant Officers are present at the meeting as well as the CEO.

Summary of Question Three

I sent a draft copy of the Wooroloo Fire report that may apply to our Shire if another fire event comes through. An email was sent in.

Will Council ask the Administration to investigate whether any of the findings can be implemented within our Shire?

Shire President response:

Thank you for bringing that to our attention. The relevant Officers are present at the meeting as well as the CEO.

5. CONFIRMATION OF MINUTES

As per the Council Meeting Agenda.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Dan Pearce, Partner at Hatch RobertsDay on behalf of their client, the Roman Catholic Archbishop of Perth, the owner of the Avondown Centre for Catholic Education.

The purpose of the deputation is to confirm the landowners support for the Officer Recommendation relating to our client's land in relation to Item 9.1.1 as follows:

"I know it's been a lot of work by the Shire to get the draft scheme up. I commend the Administration and the Shire for being able to get there after such a long period and I hope that it sails through with the Planning Commissions.

Our client's land is identified in the special use zone No. 15 in the draft scheme. We speak in support of the final provisions that have been drafted for that land. Special Use Zone 15 was put together by the Shire and by the Administration and sets out a variety of land use and development controls to guide future development. The Avondown Centre, as you would all be aware, has been the subject of subdivision approval and the works have been completed recently and those lots are on the market; some of which have now been sold. That land, under the current scheme, is zoned mixed business and this allows for a very large array of different land uses to be conducted on the site. Special Use Zone 15 reduces some of those uses.

When we became aware of the changes being made to the Local Planning Scheme, we reached out to the Administration and have since worked very effectively with them to craft the uses and the development controls that you see in the scheme now. We worked pretty carefully to remove the current entitlements that we could have under the mixed zone which could have included industrial uses, large format; things like a hotel, tavern and other uses which we would be able to develop today, but we worked with the Administration to make sure that they do not form part of the land use mix for that land going forward.

What is now included we feel very comfortable with and we would like to commend the controls and the land uses proposed as part of Special Use Zone 15 to Council. We believe they strike a good balance between protecting the heritage significance by both the buildings and the setting as well as providing a really good set of uses that can guide development of that site in terms of whether it be residential or

whether it be tourism uses that are appropriate to its location and setting in Toodyay. Whereas the current mixed business controls, I don't think, do that. We would like to commend the scheme review to Council. We hope that the Council will forward on the positive recognition to the Planning Commission once it makes a decision in relation to Item 9.1.1. I would be happy to answer any questions and I thank you for the opportunity to speak.

Shire President response:

Thank you for the comments that you have made today. This is an Agenda Briefing and we will take on board your comments.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

As per Council Meeting Agenda.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND DEVELOPMENT

9.1.1 Shire of Toodyay Local Planning Scheme No. 5 – Consideration of submissions and final adoption

Cr Duri declared a proximity interest pursuant to Section 560B of the Local Government Act 1995 in relation to Agenda Item 9.1.1. The nature of my interest is that I rent from the owners of the Toodyay Caravan Park and carry out part-time work on the Toodyay Caravan Park. The extent of my interest is that I rent from and work for the owners of the Toodyay Caravan Park.

Cr Duri departed Council Chambers at 4.16pm.

The CEO advised that responses to questions Cr Pearce had raised will be attached to the minutes of the Ordinary Council Meeting as a tabled document presented at the Agenda Briefing.

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
Pearce	As per attachment	As per attachment

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
Pearce	A number of properties less than the 40 ha and would like to have another building. Is discretionary use permitted?	<i>Landowners have the ability to apply for an ancillary dwelling in that zone. No reason it cannot be considered. There is a distinction between ancillary and additional dwelling. Scheme does not allow an additional dwelling but will allow an ancillary dwelling</i>
Pearce	Does it depend on the size of the building?	<i>Yes. An ancillary dwelling supporting the main dwelling</i>
McKeown	Cr Pearce asked an ancillary dwelling is not permitted. It is a discretionary use is that correct?	<i>Yes that is correct. It is not in the scheme for consideration.</i>
Pearce	Do Officers have delegated authority when resident indicates to have ancillary dwelling?	<i>Yes currently we do have delegated authority to determine ancillary dwellings.</i>
Pearce	Due to delegated authority the matter will not come to Council?	<i>The matter would come to Council if there was an objection to the application.</i>
Pearce	How is a resident aware they can raise an objection to a finding made by an officer?	<i>I am not sure I follow. With applications we advertise to adjoining properties.</i>
Pearce	I would like to apply to have an ancillary dwelling. Area of land less than 40ha. It goes to P/Officer and they indicate not allowed by the Planning Scheme. How would the resident then know they can appeal or reject/object to the decision?	<i>The reason why an ancillary dwelling requires planning approval because planning policies state we need Development approval for it. We look for whether it complied with a policy and if not whether variations would be acceptable to the policy. It would be highly unlikely for us to refuse one. They</i>

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
		<i>have a right to appeal on the Notice of Decision with the Tribunal</i>
<i>Pearce</i>	Tribunal? Does that come to Council	<i>No. Officer level or Council.</i>
<i>McKeown</i>	Page 4 of the Agenda. 2 nd page of item. Sequence of events/activities that take place during the consideration of the planning scheme. No. 2 is missing from the list. Does it exist or has been omitted?	<i>That is a typographical error.</i>
<i>McKeown</i>	Timing of what we are doing. I consulted the regulations. Where do we stand at the moment?	<i>I spoke to our representative at the Department about the 128 days after the submission period closes and was advised there was nothing to stop us from determining that now.</i>
<i>McKeown</i>	Regulation 25 says what we can do. Accept as given or refusing it or accept with modifications. Is that right?	<i>Yes. Council can support the original draft scheme as advertised. It can support the modifications been put forward or any new modifications or not support</i>
<i>McKeown</i>	If Council was of a mind to amend the scheme before us we would propose an amendment to do that?	<i>It depends on what it is you are proposing to change. It would be part of an amendment at the Council Meeting.</i>
<i>McKeown</i>	What items can we change?	<i>It is the Council's scheme however it will be vetted by the Department and the ultimate decision is made by the Minister.</i>
<i>McKeown</i>	Zoning Table in the scheme on page 17 of the attachments. The use listed as nature-based parks.	<i>Yes it was</i>

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
	New use as a result of submission No. 24. Was this included as a result of that submission?	
McKeown	What is the zoning of the property referred to by the people who put the submission in?	<p>The Officer took this question on notice.</p> <p><u>Response after the Agenda Briefing:</u></p> <p>The property is Rural Living which will become Rural Smallholdings.</p>
McKeown	Will their use of the nature-based park apply to their property depending on their zoning?	<p>The Officer took this question on notice.</p> <p><u>Response after the Agenda Briefing:</u></p> <p>The draft Scheme with Modifications currently has the Nature Based Tourism as an “X” use for Rural Smallholdings, however, after further consideration and internal discussion, it is considered that an “A” use should be applied to Rural Small Holdings and that an amendment be made.</p>
Hart	Zoning map. From understanding whole of Morangup zoned rural residential and that makes sense for southern part of the Morangup area because it is the typical property size of 2.5ha but there are a significant number of 10ha properties. What is involved in rezoning those larger properties?	<p><i>The way the draft scheme has been developed was informed by our local planning strategy so once adopted we look at parcel sizes there and existing subdivisions and housing and requirements for population growth, etc.</i></p> <p><i>In terms of can you do it - it is probably something that could be looked at. We need to do investigation on it in terms of what</i></p>

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
		<i>properties are applicable and what the implications would be.</i>
<i>Hart</i>	What implications would rezoning have for the rest of the Shire?	<i>The available land uses that the landowner can have access to will not have access to.</i>
<i>Pearce</i>	Planners of Roman Catholic Church have asked for removal of the assessment to provide superfluous heritage plans and Officers have recommended to its removal. I am not sure why we would remove those two recommendations.	<p>The Officer took this question on notice.</p> <p><u>Response after the Agenda Briefing:</u></p> <p>With regards to the HIA, development must be referred to the Heritage Council for advice in most instances as the precinct is on the State Heritage Register.</p> <p>The cultural heritage significance of the place must be respected but this does not mean that a place cannot be changed to meet contemporary needs.</p> <p>Generally, minor works such as maintenance and some like-for-like repairs do not need to be referred.</p> <p>Examples of the kind of works that must be referred to the Heritage Council include:</p> <ul style="list-style-type: none"> • alterations and additions • construction of new buildings • conservation and remedial works • demolition • relocation

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
		<ul style="list-style-type: none"> • excavations • re-roofing • changes of exterior colour schemes • signage • interior works • subdivision/amalgamation • change of use <p>The Heritage Council can request a Heritage Impact Assessment through this process.</p> <p>Additionally, the Shire can ask for further any information from an applicant to assist with determination.</p>
McKeown	Schedule 1 to planning scheme text is additional uses. Is that correct?	<p>The Officer took this question on notice.</p> <p><u>Response after the Agenda Briefing:</u></p> <p>That is correct</p>
McKeown	14 Morangup Road – I cannot find where that is. Can you find the lot number?	<p>The Officer took this question on notice.</p> <p><u>Response after the Agenda Briefing:</u></p> <p>Relates to Lot 14 (No. 251) Morangup Road.</p> <p>This is a carryover from Scheme 3 and 4.</p> <p>For some reason not showing up on DPLH mapping.</p>
Pearce	Why do we have to have special residential zone but	<i>Zoning there reflective of pattern of subdivision that has already</i>

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
	(not got this question right – hear it	<i>occurred was residential rather than rural living lots as defined in my response to you. The layout is more conducive to residential zoning.</i>
Pearce	These blocks are up to 4 ha and how are these people going to manage their blocks when there is no permitted use of livestock on those properties?	<i>I understand your concern. We look at what the extent of the animal activity is going to be. One sheep is something to consider for lawn mowing purposes and fire control. The other thing the Shire can consider is giving exemptions through our local planning policies on lot sizes and look at the way the draft scheme will deal with that moving forward. Any use of the land consistent with zoning. There are other things we can consider moving forward.</i>
McKeown	Zoning table on page 16. Uses in different zones. Reference to extractive industry and between the draft and this scheme the use changed from prohibited to an A use. Why was the change made?	The Officer took this question on notice. <u>Response after the Agenda Briefing:</u> The use class ‘Industry – Extractive’, which is currently an ‘A’ use in the ‘Rural Living’ zone, but depicted as an ‘X’ (not permitted) use in Draft LPS5, should be designated an ‘A’ use in Draft LPS5 on the basis that large tracts of what will be the ‘Rural Smallholding’ zone remain as operational farms that have not yet been subdivided, which generally enables adequate separation distances for such a land use to exist

Questions and Points raised		
Councillor	Discussion	Responses provided by Acting Manager Planning & Development
		without impacting upon the amenity of the locality. Therefore it is carrying over from the LPS4.
McKeown	Does having an extractive industry in a rural smallholding comply adequately with the objective on page 13 of a rural smallholding?	The Officer took this question on notice. <u>Response after the Agenda Briefing:</u> The draft objectives state: To provide for a limited range of rural land uses and incidental uses, such as tourism, where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. An “A” use is appropriate for the zone as small scale, low-impact extractive industries could conceivably be considered. It would be rare to have an application for such a use on this zone.
McKeown	How many extractive industry approvals exist at present on land now to be zoned rural smallholding?	The Officer took this question on notice. <u>Response after the Agenda Briefing:</u> 0 – currently though one ceased in 2020.

Cr Duri returned to Council Chambers at 4.31pm.

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – September 2021

Questions and Points raised		
Councillor	Discussion	Response
McKeown	Why are we still seeing payments for the Toodyay Recreation Centre on our List of Payments?	<p><u>CEO response:</u> <i>Skip bins is one of them.</i></p> <p><u>Manager Corporate & Community Services:</u> <i>As the payments are coming through and we are noticing the ongoing payments for the TRC we are contacting the provider and asking them to refer all invoices to Clublinks directly so Avon Skip Bins, Northstar Security; the water account still in process. The synergy account has been transferred over. We are getting t other end of them.</i></p>
McKeown	Is it possible to invoice Clublinks for the payments we have made?	<p><u>CEO response:</u> <i>If we did it that way it would be a duplication because Clublinks will pay it and that will come off the income that they have generated.</i></p>
Hart	It looks to me as if three payments have been duplicated in September. Payments in regard to vehicle registrations 1HDE040, T15325 and 1TWL782.	<p>The CEO took this question on notice.</p> <p><u>Response after the Agenda Briefing:</u> <i>Yes Cheque 12881 was cancelled and reissued as Cheque 12886. Unfortunately when a payment or cheque is cancelled it is still listed as paid in the report I download.</i></p>

Questions and Points raised		
Councillor	Discussion	Response
McKeown	Are we still making payments to Borrell Rafferty?	<u>CEO Response:</u> It is Cameron Chisholm Nicol for defect liability. The defects liability management period was supposed to end on 7 October 2021. It has been extended to 28 October 2021, pending a disputed invoice with the contractors.
McKeown	So does that mean we have not acquitted or capitalised the TRC yet?	<u>CEO Response:</u> <i>The defects liability management was not a capitalisation.</i>
McKeown	Have we finalised the capitalisation of the TRC?	<u>The CEO deferred to the Manager Corporate & Community Services who responded as follows:</u> <i>We are working through our annual financials and all of those costs have been captured and have been allocated to the components of the TRC.</i>

Questions and Points raised		
Councillor	Discussion	Response
Cr Pearce	<i>12883: Water account - a number of these accounts are for properties leased by shire. Would the officer please inform if in the lease agreements – the lessee is responsible for water usage and if so are they invoiced (e.g. Connor’s Cottage and O’Reilly’s Cottage).</i>	<u>Manager Corporate & Community Services response:</u> <ul style="list-style-type: none"> • Mrs O’Reilly’s – usage on charged to Heartlands Vet - \$27.41 – The Lessee is responsible for “All service charges i.e. electricity and water, will be the responsibility of the Lessee.” • Community Centre and Alma Beard Medical Centre – not on charged. The Lessor “duly and punctually to pay and discharge

Questions and Points raised		
Councillor	Discussion	Response
		<p>all charges in respect of any telephone or water service, and all rubbish rates and collection charges provided to the leased premises and upon demand produce the receipts for such payments to the Lessor;”</p> <ul style="list-style-type: none"> • Bendigo Bank Building – usage and services on charged (449.22) in accordance with agreement Clause 3.3 Outgoings and Cleaning • Clinton St – usage on charged (\$27.41) to tenant in accordance with rental agreement. • Connor’s Cottage – usage \$87.76 not on charged to date (terms of rental agreement managed by Tony Maddox to be followed up).
Cr Pearce	<i>Toodyay Rec Centre – what portion of the 298.08 is for consumption? Is LG charged for water service charge.</i>	<ul style="list-style-type: none"> • This invoice includes usage of \$32.75 and water and sewerage service charges of \$265.33.
Cr Pearce	<i>1/9/2021 Bendigo overdraft fee. The shire has been paying this fee for the two years I have been on Council; it was raised before I joined Council – i.e. \$180 annually. I have previously questioned this overdraft. Would the officer please explain if there is a need for the \$750,000 and the payment of this fee?</i>	<p><u>Manager Corporate & Community Services response:</u></p> <p>The Shire is charged a monthly fee of \$15 for the overdraft facility. In the event the overdraft limit was reduced, the fee would remain the same. It is normal practice for local governments to have an overdraft facility in place to cater for months where cashflow is low. Recently there has been no need to utilise overdraft which is mainly due to the large number of road grants recently received.</p>

Questions and Points raised		
Councillor	Discussion	Response
Cr Pearce	27 &28: 15/9/2021 Austral Bricks – payment for gravel Morangup Rd and re-sheeting \$12,000 & \$3,000. Does the Shire have an agreement with Austral re road usage contribution and if so, how is this reflected in this payment?	<u>Manager Corporate & Community Services response:</u> Austral Bricks have an extractive industries licence that pertains to Morangup Road. The purchase of gravel is a business arrangement and the Shire is charged at the quoted unit rate – the invoices do not reflect any reduction as a result of road contributions due.
McKeown	How are we going with capitalisation of the TRC?	<u>Manager Corporate & Community Services response:</u> We are working through the annual financials and all costs captured and put to the TRC.
Cr Pearce	56 &57: C & F Building Approvals – Compliance assessment and issue of CDC 528;128. Would the officer please clarify these payments?	<u>Manager Corporate & Community Services response:</u> Currently the Shire does not have an inhouse Building Surveyor. Any uncertified building applications are forwarded to C & F Building Services who assess the application and issue a Certificate of Design compliance for that application.
Cr Pearce	58 & 59: Cameron Chisholm TRC DLP phase 1,100 each. Would the officer please clarify these payments? Is this cost an ongoing cost?	<u>Manager Corporate & Community Services response:</u> <ul style="list-style-type: none"> • Certificate of Design compliance for that application. • These have been monthly payments to Cameron Chisholm Nicol to manage the Defects Liability Period (DLP - 12 months) at the Recreation Centre. The DLP ceased on 7 October but there was an extension imposed until 28 October 2021. Further costs

Questions and Points raised		
Councillor	Discussion	Response
		associated with the DLP may be ongoing until specific disputes with the Contractor have been finalised.
Cr Pearce	<p><i>Freedom Fairies TIFF children entertainment 1,980. Would the officer please clarify if the TIFF provides a budget to the shire with the proposed costs and if so is this acquitted by the committee and available for community reference?</i></p> <p><i>Similarly for the 143 Mac Donald Travelling Farm</i></p>	<p><u>Manager Corporate & Community Services response:</u></p> <ul style="list-style-type: none"> • The Shire organises this event to coincide with the Avon Descent weekend and received Lotterywest funding of \$30,000. • The funding application included a budget specifically for entertainment, in addition to support for infrastructure, marketing and other services. The acquittal, which has been forwarded to EMRC for review prior to submission to Lotterywest, included the costs for Freedom Fairies and MacDonald Travelling Farm.
Cr Pearce	<p><i>163: Space-to-co – Online booking 165. IS this a monthly fee?</i></p>	<p><u>Manager Corporate & Community Services response:</u></p> <ul style="list-style-type: none"> • Yes - SpacetoCo manage the Shire's facility bookings and charge a monthly fee to do so.
Cr Pearce	<p><i>139 & 140: North Star – service to alarm and call for rear gate entry. 1,100. Would the officer please explain to which this gate refers? If for Depot – is the fault a warranty issue as gate was newly installed?</i></p>	<p><u>Manager Corporate & Community Services response:</u></p> <p>This invoice was for the rear entry at the Admin Office. The technician reported that the override time had crept and found it to be 8 minutes out. In addition to a call out fee, the reader and batteries were replaced.</p>

9.2.2 RSL Toodyay Sub-Branch – Request for approval of Public Art – Alma Beard memorial

Cr Pearce advised she had an amendment to make to the Officer’s Recommendation and indicated she would send the wording to the CEO.

9.2.3 Monthly Financial Statements – September 2021

Questions and Points raised		
Councillor	Discussion	Response
McKeown	When Council passed the budget there was a discrepancy noted in the budget which would have changed the net current assets. Did the correction of that discrepancy end up as part of the budget we passed or not?	<u>Manager Corporate & Community Services response:</u> <i>We have prepared a report for the Audit and Risk Committee for a Budget Amendment. That was not amended at the Budget Adoption Meeting and will be put forward in the minutes.</i>
McKeown	Will we have more comprehensive financial statements in the future?	<u>Manager Corporate & Community Services response:</u> <i>We are working through that with Datascope at the moment and are getting closer.</i>

9.3 EXECUTIVE SERVICES

9.3.1 Committee Member Representation

Questions and Points raised		
Councillor	Discussion	Response
Pearce	The CEO indicated they did write to other Committees.	<u>CEO response:</u> <i>A few responses have been provided and we will include information in the report for November.</i>
Ruthven	Did they say why they wanted representation?	<u>CEO response:</u> <i>Historically the Council Representative has chaired the committee and it is an interagency kind of meeting (Safer Toodyay) and the</i>

Questions and Points raised		
Councillor	Discussion	Response
		<i>other was that they value the input of Councillors to their Committee.</i>

9.3.2 Correspondence - Department of Local Government, Sport & Cultural Industries

Nil.

9.3.3 2021 CEO Performance and Remuneration Review

Nil.

9.4 ASSETS AND SERVICES

No reports

9.5 COMMITTEES

9.5.1 Submission on Draft Native Vegetation Policy

Questions and Points raised		
Councillor	Discussion	Response
<i>Pearce</i>	In Officer's Recommendation No. 2 it says make a submission to the Dept of Water and E/Reg on behalf of Council. Is that for them to give us feedback on our draft policy?	<u><i>CEO response:</i></u> <i>The Department has requested submissions from local governments. This is for Council to endorse. Not likely to respond to the submissions but they are considered in the final drafting of the Native Vegetation Policy.</i>
<i>Pearce</i>	Are Local Governments expected to adhere to the policy?	<u><i>CEO response:</i></u> <i>Yes that is correct because it is within the State Policy.</i>

9.5.2 Submission regarding proposed clearing of native vegetation on Salt Valley Road

Nil.

9.5.3 Audit & Risk Committee Recommendations

Nil.

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

Nil.

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

As per Council Meeting Agenda.

16. CLOSURE OF MEETING

There being no further business, the Shire President, declared the Agenda Briefing closed at 4.54pm.

LANDOWNER DEPUTATION – AGENDA BRIEFING SESSION 19th OCTOBER 2021

Item 9.1.1 – Adoption of Draft LPS5

1. Thank you Madam President and Councillors for the opportunity to present to you today.
2. I am speaking on behalf of the Roman Catholic Archbishop of Perth, the owner of Lots 1 – 5 Goomalling Rd, being the former Avondown Centre for Catholic Education.
3. I would like to confirm our client’s support for identification of their land in the Draft LPS as Special Use Zone No. 15, in accordance with the proposed modifications attached to the Council Agenda.
4. The Special Use zone details a targeted set of land-use and development controls to guide future development of the land and was proposed for the land by the Shire as part of the Scheme review.
5. The land is currently zoned Mixed Business in the Scheme, which provides a very wide range of possible land-use options.
6. Since becoming aware of the proposed rezoning, we have worked with the planning team to refine the suite of land-use controls for the land, in particular focusing on removing current entitlements to large format retail and industrial uses, and removing specific uses such as tavern, betting agency and hotel.
7. While the new controls and land-uses that have been agreed are more restrictive than the current Mixed-Use zone applicable to the land, we are comfortable that they strike the right balance to both:
 - a. Protect the heritage significance of the existing buildings and setting; and
 - b. Facilitate a range of uses consistent with the future intentions for the land being residential, community use and tourism
8. We encourage Council to give its support to the Draft Scheme and the Special Use Zone No.15 controls for the Avondown Centre as modified in the Attachment to the Council Agenda.

Yours Sincerely

HATCH ROBERTS DAY



Dan Pearce

Partner, Urban Solutions

Updated to Include AMD

SHIRE OF TOODYAY

LOCAL PLANNING SCHEME NO. 5

DISCLAIMER

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

LOCAL PLANNING SCHEME GAZETTAL DATE: [INSERT DATE]

SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO. 5

[INSERT NUMBER] - AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED			DETAILS
		DETAILS	WHEN	BY	

DRAFT

SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO. 5

The Shire of Toodyay under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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PART 1 - PRELIMINARY

1. Citation

This local planning scheme is the Shire of Toodyay Local Planning Scheme No 5.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the Gazette.

3. Scheme revoked

The following local planning scheme is revoked –

Shire of Toodyay Local Planning Scheme No. 4 gazetted on the 13th day of February 2008.

4. Notes do not form part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The Interpretation Act 1984, section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The Shire of Toodyay is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area shown on the Scheme Map.

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following –

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) including any supplemental deemed provisions outlined in Schedule A of the scheme text;
- (b) the Scheme Map; and
- (c) The following plans, maps, diagrams, illustrations or materials -

There are no additional plans, maps, diagrams, illustrations or materials which form part of this Scheme.

- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to –

- (a) set out the local government’s planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are –

- (a) to provide for the orderly and economic development and optimum use of its land and other resources in the Scheme Area, consistent with the conservation of important natural and man-made features;
- (b) to provide guidance to:
 - (i) the local government in the execution of its planning responsibilities;
 - (ii) public authorities in establishing the likely future needs of the Shire;
 - (iii) the private sector to indicate future development opportunities and planning requirements; and
 - (iv) the community in respect of the manner in which the effects of growth and change are proposed to be managed;
- (c) to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process;
- (d) to facilitate the provision of public amenities and community support services consistent with the development and growth of the Shire;
- (e) to ensure that development occurs in a way which preserves existing environmental qualities and minimizes adverse environmental impacts;

- (f) to ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities; and
- (g) to protect and enhance areas within the Shire identified as being of significant environmental value.

10. Relationship with local laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Toodyay which apply to the Scheme area.

12. Relationship with region planning scheme

There are no region planning schemes which apply to the Scheme area.

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PART 2 – RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.

14. Local reserves

(1) In this clause –

Department of Main Roads WA means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy means the document of that name available on the website maintained by the **Department of Main Roads WA**.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows –

Table 1 - Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	<ul style="list-style-type: none"> To identify areas of State Forest.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Public Purposes – Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.

Reserve name	Objectives
Public Purposes – Education	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential education facilities.
Public Purposes – Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Public Purposes - Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Public Purposes - Recreational	<ul style="list-style-type: none"> To set aside land required for recreational purposes.
Public Purposes - Emergency Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential emergency services.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land required for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Recreational Emergency Services

15. Additional uses for local reserves

- (1) [Table 2](#) sets out –
- classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
 - the conditions that apply to that additional use.

Table 2 – Specified additional uses for land in local reserves in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 9508 Murray Walkway, Toodyay	<ol style="list-style-type: none"> Club Premises Restaurant/Café Tourist Development 	<ol style="list-style-type: none"> Additional uses are permitted ancillary to the predominant use of the site as the Toodyay Recreation Precinct. Due regard shall be given to the provisions of the Foggarthorpe Residential Structure Plan.

- (2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

PART 3 – ZONES AND USE OF LAND

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows –

Table 3 - Zone Objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> To provide for a range of housing and a choice of residential densities to meet the needs of the community. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. To provide for a range of residential densities to encourage a variety of residential accommodation. To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.
Rural	<ul style="list-style-type: none"> To provide for the maintenance or enhancement of specific local rural character. To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. To provide for a range of non-rural land uses, such as tourism, where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ul style="list-style-type: none"> To provide for lot sizes in the range of 1 ha to 4 ha. To provide opportunities for a range of limited rural and related ancillary pursuits, such as tourism, on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.

Zone name	Objectives
	<ul style="list-style-type: none"> To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ul style="list-style-type: none"> To provide for lot sizes in the range of 4 ha to 40 ha. To provide for a limited range of rural land uses and incidental uses, such as tourism, where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Enterprise	<ul style="list-style-type: none"> To provide for light industrial and ancillary residential development on one lot. To provide for lot sizes in the range of 1 ha to 4 ha. To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses. To notify prospective purchasers of potential amenity impacts from light industrial land uses.
Environmental conservation	<ul style="list-style-type: none"> To identify land set aside for environmental conservation purposes. To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.
Light Industry	<ul style="list-style-type: none"> To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
Industrial Development	<ul style="list-style-type: none"> To designate land for future industrial development. To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Commercial	<ul style="list-style-type: none"> To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality. Provide for a suitable variety of housing opportunities compatible with the locality.
Mixed Use	<ul style="list-style-type: none"> To provide a diversity of land use and housing types. To allow appropriate businesses to locate and develop in close proximity to residential areas. To allow for services to be provided locally. To provide high level of amenity.

Zone name	Objectives
	<ul style="list-style-type: none"> • To accommodate a mixture of residential development with small scale businesses in a primarily residential scale environment with the predominant uses being residential, office, consulting, dining and limited retail uses occupying the street frontage of lots. • To provide an intermediate stage between Residential and Commercial zones.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Private Community Purposes	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows –

Table 4 – Zoning Table

USE & DEVELOPMENT CLASS	Residential	Urban Development						Industrial Development				
		Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes	
Abattoir	X	A	X	X	X	X	X	X	X	X	X	X
Aged/Dependent Persons Dwelling(s)	P	X	X	X	X	X	X	D	A	X	D	D
Agriculture – Extensive	X	P	X	A	X	X	X	X	X	X	X	X
Agriculture – Intensive	X	D	X	A	X	X	X	X	X	X	X	X
Amusement Parlour	X	X	X	X	X	X	X	A	X	A	X	X
Ancillary Dwelling	I	D	D	D	D	X	X	A	X	X	X	X
Animal Establishment	X	D	A	A	D	X	A	X	X	X	X	X
Animal Husbandry – Intensive	X	A	X	X	X	X	X	X	X	X	X	X
Art Gallery	X	D	A	A	X	A	D	P	D	A	I	I
Bed & Breakfast	A	D	D	D	X	A	X	D	D	X	X	X
Betting Agency	X	X	X	X	X	X	X	D	D	A	X	X
Brewery	X	A	X	X A	D	X	D	D	X	D	X	X
Bulky Goods Showroom	X	X	X	X	X	X	X	X	X	D	X	X
Caravan Park	X	A	X	X	X	X	X	A	X	X	I	I
Caretaker's Dwelling	X	X	X	X	X	X	I	X	X	X	I	I
Car Park	X	X	X	X	X	X	D	D	D	D	I	I
Child Care Premises	A	X	X	X	X	X	X	D	A	X	I	I
Cinema/Theatre	X	X	A	X	X	X	X	A	A	X	X	X
Civic Use	A	X	A	A	X	A	A	P	A	A	X	X
Club Premises	X	X	X	X	X	X	A	P	A	A	D	D
Commercial Vehicle Parking	A	A	X	A	X	X	D	D	X	D	X	X
Community Purpose	A	A	A	A	X	A	X	P	D	X	D	D

USE & DEVELOPMENT CLASS	Residential	Urban Development						Industrial Development			
		Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes
Consulting Rooms	X	X	X	X	X	X	X	P	D	A	X
Convenience Store	X	X	X	X	X	X	D	P	D	D	X
Corrective Institution	X	A	X	X	X	X	X	X	X	X	X
Education Establishment	A	X	X	X	X	X	X	D	A	X	D
Exhibition Centre	X	A	X	X	X	X	A	P	D	A	X
Family Day Care	A	X	XA	XA	X	X	X	D	A	X	D
Fast Food Outlet	X	X	X	X	X	X	D	D	D	D	X
Lunch Bar											
Fuel Depot	X	A	X	X	X	X	A	X	X	D	X
Funeral Parlour	X	X	X	X	X	X	D	D	A	D	X
Garden Centre	X	A	X	X	D	X	D	D	A	D	X
Grouped Dwelling	D	A	X	X	X	X	X	D	D	X	X
Holiday Accommodation	X	A	X	X	X	X	X	D	A	X	I
Holiday House	A	A	A	A	X	X	X	D	A	X	X
Home Business	A	A	A	A	A	A	X	D	D	X	X
Home Occupation	D	D	D	D	D	A	X	D	D	X	X
Home Office	P	P	P	P	P	D	X	P	P	X	X
Home Store	A	X	X	X	I	X	X	A	D	X	X
Hospital	X	X	X	X	X	X	A	D	A	A	D
Hotel	X	X	X	X	X	X	X	D	X	X	X
Industry	X	X	X	X	X	X	X	X	X	X	X
Industry – Cottage	A	P	D	D	P	X	P	X	D	D	X
Industry – Extractive	X	A	X	XA	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	A	X	P	X	X	A	X
Industry – Primary Production	X	P	X	A	X	X	X	X	X	X	X
Liquor Store – Large	X	X	X	X	X	X	X	A	X	A	X
Liquor Store – Small	X	X	X	X	X	X	X	A	A	X	X

Commented [MC1]: Feel free to add permissibility as you see fit

USE & DEVELOPMENT CLASS	Residential	Urban Development						Industrial Development					
		Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes		
Lunch Bar	X	X	X	X	X	X	D	D	D	D	X		
Market	X	X	X	X	X	X	X	A	A	A	X		
Medical Centre	X	X	X	X	X	X	X	D	D	A	X		
Mining Operations	X	A	X	X	X	X	X	X	X	X	X		
Mining Operations on Minerals to Owner land	X	X	X	X	X	X	X	X	X	X	X		
Motel	X	X	X	X	X	X	X	A	A	X	X		
Motor Vehicle, Boat & Caravan Sales	X	X	X	X	X	X	D	A	X	D	X		
Motor Vehicle Repair	X	X	X	X	D	X	D	X	X	D	X		
Motor Vehicle Wash	X	X	X	X	X	X	D	D	X	A	X		
Multiple Dwelling	A	X	X	X	X	X	X	D	D	X	X		
Nature Based Parks	X	A	X	X	X	A	X	X	X	X	X		
Nightclub	X	X	X	X	X	X	X	D	A	X	X		
Office	X	X	X	X	I	X	I	P	P	I	I		
Park Home Park	X	X	X	X	X	X	X	A	X	X	X		
Place of Worship	A	X	X	X	X	X	X	A	D	A	D		
Reception Centre	X	X	X	A	X	X	X	D	A	X	X		
Recreation – Private	X	A	X	X	A	X	A	D	A	A	X		
Renewable Energy Facility	X	A	X	X	X	X	X	X	X	X	X		
Re-Purposed Dwelling	D	D	D	D	D	D	X	X	X	X	X		
Residential Building	D	X	X	X	X	X	X	D	D	X	X		
Resource Recovery Centre	X	A	X	X	X	X	A	X	X	A	X		
Restaurant/Café	X	A	X	X	I	X	X	P	D	X	I		
Restricted Premises	X	X	X	X	X	X	A	A	A	A	X		
Roadhouse	X	X	X	X	X	X	A	A	X	A	X		
Rural Home Business	X	A	A	A	A	X	X	X	X	X	X		

USE & DEVELOPMENT CLASS	Residential	Urban Development							Industrial Development			
		Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Commercial	Mixed Use	Service Commercial	Private Community Purposes	
Rural Pursuit/Hobby Farm	X	P	D	D	X	X	X	X	X	X	X	
Second-Hand Dwelling	D	D	D	D	D	D	X	X	X	X	X	
Serviced Apartment	X	X	X	X	X	X	X	A	D	X	X	
Service Station	X	X	X	X	X	X	X	A	D	A	X	
Shop	X	X	X	X	I	X	X	P	D	I	X	
Single House	P	P	P	P	A	D	X	D	D	X	X	
Small Bar	X	X	X	X	X	X	X	D	A	X	X	
Tavern	X	X	X	X	X	X	X	A	A	X	X	
Tearooms	X	I	X	I	X	X	X	X	X	X	X	
Telecommunications Infrastructure	A	D	A	D	D	X	D	D	D	D	A	
Tourist Development	X	A	X	A	D	X	X	X	D	X	X	
Trade Display	X	A	X	X	I	X	D	D	X	D	X	
Trade Supplies	X	A	X	X	I	X	D	D	X	D	X	
Transport Depot	X	A	X	X	A	X	A	X	X	A	X	
Tree Farm	X	D	X	D	X	X	X	X	X	X	X	
Veterinary Centre	X	A	X	X	D	X	D	A	A	D	X	
Warehouse/Storage	X	X	X	X	D	X	P	X	X	D	X	
Waste Disposal Facility	X	X	X	X	X	X	X	X	X	X	X	
Waste Storage Facility	X	X	X	X	X	X	A	X	X	X	X	
Winery	X	D	X	A	X	X	X	X	X	X	X	
Workforce Accommodation	X	I	X	X	X	X	X	D	D	X	X	

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings –
 - P** means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
 - I** means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
 - D** means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A** means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X** means that the use is not permitted by this Scheme.

Note:

1. *The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.*
2. *In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.*
3. *If a proposed development is identified as a 'P' use in the zoning table, but the proposed development does not comply with all of the development standards and requirements of the scheme, then it is to be treated as a 'D' use.*
- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

- (6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –
- (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land –
- (a) a structure plan;
 - (b) an activity centre plan; or
 - (c) a local development plan.

19. Additional uses

- (1) Schedule 1 – Additional uses sets out –
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.

20. Restricted uses

- (1) There are no restricted uses which apply to this Scheme.

NOTE: a restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.'

21. Special use zones

- (1) Schedule 2 – Special use zones sets out –
- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent –
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if –

- (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if –
- (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –
- (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

- (1) A person must not, without development approval –
- (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following –
- (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government –
- (a) must ensure that the register is kept up-to-date; and
 - (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
 - (c) may publish a copy of the register on the website of the local government.

- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4 – GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government –
- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of the R-Codes on the website of the local government.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

- (1) Where a lot has multiple coding numbers for the purpose of clause 25, the lower coding number shall apply, except that the local government may approve development to the higher density coding providing –
- (a) the development is determined to be consistent with all relevant R-Codes provisions, parts of the Scheme, local planning policies, structure plans, and local development plans to the satisfaction of the local government; and
 - (b) the development is consistent with any provisions of a Special Control Area to the satisfaction of the local government and any other relevant public authority; and
 - (c) the development retains the heritage values of the premises where included on the heritage list in accordance with this Scheme and any relevant local planning policy to the satisfaction of the local government; and
 - (d) the premises can be connected to reticulated sewerage.
- (2) Where a lot has multiple coding numbers, the local government may approve residential development at the higher coding if –
- (a) the use of the higher coding will enable dedication of a foreshore reserve for lots adjoining the Avon River; or
 - (b) the use of the higher coding facilitates adaptive reuse of a heritage listed building; and
 - (c) the property can be connected to and serviced by reticulated sewerage; and
 - (d) the difference in natural ground levels within the site and adjacent land will not result in impacts on the amenity, such as inappropriate bulk and scale, impacts on visual privacy or require retaining walls higher than 1m; and
 - (e) is consistent with the design criteria contained in any Local Planning Policy relating to the design of higher density residential uses in established residential areas.

- (3) The provisions of clauses 26 (1) and (2) do not apply to any residential development within Special Control Areas, with the exception of the Town Centre Special Control Area.

Outbuildings

- (4) On land coded R12.5 or higher (or are able to utilise the higher coding in accordance with the Scheme provisions) –
- (a) the total area of all outbuildings on the lot shall not exceed 75m² or 10% of the area of the lot, whichever is the lesser;
 - (b) the maximum wall height is 3.5 metres and the maximum roof height is 4.5 metres;
 - (c) the minimum setbacks to side, rear and secondary street boundaries for outbuildings is –
 - (i) Side – 1 metre;
 - (ii) Rear – 1 metre; and
 - (iii) Secondary Street – 2 metres.
 - (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
 - (e) the external surface of outbuildings, other than roof cladding, shall not include metallic silver, except where the total area of all outbuildings on the lot does not exceed 20m².
- (5) On land coded R10 (or are able to utilise the higher coding in accordance with the Scheme provisions) –
- (a) the total area of all outbuildings on the lot shall not exceed 90m²;
 - (b) the maximum wall height is 3.5 metres and the maximum roof height is 4.5 metres;
 - (c) the minimum setbacks to side, rear and secondary street boundaries for outbuildings is –
 - (i) Side – 1 metre;
 - (ii) Rear – 1 metre; and
 - (iii) Secondary Street – 3 metres.
 - (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
 - (e) the external surface of outbuildings, other than roof cladding, shall not include metallic silver, except where the total area of all outbuildings on the lot does not exceed 20m².
- (6) On land coded R2.5 and R5 –
- (a) the total area of all outbuildings on the lot shall not exceed 100m²;
 - (b) the maximum wall height is 3.5 metres and the maximum roof height is 4.5 metres;
 - (c) the minimum setbacks to side, rear and secondary street boundaries for outbuildings is –
 - (i) Side – 1.5 metres;
 - (ii) Rear – 1.5 metres; and
 - (iii) Secondary street – 5 metres.
 - (d) outbuildings shall be located entirely behind the rear of the dwelling on the lot unless constructed in the same materials as and having colours matching those of the dwelling; and
 - (e) the external surface of outbuildings, other than roof cladding, shall not include metallic silver, except where the total area of all outbuildings on the lot does not exceed 20m².

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 – Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government –
 - (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

- (1) The State planning policies set out in Table 5, modified as set out in clause 30, are to be read as part of this Scheme.

Table 5 – State Planning Policies

State planning policies to be read as part of Scheme	
1.	State Planning Policy 3.7 – Planning in Bushfire Prone Areas

- (2) The local government –
 - (a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those State planning policies on the website of the local government.

30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

31. Environmental conditions

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

32. General development standards and requirements

Setbacks

- (1) Table 6 sets out the site and development requirements for each of the zones which may be varied and/or supplemented by the local government at its discretion to suit any specific requirements.

- (2) The local government in determining applications for any development may require such development to comply generally with the standards required for the relevant zone as stipulated in Table 6 to ensure that the scale, nature, design, general appearance and impact of any proposed use/s is compatible with the objectives of the zone in which the development is proposed and the general purposes and aims of the Scheme.
- (3) Development shall be setback in accordance with Table 6, except where the building is located within a building envelope identified on an approved structure plan.

Table 6 – Site and Development Requirements

ZONE \ CONTROLS	Minimum Boundary Setback (metres)			Maximum Plot Ratio %	Minimum Landscaping Area %
	Street	Rear	Sides		
Residential	In accordance with the Residential Design Codes unless varied by the Scheme Provisions.				
Rural	30*	30	30	n/a	n/a
Rural Residential	20	20	20	n/a	n/a
Rural Smallholding	25*	25	25	n/a	n/a
Rural Enterprise	20	20	20	n/a	n/a
Environmental Conservation	As per building envelope			n/a	n/a
Light Industry	5	5	4m one side	60%	10%
Commercial, Service Commercial and Mixed Use	Residential development/components are in accordance with the Residential Design Codes unless varied by the Scheme provisions.				
	Otherwise, to be determined by the local government in each particular case.				
Private Clubs, Institutions & Places of Worship	To be determined by the local government in each particular case.				

NOTES: *50 metres from State or major road.

- (4) The Shire shall establish and maintain a Register of Building Envelopes, which shall comprise –
- building envelopes identified by the Shire and operative under Local Planning Scheme No. 4 immediately prior to the gazettal of this Scheme;
 - building envelopes shown on a Structure Plan approved by the Western Australian Planning Commission;
 - building envelopes required by the Shire as a condition of development approval issued under this Scheme; and
 - building envelopes required by the Western Australian Planning Commission as a condition of subdivision or strata subdivision approval.
- (5) The Shire shall keep a copy of the Register of Building Envelopes with the Scheme documents for public inspection.

- (6) Where lots have more than one street frontage the following setbacks shall apply –
- (a) In all zones, other than the Residential zone, where a lot has a frontage to more than one street, the local government may determine which street frontage shall be regarded as the front for the purpose of the setback prescribed in the Scheme.
 - (b) With the exception of State/Regional and District roads, the local government may, at its discretion, permit the setback to the secondary street to be reduced to half the specified setback.
- (7) The minimum front setback to any new development on a road proposed to be widened under this Scheme shall be the minimum setback as if the proposed widening had taken place.

Parking of commercial vehicles in residential zones

- (8) No person shall, within residential zones, park –
- (a) more than one commercial or industrial vehicle on a Residential zoned lot;
 - (b) a commercial or industrial vehicle, boat trailer, boat, caravan, or recreational vehicle unless it is parked in a domestic garage or outbuilding, or such vehicle is parked entirely on the lot in a position which is not unduly obtrusive;
 - (c) any vehicle which, due to size or load, is not capable of being completely parked within a domestic garage or outbuilding having a maximum floor area of 60m² in which no horizontal dimension is more than 15 metres;
 - (d) a vehicle which, together with its load, exceeds three metres in height or longer or wider than permitted on roads without requiring special warning signs, unless the vehicle is being used in connection with building or construction works.

Development in the Urban Development zone

- (9) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.
- (10) No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.
- (11) If a provision in any applicable Schedule conflicts with any other provision of the Scheme, the provision in the Schedule shall prevail.

Development in the Rural zone

- (12) In the Rural zone, the local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot provided that –
- (a) the total number of dwellings on the lot will not exceed two (2) dwellings;
 - (b) the lot has an area of not less than 40 hectares;
 - (c) it can be demonstrated that the additional dwelling is for workers or family members employed for agricultural activities on that lot;
 - (d) adequate provision of a sustainable water supply and disposal of sewage from the additional dwelling can be demonstrated;

- (e) the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with agricultural production on the subject lot or adjoining land;
 - (f) access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;
 - (g) the existence of more than one dwelling on a lot in the Rural zone shall not be considered by itself to be sufficient grounds for subdivision.
- (13) No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone.
- (14) Notwithstanding anything contained in the subclauses above, the local government may permit a building to be located within the setback area when –
- (a) in the opinion of the local government, a physical obstruction precludes compliance with this clause;
 - (b) the location of the building within the setback area will not adversely affect the amenity of an adjoining owner or the area generally;
 - (c) as a result of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.

Development in the Rural Residential and Rural Smallholdings zones

- (15) The provisions applicable to a specific area of Rural Residential or Rural Smallholdings zoned land in ~~Schedule 4 – Rural Residential areas~~ ~~Schedule 4 – Rural Residential areas~~ and Schedule 5 – Rural Smallholdings shall specify any additional provisions considered appropriate to the particular site to achieve the objectives of the Scheme and the relevant zone. If a provision in the Schedules conflicts with any other provision of the Scheme, the provision in the Schedules shall prevail.
- (16) No person shall use the land between the building setback line and the road for any purpose other than a means of access, landscaping or a rural activity permitted in the zone.
- (17) Notwithstanding anything contained in the subclauses above, the local government may permit a building to be located within the setback area when –
- (a) in the opinion of the local government, a physical obstruction precludes compliance with this clause;
 - (b) the location of the building within the setback area will not adversely affect the amenity of an adjoining owner or the area generally;
 - (c) as a result of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous.
- (18) In the Rural Residential and Rural Smallholdings zones, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission Policy.
- (19) Where connection to reticulated sewer is not available, domestic sewerage shall be disposed of by means of an alternative effluent disposal system to the satisfaction of the local government and the Department of Health.

- (20) The local government or the Western Australian Planning Commission may require the provision of building envelopes or building exclusion areas for any land proposed to be subdivided in the Rural Residential or Rural Smallholdings zone. These shall be –
- (a) shown on the approved structure plan, or separate detailed plan required as a condition of subdivision approval;
 - (b) at a size to be determined by the local government;
 - (c) located to avoid any native vegetation or any area recognised for protection or rehabilitation as shown on the approved structure plan and/or environmental management plan;
 - (d) located to ensure on site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
 - (e) located outside of any identified and/or designated buffer areas; and
 - (f) located in accordance with any fire management plan approved for the land.
- (21) The local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the residential amenity and landscape and/or environmental qualities of the land and other adjoining properties.
- (22) Unless otherwise approved by the local government, all buildings and on-site effluent disposal systems shall be confined to the approved building envelope.
- (23) The local government may require tree preservation areas to be identified on the plan of subdivision so as to –
- (a) protect and preserve areas of landscape significance, ridge lines, and stream lines;
 - (b) protect areas of land management importance including areas of actual or potential erosion or land degradation;
 - (c) generally provide for visual screening of buildings and development; and
 - (d) protect recognised vegetation corridors.
- (24) Within areas designated as a natural vegetation preservation and/or remnant vegetation areas, no indigenous trees or vegetation may be felled or removed except for –
- (a) trees which are dead, diseased or dangerous;
 - (b) establishment of a firebreak required under a regulation or bylaw;
 - (c) access to a building site;
 - (d) an area up to two metres in width for the purpose of a fence line;
 - (e) vegetation being removed or disturbed as part of a verge/native tree replanting programme carried out with local government's knowledge and approval.
- (25) Nothing in this subclause shall be construed to mean that any person can clear a portion of a road reserve.
- (26) In considering granting development approval for a building, local government may where it considers an area to be deficient in tree cover, or additional tree cover to be desirable in the interests of landscape protection or enhancement, require tree planting located so as to provide adequate visual screening of the building.

- (27) Any application for a rural pursuit or equestrian activity that involves the stabling and keeping of livestock (including horses) will be conditional upon compliance with the terms and conditions of an approved Environmental Management Plan.
- (28) The siting and design of dwellings in the Rural Residential and Rural Smallholdings zones shall be in accordance with any local planning policy adopted by the local government.

Development in the Rural Enterprise zone

- (29) prior to subdivision and development in the Rural Enterprise zone a structure plan shall be prepared and approved, demonstrating the ability to:
 - (a) separate light industrial and residential uses via the use of building envelopes and/or dual frontages; and
 - (b) achieve a clear delineation between light industrial and residential vehicles in access arrangements to the lots.
- (30) In the Rural Enterprise zone -
 - (a) dwellings must be incidental to the predominant use of the site for light industry;
 - (b) unless otherwise provided in the Scheme, the development of dwellings shall be in accordance with the R2 density code provisions of the R-Codes, with the exception of the minimum lot size area, which is not applicable;
 - (c) no more than one dwelling will be permitted on each lot;
 - (d) the local government shall not grant development approval for a dwelling prior to the predominant use being either approved or constructed;
 - (e) where a dwelling has been granted development approval, it shall not be occupied until the predominant use has been established and is operational on site;
 - (f) lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider; and
 - (g) notifications on title may be used to advise prospective purchasers of potential noise, dust, odour or other amenity impacts that may arise from light industrial uses.

Development in the Environmental Conservation zone

- (31) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.
- (32) No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.
- (33) Any additional provisions applicable to a specific area of Environmental Conservation zoned land in a Schedule shall prevail in the event of any inconsistencies with other relevant Scheme provisions.
- (34) The local government will not support further subdivision of lots in the Environmental Conservation zone.

- (35) In the Environmental Conservation zone, a demonstrated and sustainable water supply is to be provided in accordance with Western Australian Planning Commission Policy.
- (36) Where connection to reticulated sewer is not available, domestic sewerage shall be disposed of by means of alternative effluent disposal system to the satisfaction of the local government and the Department of Health.
- (37) The local government or the Western Australian Planning Commission will require the provision of building envelopes or building exclusion areas for all land in the Environmental Conservation zone, which shall be –
- (a) shown on the approved structure plan, or separate detailed plan required as a condition of subdivision approval;
 - (b) at a size to be determined by the local government;
 - (c) located to avoid any native vegetation or any area recognised for protection or rehabilitation as shown on the approved structure plan and/or environmental management plan;
 - (d) located to ensure on site effluent disposal meets the minimum setback requirements from drainage lines, watercourses, wetlands and other areas as determined by the local government;
 - (e) located outside of any identified and/or designated buffer areas; and
 - (f) located in accordance with any fire management plan approved for the land.
- (38) The local government may permit a variation to a previously approved building envelope, prior to the construction of any building, if it can be demonstrated to the satisfaction of the local government that the location of the proposed new building envelope will not be detrimental to the environmental qualities of the land and other adjoining properties.
- (39) All buildings and on-site effluent disposal systems shall be confined to the building envelope indicated on the approved structure plan.
- (40) Within areas designated as a natural vegetation preservation and/or remnant vegetation areas, no indigenous trees or vegetation may be felled or removed except for –
- (a) trees which are dead, diseased or dangerous;
 - (b) establishment of a firebreak required under a regulation or bylaw;
 - (c) access to a building site;
 - (d) an area up to two metres in width for the purpose of a fence line;
 - (e) vegetation being removed or disturbed as part of a verge/native tree replanting programme carried out with local government's knowledge and approval.
- (41) Nothing in the above subclause shall be construed to mean that any person can clear a portion of a road reserve.
- (42) In considering granting development approval for a building, local government may where it considers an area to be deficient in tree cover, or additional tree cover to be desirable in the interests of landscape protection or enhancement, require tree planting located so as to provide adequate visual screening of the building.

Development in the Light Industry zone

- (43) No person shall use the setback area between the building line and the street alignment for any purpose other than one or more of the following –
- (a) a means of access;
 - (b) the daily parking of vehicles;
 - (c) loading and unloading of vehicles;
 - (d) trade display only with the approval of the local government; and,
 - (e) landscaping.
- (44) Setback areas shall not be used for the storing of vehicles which are being repaired or wrecked, the storage of materials, products, by-products or wastes, or the storage of fuel, except in underground tanks.
- (45) Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.
- (46) In considering development applications, the local government shall have regard for the –
- (a) compatibility of the proposed uses with other surrounding uses;
 - (b) potential impact of the proposal on the efficient and effective operations of existing and planned industry, infrastructure or public purposes; and,
 - (c) risks, hazards, health and amenity associated with the proposed use being located in proximity to existing and planned industry, infrastructure or public purpose or any other use.
- (47) Factory unit developments may be permitted provided that –
- (a) there is no more than one occupancy for each factory unit; and
 - (b) no unit is used for machinery or automotive wrecking or for the sale of motor vehicles or caravans.

Development in the Industrial Development zone

- (48) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.
- (49) No land owner shall carry out subdivision or development (other than the development of a single house and/or associated facilities involved in the use and enjoyment of the property by the occupants of the single house) other than in accordance with the Structure Plan.
- (50) Detailed land capability analysis will be required for land prior to subdivision which must consider –
- (a) The siting of building and effluent disposal envelopes to avoid remnant bushland, minor rock outcropping and seasonally wet areas;
 - (b) Drainage management and provision of nutrient stripping basins to avoid adverse impacts on water courses;
 - (c) Retention of remnant vegetation to reduce erosion, provide fauna habitat, retain visual amenity and conserve vegetation;
 - (d) Additional tree planting to improve environmental functions and provide screening for privacy and landscape amenity;

- (e) The use of alternative on-site effluent disposal systems where desirable; and
- (f) The placement of fence lines and fire breaks, and the use of control measures to minimise erosion potential.

(51) If a provision in any applicable Schedule conflicts with any other provision of the Scheme, the provision in the Schedule shall prevail.

Development in the Commercial and Service Commercial zones

- (52) Unless otherwise specified on the Scheme map, residential development in the Commercial zone shall be in accordance with the R40 Code and shall satisfy the mixed use requirements of the Residential Design Codes.
- (53) The local government will only permit development to occur at the R40 density coding if the land can be connected to reticulated sewer services.
- (54) In the Service Commercial zone, outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed, paved or landscaped to the satisfaction of local government and maintained in good condition.

Development in the Mixed Use zone

- (55) Comprehensive planning for the area shall be undertaken by preparation of a Structure Plan to guide subdivision and development.
- (56) The preparation, submission and approval of a Local Development Plan for development in the mixed use zone may be required for –
 - (a) development or redevelopment of a lot greater than 3,000m² in area; or
 - (b) extension or expansion of an existing development (other than the refurbishment of an existing building) on a lot, where the proposed development is greater than 2,000 nla.
- (57) All subdivision and development shall be generally in accordance with the approved Structure or Local Development Plan.
- (58) Unless otherwise specified on the Scheme map, residential development in the Mixed Use zone shall be in accordance with the approved Structure or Local Development Plan and shall satisfy the mixed use requirements of the Residential Design Codes.

Car parking requirements

- (59) A person shall not develop or use any land or erect, use or adapt any building unless a suitable number of car parking spaces are provided on site and in accordance with the car parking requirements for particular developments and land uses as listed in Schedule 6 – Car parking requirements.
- (60) The dimensions of parking spaces required under the provisions of the Scheme, shall be as per Australian Standard 2890 Parking Facilities.
- (61) For open car parking facilities with 20 or more parking spaces, a minimum area equivalent to one parking space shall be provided in suitable locations for every 20 parking spaces for garden and

planting of native plants and trees to provide visual relief and, so long as these garden and planting areas are maintained in good order, those areas provided for this purpose shall be included in calculations as landscaping and not as car parking.

- (62) The car parking layouts on any lot within the Commercial, Service Commercial or Mixed Use zones shall be designed in conjunction with layouts on adjoining lots so that the total area may ultimately function as an integrated car parking area.
- (63) Where an applicant for development approval can demonstrate that other off-street parking facilities are available to be shared with other land uses operating at different times, the local government may approve a development with less than the required number of on-site car bays provided –
- (a) the local government is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
 - (b) landowners' who request sharing of parking facilities enter into a legal agreement to the local government's satisfaction for reciprocal access to parking facilities.
- (64) In the Commercial and Mixed Use zones, where a developer can satisfy the local government that the minimum car parking requirements cannot be provided on the site, the local government may accept a cash payment in lieu of the provision of car parking spaces, subject to the requirements of this clause –
- (a) a "cash-in lieu" payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the scheme, plus the value as estimated by the Valuer General, or by a licensed valuer appointed by local government of that area of the applicant's land which would have been occupied by the parking spaces.
 - (b) before the local government agrees to accept a cash payment "in lieu" of the provision of parking spaces, the local government must either have already provided public car parking nearby, or must have firm proposals to provide public car parking nearby within a period of not more than 18 months from the time of agreeing to accept the cash payment.
 - (c) payments made under this clause shall be paid into a special fund to be used to provide public car parks and the local government may use this fund to provide public car parking anywhere in the immediate vicinity.

Height and appearance of buildings

- (65) Within the Scheme Area, no building shall exceed 9 metres in overall height above natural ground level unless otherwise specified in an approved Structure Plan.
- (66) Notwithstanding the provisions of the above clause, after following the procedures set out in clause 64 of the deemed provisions, the local government may grant approval for the construction of a building higher than the maximum specified. Before granting its approval the local government shall satisfy itself that the proposed building –
- (a) will be in harmony with buildings within the locality;
 - (b) will not be detrimental to the amenity or character of the locality or to the town or district in general; and,
 - (c) will not affect the development potential of adjoining lots by affecting design, aspect, outlook, views and privacy.

Re-purposed and second-hand buildings

- (67) Re-purposed and second-hand buildings shall not be permitted on any lot within the Scheme area unless –
- (a) In the opinion of the local government such a dwelling is in a satisfactory condition and will not detrimentally affect the amenity of the area; and
 - (b) An Applicant enters into an agreement, including payment of a bond, to the satisfaction of the local government to reinstate the dwelling to an acceptable standard of presentation as determined by the local government within 24 months of commencement of works.

Lots without frontage to a constructed gazetted road or permanent legal access to a constructed gazetted road

- (68) Notwithstanding any other Scheme provisions, development approval is required for the development of land abutting an unconstructed road or a lot which does not have permanent legal vehicular access to a gazetted and constructed road. In considering an application for development approval in these circumstances the local government shall either –
- (a) refuse the application until a road has been gazetted and constructed;
 - (b) grant the application subject to a condition requiring the application to contribute to or construct a gazetted road; or
 - (c) require that such other arrangements are made for the permanent access to the satisfaction of the local government.

Landscaping

- (69) In all zones except the Rural zones there will be a landscaping requirement for all developments.
- (70) The landscaping requirement referred to in Table 6 means an open area designed, developed and maintained as a landscaped garden and pedestrian area. At the discretion of the local government it may include natural bushland, swimming pools, areas under covered ways or a children's playground.
- (71) All applications for development approval, except those for residential development involving two dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing –
- (a) the percentage of the site devoted to landscaping;
 - (b) the areas subject to landscaping works;
 - (c) the percentage and condition of remnant vegetation to be retained;
 - (d) location and species of plants, including shade trees planted within and adjacent to car parking areas at the rate of one tree per two car bays;
 - (e) other materials imported, arranged and/or constructed on the site;
 - (f) areas to be irrigated and the systems to be used; and
 - (g) the proposed staging, if any, and timing of the works.

Landscape protection

- (72) The following provisions shall apply to all land included within the landscape protection area, depicted on Map 8 in the Local Planning Strategy.

- (73) The objectives for the landscape protection area are –
- (a) to maintain the integrity of landscapes, particularly:
 - (i) along the Avon River waterway and adjoining recreation sites;
 - (ii) along the railway line; and
 - (iii) along identified tourist routes, including, but not limited to, Beach Road, Plunkett Road, Cobbler Pool Road, Morangup Road, Lovers Lane, River Road, Toodyay Road, Salt Valley Road, Fernie Road, Hoddy Well Road, Sandplain Road, Folewood Road, Clackline-Toodyay Road, Northam-Toodyay Road, Goomalling-Toodyay Road, Bindi Bindi-Toodyay Road south of Culham, Bindoon Dewar’s Pool Road, Julimar Road and Pelham Reserve;
 - (b) to protect and enhance the landscape and scenic values through control over location, design, and siting of development.
- (74) In considering any rezoning request, subdivision or development proposal within the landscape protection area, the local government will have due regard to the following –
- (a) there is a general presumption against development being located within sensitive sites/visually prominent locations in the landscape. Sensitive sites include horizon lines, focal points, elevated landforms and areas within important views, such as from key riverside vantage points along the Avon River, or anywhere in the landscape within the viewshed of the Avon River waterway, railway line or Cobbler Pool Road.
 - (b) proposals will only be supported by the local government when the location, siting and design of buildings and other structures, including power lines and telecommunications towers, or works will not have an adverse impact on the scenic value of the Avon River, or the landscape quality and scenic values of the locality.
- (75) A visual impact assessment (undertaken in accordance with section 2.3 of the WAPC’s Visual Landscape Planning in WA manual) is to accompany all rezoning requests, structure plans and subdivision proposals within the landscape protection area, to assess any potential impacts of the proposal. The statement should address –
- (a) visibility of the proposed development, using viewshed mapping and estimating the height of proposed structures, where the proposal may be visible from the Avon River waterway and adjoining recreation sites, the railway, and tourist routes identified in clause 74 2(a) (iii);
 - (b) capacity of the proposed development to avoid visually prominent locations comprising horizon lines, focal points, elevated landform and areas within important views, such as from key riverside vantage points along the Avon River;
 - (c) effects of clearing for development requirements, including for roads, services, driveways and bushfire mitigation;
 - (d) whether the proposal is compatible with the existing rural and natural character of its immediate setting and broader locality within the Shire of Toodyay;
 - (e) the cumulative impacts of the proposed development and other development in the locality; and
 - (f) where required, the capacity of the proposed development to be screened from view by existing or planted vegetation.

- (76) The local government may require vegetation screening as a condition of subdivision or development approval to minimise visual impacts or obscure development from view from key tourist routes and other locations.

Extractive Industries

- (77) The development of extractive industries in the Scheme area will only be supported by the local government under the following circumstances –
- (a) where the extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation;
 - (b) where due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
 - (c) where proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time, including the Shire of Toodyay Extractive Industries Local Law.
- (78) All applications for development approval for the establishment of extractive industry operations in the Scheme area are to be accompanied by a management plan and report which –
- (a) describes the physical characteristics of the excavation site including significant environmental features;
 - (b) demonstrates that sensitive land uses within 1,000 metres of the proposal will not be adversely affected by the extractive industry operations;
 - (c) identifies appropriate buffer distances required for extraction that are needed to buffer the impact of operations to adjacent land uses;
 - (d) provides details of the proposed use, development and management of the site including the nature and estimated duration of excavation works, environmental and water resource management standards, excavation areas, stock piles, machinery maintenance areas, processing plants, fuel storage and on-site access roads, parking for cars and other vehicles used on the site, and proposals for landscaping to screen activities on the site from public view;
 - (e) describes arrangements for access to the site, including the roads which are proposed to be used to provide the main vehicular access and likely traffic volumes;
 - (f) provides details of proposed decommissioning and rehabilitation works;
 - (g) describes future land use and development proposals following completion of decommissioning and rehabilitation works; and
 - (h) any other information the local government considers relevant
- (79) In determining applications for development approval for the establishment of extractive industry operations in the Scheme area the local government may impose conditions relating but not limited to the following matters –
- (a) hours and methods of operation;
 - (b) siting of internal access thoroughfares, buildings and plant;
 - (c) vehicle access arrangements including road upgrade and maintenance contributions;
 - (d) measures to minimise air, water, noise and visual pollution;
 - (e) location and depth of extraction areas;
 - (f) stabilisation of extraction areas, stock piles and overburden dumps;
 - (g) drainage;

- (h) protection of the amenity of adjoining land uses including visual screening and buffer requirements;
- (i) restoration and rehabilitation of excavation areas; and
- (j) rehabilitation to ensure consistency with long term planning objectives including sequential land use proposals.

Mining Operations

(80) Whilst Mining Operations are exempt from the need for development approval under the *Mining Act 1978*, the Shire may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines on the suitability of Mining Operations, the Shire will be guided by the permissibility of this use in the zoning table.

'Mineral to Owner' Mining Operations

(81) In considering proposals to commercial extract minerals, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

Nature Based Parks

(82) Nature based park proposals shall be accompanied by information that –

- (a) outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures;
- (b) identifies environmental values and sets out measures for protection and rehabilitation;
- (c) demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite;
- (d) demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and
- (e) any other information the decision maker considers relevant.

(83) In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:

- (a) clearing of native vegetation to the government department/s responsible for the environment; and
- (b) the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.

(84) Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land.

(85) No clearing of native vegetation is permitted to occur.

(81) *Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.*

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33. Specific development standards and requirements

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

- (1) In this clause, additional site and development requirements means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –
 - (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
 - (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant –
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

- (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

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PART 5 – SPECIAL CONTROL AREAS

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives, application requirements and additional provisions that apply to each special control area are set out in Schedule 3 – Special control areas.

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PART 6 – TERMS REFERRED TO IN SCHEME

Division 1 – General definitions used in Scheme

37. Terms used

(1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows –

Land Use	Definition
building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
building height	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
cabin	<u>means a dwelling forming part of a tourist development or caravan park that is –</u> (a) <u>an individual unit other than a chalet; and</u> (b) <u>designed to provide short-term accommodation for guests;</u>
chalet	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.
commencement day	means the day this Scheme comes into effect under section 87(4) of the Act.
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (d) a utility, van, truck, tractor, bus or earthmoving equipment; and (e) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
floor area	has meaning given in the Building Code.
frontage	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces.

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Land Use	Definition
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1).
net lettable area or nla	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas – (a) stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building.
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172.
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.
precinct	means a definable area where particular planning policies, guidelines or standards apply.
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental.
retail	means the sale or hire of goods or services to the public.
short-term accommodation	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.
wall height	in relation to a wall of a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.
wholesale	means the sale of goods or materials to be sold by others.

- (2) A word or expression that is not defined in this Scheme –
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act – has the same meaning as it has in the R-Codes.

Division 2 – Land use terms used in Scheme

38. Land use terms used

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows –

Land Use	Definition
abattoir	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
agriculture – extensive	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture – intensive or animal husbandry – intensive.
agriculture – intensive	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture.
amusement parlour	means premises – (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.
animal husbandry – intensive	Premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens. This use excludes 'agriculture – extensive'.
art gallery	means premises – (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
bed and breakfast	means a dwelling – (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms.
betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> .

Land Use	Definition
brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
bulky goods showroom	means premises – (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes – (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and children's goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools; and (b) used to sell goods and accessories by retail if – (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1).
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant.
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
child care premises	means premises where – (a) an education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided.
cinema/theatre	means premises where the public may view a motion picture or theatrical production.

Land Use	Definition
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
commercial vehicle parking	means premises used for parking of one or 2 commercial vehicles but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) parking of commercial vehicles incidental to the predominant use of the land.
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
convenience store	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m ² nla.
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
family day care	means premises where a family day care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> is provided.
fast food outlet	means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten – (a) without further preparation; and (b) primarily off the premises.
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle.
funeral parlour	means premises used – (a) to prepare and store bodies for burial or cremation;

Land Use	Definition
	(b) to conduct funeral services.
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
holiday accommodation	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
holiday house	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier’s household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
home occupation	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –</p> <ul style="list-style-type: none"> (a) does not involve employing a person who is not a member of the occupier’s household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20m²; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not – <ul style="list-style-type: none"> (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and

Land Use	Definition
	<ul style="list-style-type: none"> (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
home office	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
home store	<p>means a shop attached to a dwelling that –</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100m²; and (b) is operated by a person residing in the dwelling.
hospital	<p>means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1).</p>
hotel	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p>
industry	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –</p> <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
Industry – cottage	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –</p> <ul style="list-style-type: none"> (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; (d) does not occupy an area in excess of 50m², or if located in the Rural Small Holding zone or the General Agriculture zone, an area in excess of 100m²; and (e) does not display a sign exceeding 0.2m² in area.

Land Use	Definition
industry – extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes – (a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
industry – light	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
industry – primary production	means premises used – (a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997 (Commonwealth)</i> section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.
liquor store – large	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of more than 300m ² .
liquor store – small	means premises the subject of a liquor store licence granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² .
Lunch bar	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.
market	means premises used for the display and sale of goods from stalls by independent vendors.
medical centre	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
mining operations	means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out.
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans.
motor vehicle repair	means premises used for or in connection with –

Land Use	Definition
	(a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or retreading of tyres.
motor vehicle wash	means premises primarily used to wash motor vehicles.
nature based parks	means a facility in an area that: <ol style="list-style-type: none"> 1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and 2. has been predominately formed by nature; and 3. has limited or controlled artificial light and noise intrusion.
nightclub	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> .
office	means premises used for administration, clerical, technical, professional or similar business activities.
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8.
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
reception centre	means premises used for hosted functions on formal or ceremonial occasions.
recreation – private	means premises that are – <ol style="list-style-type: none"> (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
renewable energy facility	means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels).
repurposed dwelling	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
restaurant/cafe	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> .
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of –

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Land Use	Definition
	<ul style="list-style-type: none"> (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)</i>; and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements.
roadhouse	<p>means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –</p> <ul style="list-style-type: none"> (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and (f) dump points for the disposal of black and/or grey water from recreational vehicles.'
rural home business	<p>means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or occupation –</p> <ul style="list-style-type: none"> (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 200m²; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.
rural pursuit/ hobby farm	<p>means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household –</p> <ul style="list-style-type: none"> (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.

Land Use	Definition
second-hand dwelling	means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
serviced apartment	means a group of units or apartments providing – (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
shop	means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
small bar	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> .
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> .
tearooms	means a food business that may operate from residential premises, where the local government is satisfied that the premises are suitable for the use, and the proprietors are generally engaged in low risk food production.
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement.
trade supplies	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening;

Land Use	Definition
	(e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
tree farm	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the <i>Carbon Rights Act 2003</i> section 5.
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
warehouse/ storage	means premises including indoor or outdoor facilities used for – (a) the storage of goods, equipment, plant or materials; or (b) the display or the sale by wholesale of goods.
waste disposal facility	means premises used – (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.
waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.
winery	means premises used for the production of viticultural produce and associated sale of the produce.
workforce accommodation	means premises, which may include modular or relocatable buildings, used – (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

SCHEDULES

DRAFT

Schedule A – Supplemental provisions to the deemed provisions

These provisions are to be read in conjunction with the deemed provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61(1)

- (a) the erection or installation of a sign or advertisement of a class specified in Schedule 7 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed –
- (i) on a place included on a heritage list prepared in accordance with this Scheme; or
 - (ii) on land located within an area designated under this Scheme as a heritage area.
- (l) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) in the Rural Enterprise, Rural Residential and Rural Smallholdings Zones, where the proposed development is not in accordance with the designated building envelope contained in an endorsed structure plan; or
 - (vii) on a lot which does not have permanent legal vehicular access to a constructed and gazetted road.
- (m) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is:
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) in the Rural Residential and Rural Smallholdings Zone, where the proposed development is not in accordance with the designated building envelope contained in an endorsed structure plan; or
 - (vii) in the Rural Residential zone where a reticulated water supply is not available (for habitable buildings only); or
 - (viii) on a lot which does not have permanent legal vehicular access to a constructed and gazetted road.
- (n) the painting or application of render on external surfaces on any building or structure, except where the building or structure is:

- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage Act of Western Australia 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.
- (o) the following works on a place that is included on the heritage list prepared in accordance with this Scheme or located within an area designated under the Scheme as a heritage area:
- (i) building maintenance that does not involve the removal of, or damage to, the existing fabric of the building or the use of new materials.
 - (ii) repairs, including replacing missing or deteriorated fabric with like-for-like fabric, that does not involve the removal of, or damage to, the significant fabric of the building.
 - (iii) repainting of the surface of a building in the same colour scheme and paint type if they are appropriate to the substrate and do not endanger the survival of earlier paint layers and without disturbing or removing an earlier paint layer unless it is chalking, flaking or peeling.
- (p) the demolition of any building or structure except where the building or structure is:
- (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the heritage list prepared in accordance with this Scheme; or
 - (iv) located within an area designated under the Scheme as a heritage area.

Clause 61(2)

- (g) the carrying out of a Rural Pursuit in the Rural Residential and Rural Smallholdings zones is exempt from development approval where the Rural Pursuit:
- (i) is not used for trade or commercial purposes;
 - (ii) complies with the recommended stocking rates and environmental protection requirements of the relevant State Government departments; and
 - (iii) can demonstrate a sustainable water supply.

Clause 85A

Transitional arrangements for local planning policies

Where a local planning policy has been prepared in accordance with the requirements of Local Planning Scheme No. 4, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under Local Planning Scheme No. 5.

Schedule 1 – Additional uses

No.	Description of land	Additional use	Conditions
1.	14 Morangup Road, Toodyay	Garden Centre; Plant Nursery; Shop	<ol style="list-style-type: none"> 1. Development shall be in accordance with site plans approved by local government and will require the issue of development approval. 2. Car parking requirements will be determined by local government as a condition of development approval, taking into account the number of spaces estimated to be necessary. 3. The additional use of shop shall not exceed a maximum gross leasable area of 100m².
2.	Lot 36 Toodyay Bindi-Bindi Road, Bejoording	Dog kennels	Nil.
3.	Lot 7 Avon Loc. 1953 Morangup Road, Toodyay	Dumping of tyres	<ol style="list-style-type: none"> 1. Tyre dumping only permitted in an area approved and defined on a plan adopted by local government. 2. Subject to environmental clearance and monitoring. 3. A memorial shall be placed on the Certificate of Title advising successors in title to the land that part of the land has been used for tyre disposal.
4.	Lot 47 Clarkson St, West Toodyay	Theme Park (Private Recreation Shop)	<ol style="list-style-type: none"> 1. Development to be in accordance with plans approved by local government. 2. Use of a shop will be restricted to the sale of craft goods and souvenirs. 3. The size of the shop to be no larger than 100m²; and 4. Landscaping and a vegetation buffer to be established in accordance with plans approved by local government.
5.	Lot 18 Racecourse Road, Toodyay	Caravan park, including Backpacker's Accommodation, Men's shed, shop, office and manager's residence	<ol style="list-style-type: none"> 1. Permanent accommodation within the caravan park shall be limited to a maximum of 9 caravans or park homes. 2. Development of the land shall be subject to a development application, and shall generally comply with a Structure Plan for the site that has been approved by the local government. 3. A Structure Plan shall be prepared and implemented for the site and shall include—

No.	Description of land	Additional use	Conditions
			<p>(a) Bushfire Management Plan;</p> <p>(b) Landscaping plan, including details of any vegetation to be protected in accordance with the requirements of the Department Biodiversity Conservation and Attractions and the provision of a landscape screen adjacent to the development in the vicinity of Hatfield Place (excluding firebreaks);</p> <p>(c) Site plan, including any upgraded facilities, site access and staging details;</p> <p>(d) Effluent treatment and water supply details.</p> <p>4. Any access to Hatfield Place and Broadgrounds Place is to be for emergency access only and shall be appropriately restricted to the satisfaction of the local government.</p> <p>5. Vegetation is only to be removed from the site in accordance with the Bushfire Management and Landscaping plans.</p> <p>6. Development shall comply in all respects with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> and associated regulations.</p> <p>7. The development is to be serviced by an appropriate water supply and effluent disposal systems, as determined by the local government.</p> <p>8. Use of on-site communal facilities shall be restricted to occupiers of the caravan park and their guests.</p> <p>9. The use of reflective roofing and external materials on new buildings is not permitted.</p> <p>10. The additional use shall apply to the entirety of Lot 18 Racecourse Road. Should the lot be subdivided, appropriate consideration should be given to whether it is appropriate to apply additional uses to the proposed lots.</p>
6.	Lot 59 Beaufort Street, West Toodyay	Restaurant Reception Centre	<p>1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development.</p> <p>2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions.</p>

No.	Description of land	Additional use	Conditions
			3. In considering a development application, the local government may require the preparation of a site management plan to ensure the design, character and scale of the development is in keeping with the objectives of the Special Residential Zone.
7.	Lot 45 (381) Julimar Road, Toodyay	Motel Reception Centre Restaurant/Café	1. Development approval is required for the additional uses. 2. Accommodation is to be short-term accommodation. 3. Reception centre, restaurant/café are incidental uses to the Motel use.
8.	Lot 228 (439) Parkland Drive, Toodyay	Restaurant/Cafe	1. Development approval is required for the additional use. 2. Restaurant is to be an incidental use to the rural pursuit undertaken on the site. 3. When considering an application for development approval the local government may impose conditions in regard to: <ul style="list-style-type: none"> • Hours of operation • Number of seats
9.	Lot 66 (163) Howard Road, Toodyay	Private Recreation Restaurant/Café	1. The private recreation shall only consist of gardens. 2. Development approval is required for the additional uses. 3. Restaurant is to be an incidental use to the private recreation use undertaken on the site. 4. When considering an application for development approval the local government may impose conditions in regard to: <ul style="list-style-type: none"> • Hours of operation • Number of seats
10.	Lots 57 (81) and 97 (65) Beaufort St West, Toodyay	Tourist Development Shop	1. Development approval is required for the additional uses. 2. Shop is to be an incidental use to the rural pursuit undertaken on the site, and only produce grown and produced on the site maybe sold from the shop.
11.	Pt Lots 54 & 55 and Lot 56 Railway Road, Toodyay	Industry – Light	1. The approval additional use is for the sales and servicing of pumps. 2. The use may not be altered, extended or expanded without the approval of the local government.

No.	Description of land	Additional use	Conditions
			<p>3. The hours of operation are restricted to 7am to 5pm, Monday to Friday, except in emergency situations.</p> <p>4. The business shall not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight.</p>
<u>12.</u>	<u>Lot 1 (480) Julimar Road, West Toodyay</u>	<u>Holiday Accommodation</u>	<u>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</u>
<u>13.</u>	<u>Lots 20, 23 & 24 (122) Railway Road, Toodyay</u>	<u>Caravan Park</u>	<u>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</u>
<u>14.</u>	<u>Lot 77 (111) Clarkson Street, West Toodyay</u>	<u>Industry – Light</u>	<u>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</u>

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Schedule 2 – Special use zones

No.	Description of land	Special use	Conditions
1.	Lot 104 Sandplain Road, Toodyay	Health care resort, including residential buildings, conference facilities, dwelling and other buildings and uses approved by local government as being consistent with the primary intent of the zone.	Site development subject to local government development approval in accordance with approved site plans and any conditions imposed under development approval, including controls on building design and construction and landscaping.
2.	Pt. Avon Loc 27620	Private Recreation and Caravan Park	Development for a Caravan Park shall comply in all respects with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> .
3.	Lot 89 Church Gully Road, Toodyay	Abattoir	Nil.
4.	Avon Location 27443 Toodyay Road	Trout farm/fish out and associated facilities, restaurant, picnic area and holiday resort.	In accordance with a concept plan approved by local government with all required septic tanks, leach drains or other such installations for on-site disposal of sewerage effluent or wastes not being constructed closer than thirty (30) metres from a watercourse or stream and not within land subject to flooding.
5.	Lots 111, 115, 117 & 118 Clackline Toodyay Road DELETED _____ 2018	Emu farm, tannery and workshop showroom. Rural Use.	1. Art & Craft Gallery, eating facility, and accommodation units. 2. Tannery use subject to approval of the EPA.
6.	Lots 340, 641, Avon Loc 1677 Julimar Road Tannahil Tourism and Holiday Complex.	Uses permitted subject to local government approval: <ul style="list-style-type: none"> • Rural Pursuit • Equestrian Centre • Holiday Accommodation • Restaurant • Private recreation • Seminary facilities • Wildlife Park 	Uses subject to conformity with an approved site structure plan, and prior to determination of development applications for the abovementioned uses, local government shall consider the following issues – <ol style="list-style-type: none"> 1. Provision of a suitable water supply for firefighting purposes; 2. Provision of a low fuel area in the vicinity of buildings or areas requiring protection from fire; 3. Provision of a strategic firebreak on the subject land; 4. Provision of a Foreshore Management Deed of Agreement covering an area of approximately 15 metres in width from the top of the bank either side of the Phillips Brook;

No.	Description of land	Special use	Conditions
			5. The disposal of domestic sewerage and any related requirements of the Department of Health of WA.
7.	Pt Avon Loc V, Northam Toodyay Road	Toodyay Baptist Church for Religious Purposes, Church Dwelling and ancillary uses.	In accordance with the Concept Plan approved by local government.
8.	<p>9. Lots 16, 802 and 803, Wattening Spring Road, Wattening Avon Locations 71, 217, 1069 and 399 Wattening Springs Road, Toodyay</p>	<p>As a discretionary ('D') use:</p> <ul style="list-style-type: none"> • <u>Tourist Development</u> • <u>Cabin</u> • <u>Caretaker's dwelling</u> • <u>Chalet</u> • <u>Holiday accommodation</u> • <u>Holiday house</u> <p>and any other land uses that the local government considers consistent with the intent of this zone. Uses permitted subject to local government approval:</p> <ul style="list-style-type: none"> • 24 hour tourist getaway • Caretaker's Dwelling 	<p><u>The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services.</u></p> <ol style="list-style-type: none"> <u>1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval.</u> <u>2. Development is address, but not limited to, the following matters:</u> <ol style="list-style-type: none"> <u>(a) Setbacks, as determined by local government; and</u> <u>(b) The location of on-site tourism and management facilities across the site; and</u> <u>(c) Access and traffic management for the site, including:</u> <ul style="list-style-type: none"> • <u>providing safe legal ingress and egress to the development site from a constructed public road;</u> • <u>provision of any required road upgrades and/or construction to the satisfaction of the local government;</u> • <u>provision of car parking;</u> • <u>internal vehicle access and circulation; and</u> • <u>pedestrian access across the site.</u> <u>(d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and</u> <u>(e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site.</u> <u>3. Development is to be provided with the following servicing arrangements:</u> <ol style="list-style-type: none"> <u>(a) A sustainable water supply that is sufficient for the intended use; and</u> <u>(b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use;</u>

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No.	Description of land	Special use	Conditions
			<p>(c) On-site effluent disposal in accordance with relevant State policy and health requirements;</p> <p>(d) Provision for waste management.</p> <p>4. No permanent residential accommodation is permitted in the Special Use zone, except for a caretaker's dwelling.</p> <p>—The above development conditions (2-4) may be varied at the discretion of the local government and on the advice of any relevant referral agency. Uses subject to conformity with an approved site structure plan, and prior to determination of development applications for the abovementioned uses, local government shall consider the following issues—</p> <ol style="list-style-type: none"> 1. The construction of two large pergola structures only; 2. The use of compost toilets in accordance with relevant Health Regulations; 3. Any swimming pool/spa being constructed in accordance with relevant Health Regulations; 4. Shower and washing facilities being constructed in accordance with relevant Health requirements with wastewater being relocated to a suitable disposal area away from water surfaces to address potential environmental impacts; 5. A maximum of forty (40) people being accommodated on site at any one time excluding staff; 6. Accommodation facilities to be relocatable to minimise impact to the environment; 7. Any dwelling to be constructed on site to be located on the higher ground in order to prevent adverse environmental impacts on the existing water courses; 8. A singular vehicle entry only from Wattening Springs Road; 9. No private client vehicles to be allowed on site with the exception of authorised bus transportation of clients; 10. Walkways to be constructed to minimise potential adverse impacts to the environment; 11. No motor cycles to be allowed on site with the exception of agricultural or maintenance vehicles;

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No.	Description of land	Special use	Conditions
			<p>12. Agricultural stock to be located so as to minimise potential impacts on the environment and existing water courses;</p> <p>13. Perennial water courses to be fenced off and strategically grazed for fire hazard reduction;</p> <p>14.5. On site fire places and barbeque facilities to be constructed to the satisfaction of the local government.</p>
10-9.	Reserve 46058, Lot 298 Folwood Road, Toodyay.	Religious Purposes and Ancillary Purposes (Toodyay Congregation of Jehovah's Witnesses)	Development shall be generally compatible with the objectives of the adjoining zones.
11-10	Avon Loc 463 Julimar Road	Boutique microbrewery and chalets	Site development subject to local government's development approval in accordance with approved site plans and any conditions imposed under the development approval, including controls on building design and construction, and landscaping.
12-11	Lot 525 Nerramine Drive, Julimar	Restaurant, winery, chalets, single dwelling and rural use	<p>Uses may be approved at discretion of Council, following, if deemed necessary by Council, an advertising period of not less than 21 days. Consideration will be given to the following when determining a development application for the site, to ensure the proposal is in keeping with the rural nature of the area –</p> <ol style="list-style-type: none"> 1. Building design and location 2. Construction materials 3. Landscaping 4. Floor area, opening hours and capacity of the restaurant 5. Number of chalets 6. Traffic movements 7. Offsite impacts.
13-12	Lot 1 Salt Valley Road, Hoddys Well	Landfill – Class 1 Waste Only	<ol style="list-style-type: none"> 1. Operation of landfill on Lot 1 is to be in accordance with the management plans contained in <i>Rehabilitation of Clay Pit Lot 1 Salt Valley Road, Toodyay</i> prepared by Landform Research, July 2004. 2. The landfill is to be confined to that part of Lot 1 that has been used for an extractive industry and such adjacent land as is required for operation

No.	Description of land	Special use	Conditions
			<p>of landfill as identified in the management plans referred to in paragraph (1).</p> <p>3. Unless otherwise in accordance with the management plan referred to in paragraph (1), existing vegetation is not to be removed from the operation of landfill.</p> <p>4. Tyres, asbestos and putrescible waste may not be disposed of at the landfill facility.</p>
14-13	Lot 5 Dumbarton Road, Toodyay	Chalet Development, shop, restaurant and seminar facilities.	<p>Uses are permitted subject to the following conditions –</p> <p>1. Subject to a structure plan being adopted by the Western Australian Planning Commission prior to consideration of development approval. The design, character and scale of development shall be in keeping with the objectives of the Rural zone. In considering an application for development approval, the local government will have particular regard to landscaping, servicing and amenity.</p> <p>2. Each additional use requires development approval of the local government.</p> <p>3. No more than six (6) chalets being developed on site.</p> <p>4. The additional use of 'shop' shall not exceed a maximum gross leasable area of 100m², and will be restricted to the sale of craft goods, souvenirs and other tourism related products.</p> <p>5. The seminar facility is to be developed for no more than 50 persons. Licensing of this development would ensure this could be regulated.</p>
15-14	Lot 11 Chitty Road, Toodyay	<p>To provide for –</p> <p>1. Waste Disposal and treatment</p> <p>2. Rural Uses</p>	<p>1. Development of the site is to be in accordance with SAT Decision [2013] WASAT88 in regard to Matter Number DR292 2012, approval date 13 June 2013. The approval is personal to Opal Vale Pty Ltd and includes 28 conditions that apply to the 20ha Class II landfill, with the balance 599ha to be used for rural purposes; and</p> <p>2. As per the requirements for the "Rural" zone.</p>
16-15	Lots 44, 45, 46 and 67 Stirling Terrace and Lot 300 Goomalling Toodyay Road 1, 2, 3, 4 and 5 on	<p><u>Roman Catholic Church Group heritage site</u></p> <p><u>As 'P' uses</u></p>	<p><u>1. As part of an application for development approval, the application should provide sufficient information to address the following matters:</u></p> <p><u>a) Where deemed necessary by the local government, considering the scope of work proposed, impacts on the heritage and cultural</u></p>

No.	Description of land	Special use	Conditions
	<p><u>DP415396, Toodyay (Roman Catholic Church Group of Buildings)-</u></p>	<ul style="list-style-type: none"> • <u>Exhibition Centre</u> • <u>Home Office</u> <p>As Discretionary 'D' uses</p> <ul style="list-style-type: none"> • <u>Art Gallery</u> • <u>Arts and Crafts Centre</u> • <u>Carpark</u> • <u>Child Care Premises</u> • <u>Cinema/Theatre</u> • <u>Civic Use</u> • <u>Club Premises</u> • <u>Community Purpose</u> • <u>Consulting Rooms</u> • <u>Emergency Services</u> • <u>Family Day Care</u> • <u>Funeral Parlour</u> • <u>Home Business</u> • <u>Home Occupation</u> • <u>Home Store</u> • <u>Industry - Cottage</u> • <u>Medical Centre</u> • <u>Office</u> • <u>Place of Worship</u> • <u>Reception Centre</u> • <u>Recreation - Private</u> • <u>Recreation - Public</u> • <u>Research Centre</u> • <u>Residential Building</u> • <u>Restaurant / Café</u> 	<p><u>significance of the precinct in the form of a Heritage Impact Assessment prepared by a suitably qualified person;</u></p> <p><u>b) Suitability of building design, materials, bulk and scale of development considering the heritage significance of the place; and</u></p> <p><u>c) Suitability of access, car parking and any traffic impacts;</u></p> <p><u>2. All proposed development is to be in accordance with the General Toodyay Town Centre Precinct Special Control Area (SCA3) and any relevant local planning policies.</u></p> <p><u>3. Fencing between lots should be permeable to ensure buildings are kept as a heritage group.</u></p> <p>4. The density of residential development shall be R10/R50. The local government will only permit development to occur at the R50 density coding if the land can be connected to reticulated sewer services. Prior to the submission of an application for development approval, a local development plan for the land is to be prepared and approved by the local government.</p> <p>2. The local development plan should provide sufficient information to address the following matters—</p> <p>(a) Impacts on the heritage and cultural significance of the precinct in the form of a Heritage Impact Assessment prepared by a suitably qualified person;</p> <p>(b) Suitability of building design, materials, bulk and scale of development;</p> <p>(c) Suitability of access, car parking and any traffic impacts;</p> <p>(d) Environmental impacts, including flooding; and</p> <p>(e) Foreshore management and access.</p> <p>3. All proposed development is to be in accordance with the Town Centre Special Control Area and any relevant local planning policies.</p> <p>4.1. Fencing of lots between heritage buildings will generally not be permitted, unless the fencing is designed to allow ongoing pedestrian access.</p>

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No.	Description of land	Special use	Conditions
		<ul style="list-style-type: none"> • <u>Shop</u> • <u>Single House</u> • <u>Telecommunication Infrastructure</u> <u>As Discretionary 'A' uses</u> • <u>Aged/Dependent Persons Dwelling/s or Establishment</u> • <u>Ancillary Dwelling</u> • <u>Bed and Breakfast</u> • <u>Caravan Park</u> • <u>Caretaker's Dwelling</u> • <u>Educational Establishment</u> • <u>Grouped Dwelling</u> • <u>Holiday Accommodation</u> • <u>Holiday House</u> • <u>Hospital</u> • <u>Nursing Home</u> • <u>Tourist Accommodation</u> • <u>Tourist Development</u> • <u>Veterinary Centre</u> <p>The intent of this zone is to provide for redevelopment of the precinct, in a manner that retains the heritage values of the site and allows for continued connection between the buildings.</p>	

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No.	Description of land	Special use	Conditions
		<p>Uses permitted subject to local government development approval:</p> <ul style="list-style-type: none"> • Art gallery • Bed and breakfast • Community purpose • Exhibition centre • Grouped dwelling • Holiday house • Home business • Home occupation • Home office • Industry cottage • Office • Place of worship and ancillary uses • Restaurant/cafe • Single house • Consulting rooms; • Tourism accommodation. 	

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Schedule 3 – Special control areas

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
SCA1 – Infrastructure Toodyay Bypass Special Control Area	To protect future residential development from traffic noise impacts associated with the Bypass.	<ol style="list-style-type: none"> 1. Development approval is required to construct or extend a single house and ancillary outbuilding. 2. The local government will require an assessment of traffic noise levels from the Toodyay Bypass to be undertaken and suitable noise mitigation measures to be investigated and proposed as part of rezoning, development and subdivision applications. 	In considering rezoning, development or subdivision applications, the local government will have regard to the potential impact of the Bypass on future residential amenity.
SCA2 – Flood & Landscape Avon River Special Control Area	<ol style="list-style-type: none"> 1. To preserve the ecological values of the Avon River as a significant drought refuge for freshwater fishes and water birds. 2. To avoid development that would negatively impact upon the ecological values of the area. 3. To protect the natural and rural landscape character of the area, as integral to the river's value for recreation and tourism. 	Development approval is required to construct or extend a single house and ancillary outbuilding.	<ol style="list-style-type: none"> 1. In considering any rezoning request, subdivision or development application, the local government will have due regard for the following – <ol style="list-style-type: none"> (a) There is a general presumption against rezoning of land within the area for more intensive land uses. (b) The local government may consider supporting subdivision applications within the area if – <ol style="list-style-type: none"> (i) the subdivision is consistent with an approved Structure Plan and/or policies of the Western Australian Planning Commission; (ii) subdivision is for boundary realignment, amalgamation or creation of a reserve for conservation purposes that will not create the potential for additional development within the floodplain area;

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
	<p>4. To ensure that land use in the area, including grazing, cultivation and recreational activities does not degrade the area.</p> <p>5. To ensure that any development takes place in a manner that safeguards the welfare of people in the area. To ensure that future infrastructure development does not impact the environment.</p>		<p>(iii) a visual landscape impact assessment indicates that natural and rural landscape character can be maintained and there will be no impact on the recreation experience for valley users;</p> <p>(c) There is general presumption against new development that would be visible to the public west of the intersection of River Road and Cobbler Pool Road, as seen from Cobbler Pool Road, passenger trains, watercraft and riverside recreation areas.</p> <p>2. Development applications for land within the area will not be supported where the development may result in an obstruction to major river flows and increase flood levels upstream.</p> <p>3. Development applications for intensive agricultural activities will be referred to relevant authorities to assess the potential impacts on the environment and/or river flows.</p> <p>4. Development applications within the floodplain will be subject to a minimum habitable floor level of 0.50 metres above the predicted 1 in 100 year flood level as determined by the Department of Water and Environmental Regulation to provide adequate protection from major flooding events.</p> <p>5. Community facilities may be permitted within the floodplain subject to advice from any relevant authority that such public works or development can be designed and located in a manner so as to minimise flood risks, property damage and obstruction to the river flow.</p>

Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
SCA3 – General Toodyay Town Centre Precinct Special Control Area	To promote the Toodyay Town Centre as the District Service Centre of the Shire by managing development and the heritage significance of the area.	Development approval is required for all development within this special control area.	<ol style="list-style-type: none"> 1. Residential development shall comply with the provisions of the Residential Design Codes, R10/40 density code. Higher density code may be used in accordance with the general provisions of the Scheme. 2. A Heritage Impact Assessment shall accompany all development applications for new buildings, subdivision and substantial additions and alterations. 3. Any application for development, including advertising signage, shall have due regard for the provisions of the Local Planning Policy, which contains design and heritage guidelines for the area. 4. Development incentives may apply to the sustainable reuse of a heritage listed building in regards to lot size, floor space ratio and/or car parking. 5. In considering rezoning, development or subdivision applications, the local government will have regard to the potential impact of the proposal on the amenity of the locality.
<u>SCA4 – Toodyay Wastewater Treatment Plant odour buffer Special Control Area</u>	<u>To minimise the impact of odour on surrounding areas and to protect the operations of the Toodyay WWTP by ensuring that odour sensitive land uses are not established within the odour buffer.</u>	<u>Development approval is required for all development and land use within the Special Control Area.</u>	<p><u>In considering any application for land use or development within the WWTP odour buffer SCA, the local government will have due regard to the following: -</u></p> <ol style="list-style-type: none"> <u>(a) The local government will generally not approve development which is sensitive to odour emanating from the WWTP;</u> <u>(b) The local government will consult the Water Corporation and the Department of Water and Environmental Regulation regarding the proposed development or land use for advice on the proposal</u>

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Name of area	Purpose/ Objectives	Application Requirements	Relevant Considerations
			<p><u>and any conditions that should be imposed on approval.</u></p> <p><u>(c) The local government will have regard to relevant policies including State Planning Policy 4.1</u></p>

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Schedule 4 – Rural Residential areas

No.	Description of Land	Development Requirements
1.	"Rugged Hills" Estate – Lots 23-25 and 67-71 Davies Rd; 21-22, 26, 36-38, 62-66 Dreyer Rd; 205-206 and 233 Flexuosa Place; 19-20, 27-31 and 55 Julimar Road; 32-35 Kane Road; 207-216 and 224-232 Ridley Circle; 46-48 and 99 Weir Road and 52-61, 99, 158, 201-204, 217-219, 220-223 Wilkerson Road, West Toodyay.	<ol style="list-style-type: none"> 1. Notwithstanding Table 4, rural pursuits and the keeping of livestock are not permitted. 2. No further subdivision is permitted.
2.	"Sanctuary Park" Estate – Lots 21-28, 39, 47 and 48 Scaevola Road; 37, 38, 9002, 405 and 58-62 White Gum Ridge; 36, 44-46 and 49-57 Darwinia Crescent; and 29-35 and 40-43 Laterite Way, West Toodyay	<ol style="list-style-type: none"> 1. Notwithstanding Table 4, rural pursuits are not permitted. 2. Livestock may be held on lots west of White Gum Ridge in areas already cleared of natural vegetation at the time of subdivision and wherein slopes are 10% or less. The holding of livestock is permitted for domestic purposes only. That is, stock may be held for the use and enjoyment of landowners, or for the purposes of keeping of growth of grassland (and therefore fire hazard) in check. Commercial stockholding based activities constitute a rural pursuit and therefore not permitted.
3.	"Majestic Heights and Majestic Waters" Estates – Lots 1, 2, 11, 43, 46, 55, 56, 59-68, 70 200 and 201 Stirlingia Drive; Lots 3 Drummond Drive; Lots 9-22 Adenanthus Road; Lots 26 and 28-38 Hibbertia; Lots 14 and 48-54 Hemiandra Place; Lots 1-10 and 71-73 Sesselis Road; Lots 11-13 Hatfield Road, Lots 14-17 Broadgrounds Place and Lot 18 Racecourse Road, Toodyay.	<ol style="list-style-type: none"> 1. Notwithstanding Table 4, the keeping of any animal stock within the subdivisions of Majestic Heights and Majestic Waters is subject to approval of local government on the merits of the proposal. 2. Notwithstanding the provisions of the Scheme, the Western Australia Planning Commission may, after consultation with local government, approve a plan of subdivision where the minimum lot size is less than 2 hectares provided that: <ol style="list-style-type: none"> (a) In any event no less than 1 ha in area. (b) The number of lots permitted does not exceed the number which, in the opinion of the Western Australia Planning Commission and the local government, could otherwise be achieved under the provisions of the Scheme. (c) The surplus area is allocated to public ownership as open space or reserves for the protection of some features of natural, historic and scientific value. (d) The variation in standards is, in the opinion of the Western Australia Planning Commission and the local government, desirable in the interests of enhancing or protecting the natural environment.

No.	Description of Land	Development Requirements
4.	Lots 63 & 64 and Pt Avon Loc o Balgaling Road, Coondle.	Residential use on a lot is not permitted within the 100 metres stream setback area.
5.	Lots 397 and 280 Horseshoe Road and Lot 396 on P225043, West Toodyay.	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with the endorsed Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission and any approved modification thereto. The structure plan shall be based on the Plan dated November 2013 13/041/006A and respond to the fire management plan, local water management strategy and the environmental management plans required to be prepared. 2. Building envelopes are to be shown on the structure plan and be – <ul style="list-style-type: none"> • Located to avoid, as far as practicable, the removal of any native vegetation; • Located in areas of moderate bushfire risk only. No building envelopes are to be located in areas identified as extreme bushfire risk; • Located to allow for on-site effluent disposal and grey water recycling systems, taking into account soil conditions, slope, drainage and vegetation; and • no larger than 2000m². 3. All buildings, including water tanks, on-site effluent disposal and grey water reuse systems, are to be confined to within the identified building envelopes for each lot unless a more appropriate location can be found and development approval is obtained from the local government. 4. The subdivider shall prepare a Bushfire Management Plan in accordance with <i>the Guidelines for Planning in Bushfire Prone Areas</i> that identifies the need for any construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the satisfaction of the local government and the Department of Fire and Emergency Services. 5. Roads and emergency access ways are to be constructed at the first stage of subdivision to provide two access options to the external road system, in accordance with <i>the Guidelines for Planning in Bushfire Prone Areas</i>. 6. Upgrading of the existing fire tank/ firefighting equipment on Horseshoe Road to allow it to service additional lots created through subdivision is to be undertaken at the first stage of subdivision.

No.	Description of Land	Development Requirements
		<p>7. The lots are bushfire prone and all dwellings must be constructed to Australian Standard 3959-2009 (as updated). A bushfire attack level assessment satisfactorily addressing the level of bushfire hazard applying to the land is required to be submitted.</p> <p>8. Clearing of vegetation is only to be undertaken in accordance with the approved structure plan. Clearing of areas not identified in the structure plan for this purpose is not permitted without the development approval of the local government.</p> <p>9. The subdivider shall prepare a local water management plan to the satisfaction of the local government and the Department of Water and Environmental Regulation.</p> <p>10. At development stage, a minimum combined roof area of 4,05m² is required in order to harvest rainwater for potable use. Each dwelling shall have a water tank with a minimum size of 120,000 litres, with 10,000 litres in the tank to be kept in reserve for firefighting purposes and fitted with standard firefighting fitting and valves.</p> <p>11. Each dwelling is to be fitted with a Department of Health approved grey water recycling system, installed to the satisfaction of the local government. Bore water, dams or additional roof catchment may be used as supplementary non-potable water sources, to the satisfaction of the local government.</p> <p>12. Prior to subdivision, the subdivider shall prepare an Environmental Management Plan, to the satisfaction of the local government, in consultation with the Department of Biodiversity Conservation and Attractions, which shall include –</p> <ul style="list-style-type: none"> • A cockatoo and chuditch management plan; • Identification of key cockatoo habitat locations; • Identify fencing types and locations, to allow for the movement of fauna between vegetated areas; • Areas of native vegetation to be retained and preserved; • The location and means of protection of declared rare flora (if any). <p>13. The approved Bushfire Management Plan, Environmental Management Plan and Local Water Management Plan shall be implemented prior to the subdivision of the land.</p> <p>14. At subdivision stage, notification pursuant to Section 70A of the <i>Transfer of Land Act</i> to be included on titles to ensure that the purchasers are aware that –</p>

No.	Description of Land	Development Requirements
		<ul style="list-style-type: none"> • No reticulated water supply is available and the landowner will be responsible for the provision of a potable water supply in accordance with the Scheme requirements; • 405m² of roof catchment is to be constructed at development stage; • each dwelling is required to be fitted with a Department of Health approved grey water recycling system, installed to the satisfaction of the local government; • The lot is surrounded by an area of extreme bushfire risk; • A Bushfire Management Plan has been prepared for the site and the ongoing implementation of the plan will be the responsibility of the landowner; and • An Environmental Management Plan has been prepared for the site and the ongoing implementation of the plan will be the responsibility of the landowner. <p>15. The keeping of livestock is not permitted.</p>
6.	Lots 2, 5-7 and 108 Fitzgerald Terrace, West Toodyay.	<ol style="list-style-type: none"> 1. No further subdivision is permitted. 2. The keeping of livestock is not permitted.

Schedule 5 – Rural Smallholdings areas

No.	Description of Land	Development Requirements
1.	Lot 5628 Julimar Road, West Toodyay	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with a Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission and any approved modifications thereto. 2. All buildings including water tanks and on-site effluent disposal systems, are to be confined to within the identified building envelopes for each lot unless detailed site specific investigations identify a more appropriate location within the respective lot and outside any tree preservation areas, and development approval is obtained from the local government. All building envelopes shall be – <ul style="list-style-type: none"> • Shown on the Structure Plan; • Located to avoid, as far as practicable, the removal of any native vegetation or any area recognised for tree or landscape preservation on the Structure Plan; • Located to exclude areas identified as low capability for residential purposes; • A maximum of 2,000m² in size unless otherwise approved by local government. 3. Each dwelling shall have a minimum water supply of 120,000 litres of which 10,000 litres is to be kept in reserve for firefighting purposes and fitted with standard firefighting fittings and valves. 4. The subdivider shall prepare and implement a Bushfire Management Plan prepared in accordance with <i>the Guidelines for Planning in Bushfire Prone Areas</i> that identifies the need for any construction requirements relative to strategy firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the government and the Department of Fire and Emergency Service. 5. The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes.
2.	Lots 1, 2, 7, 8, 10 to 20, 51, 530 to 531, Julimar Road; Lot 7 Plunkett Road; Lots 500, 520 to 524, 526 to 529, 532 to 534 Nerramine Drive; and Lots 503 to 508, 511 to 519, 535 Timberden Drive, Julimar from Rural to Rural Smallholdings.	<ol style="list-style-type: none"> 1. No further subdivision is permitted. 2. The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes.

Schedule 6 – Car parking requirements

Land Use	Minimum Number of Car Parking Spaces Required	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces
Residential Uses			
Permanent Residential Accommodation (Aged or Dependent Persons Dwelling; Caretaker's Dwelling; Family Day Care; Grouped Dwelling; Holiday House; Home Occupation; Multiple Dwelling; Residential Building)	As per R-Codes	As per R-Codes	2 for every 15 car parking spaces
Home Based (Bed and Breakfast; Home Business / Occupation; Rural Home Business)	As per R-Codes plus 1 bay	Nil	Nil
Commercial Uses			
Entertainment (Night Club; Small Bar; Tavern; Amusement Parlour)	1 space per 3m ² counter/queuing area and 1 space per 5m ² of seating area.	1 per 100m ² Minimum of 2 spaces	2 for every 15 car parking spaces
Health Care and Medical (Consulting Rooms; Medical Centre; Veterinary Centre)	4 per practitioner for the first 2 practitioners and 2 spaces per practitioner thereafter.	1 space per 4 practitioners	2 for every 15 car parking spaces
Child Care Premises	1 per staff member plus 1 per 5 children accommodated.	1 space	2 for every 15 car parking spaces
Office	1 per 50m ² NLA	1 per 500m ² NLA Minimum 2 spaces	2 for every 15 car parking spaces
Commercial (Bulky Goods Showroom; Dry Cleaning Premises / Laundromat; Garden Centre; Machinery Sales;	1 per 50m ² NLA	1 space per 1,000m ² NLA Minimum 2 spaces	2 for every 15 car parking spaces

Land Use	Minimum Number of Car Parking Spaces Required	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces
Motor Vehicle Wash; Motor Vehicle, Boat or Caravan Sales)			
Retail Uses			
Shopping (Convenience Store; Liquor Store; Market; Shop)	1 per 20m ² NLA	1 per 150m ² NLA Minimum 2 spaces	2 for every 15 car parking spaces
Food & Beverage (Reception Centre; Tearooms; Restaurant / Café; Brewery; Winery)	1 per 5m ² of seating area plus tavern requirement if drinking area provided.	1 per 100m ² NLA Minimum 2 spaces	2 for every 15 car parking spaces
Fast Food Outlet / Lunch Bar	1 per 4 patrons plus (if applicable) 10 drive-through stack bays	1 per 50m ² NLA Minimum 2 spaces	2 for every 15 car parking spaces
Tourism Uses			
Accommodation (Holiday Accommodation; Hotel; Motel; Serviced Apartments; Tourist Development)	1 per room plus tavern requirement if drinking or public dining provided.	In accordance with tavern requirement if drinking or public dining provided.	2 for every 15 car parking spaces
Civic, Cultural and Community Uses			
Exhibition and Entertainment (Cinema / Theatre; Club Premises; Exhibition Centre; Place of Worship; Recreation – Private)	1 per 4 patrons or 1 per 50m ² NLA, whichever is greater	1 per 100m ² of seating area Minimum of 2 spaces	2 for every 15 car parking spaces
Industrial Uses			
General Industry (Fuel Depot; Industry; Salvage Yard; Transport Depot)	1 per 100m ² NLA	Nil	Nil
Light & Service Industry	1 per 75m ² NLA	Nil	Nil

Commented [JG2]: delete?

Land Use	Minimum Number of Car Parking Spaces Required	Minimum Number of Visitor / Patron Bicycle Parking Spaces	Minimum Number of Motorcycle / Scooter Parking Spaces
(Funeral Parlour; Industry – Light; Motor Vehicle Repair / Wreckers; Service Station; Trade Display / Supplies; Warehouse / Storage)			
Resources Industry (Industry – Extractive, Mining Operations)	1 per staff member	Nil	Nil
Rural Uses			
Agricultural (Abattoir, Agriculture – Extension / Intensive; Animal Establishment, Animal Husbandry – Intensive; Rural Pursuit / Hobby Farm; Tree Farm; Renewable Energy Facility)	1 per staff member	Nil	Nil
Workforce Accommodation	1 per 2 bedrooms	Nil	Nil
Other Uses			
Uses not listed in this Schedule	As determined by the local government		

Note: Parking ratios shall be calculated based on the floor area of the development. Where parking ratios require a fraction of a space, it must be rounded up to the nearest higher whole number (with the exception of motorcycle / scooter parking spaces).

Schedule 7 – Exempt advertisements

Land Use and/or Development	Exempted Sign	Maximum Size
Dwellings	One professional name-plate as appropriate.	0.2m ²
All classes of buildings other than single dwellings, including holiday houses.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Home Business, Home Occupation & Rural Home Business	One advertisement describing the nature of the home occupation.	0.4m ²
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not applicable.
Shops, Showrooms and other commercial uses in the Commercial, Service Commercial & Mixed Use zones.	<p>A sign face area per building on a lot, strata lot, survey strata lot or tenancy that is a –</p> <ul style="list-style-type: none"> • awning fascia sign, • canopy sign, • created awning line sign, • footway sign, • plate sign, • stallboard sign, • under awning sign, or • wall sign; <p>applied to or affixed to a building, boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; and displaying the name, logo, slogan, function and/or the activities of the premises/ land use upon which the signage/ advertisement is displayed.</p>	<p><i>Primary street frontage:</i> The sign face area of all signage/ advertisements in the primary street frontage is equal to the length of the lot, strata lot, survey strata lot or tenancy frontage plus 10 metres, divided by two (2), expressed in square metres accordingly – $(\text{Primary street frontage length} + 10 \text{ m}) / 2 = \text{Maximum area in m}^2$</p> <p><i>Secondary street frontage:</i> The sign face area of all signage/ advertisements in the secondary street frontage is equal to the length of the lot, strata lot, survey strata lot or tenancy frontage divided by four (4), expressed in square metres accordingly – $\text{Secondary street frontage length} / 4 = \text{Maximum area in m}^2$</p>

Land Use and/or Development	Exempted Sign	Maximum Size
	A-Frame signs where they do not obstruct the footpath and are only displayed during operating hours directly adjacent to the premises; and displaying the name, logo, slogan, function and/or the activities of the premises/ land use upon which the signage/ advertisement is displayed.	Not exceeding 300mm in height and width.
Industrial and Warehouse Premises in the Light Industrial, Service Industrial and Mixed Use zones.	<p>A sign face area per building on a lot, strata lot, survey strata lot or tenancy that is a –</p> <ul style="list-style-type: none"> • awning fascia sign, • canopy sign, • plate sign, • stallboard sign, • under awning sign, or • wall sign; <p>applied to or affixed to a building, or boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; and displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.</p>	<p>The total sign face area of all signage / advertisements do not exceed a maximum of 15m² per street frontage of a lot, strata lot, survey strata lot or tenancy.</p>
	A maximum of one (1) free standing sign / advertisement (pylon sign) per lot, for shared use by all tenancies, displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.	<p>Any free standing advertisement/ signage (pylon sign) on a lot –</p> <ul style="list-style-type: none"> • not exceeding a maximum sign face area of 5m²; and • not exceeding a maximum of 6 metres in height above natural ground level.
	A sign face area per building on a lot, strata lot, survey strata lot or tenancy that is a –	The total sign face area of all signage / advertisements do not exceed a maximum of

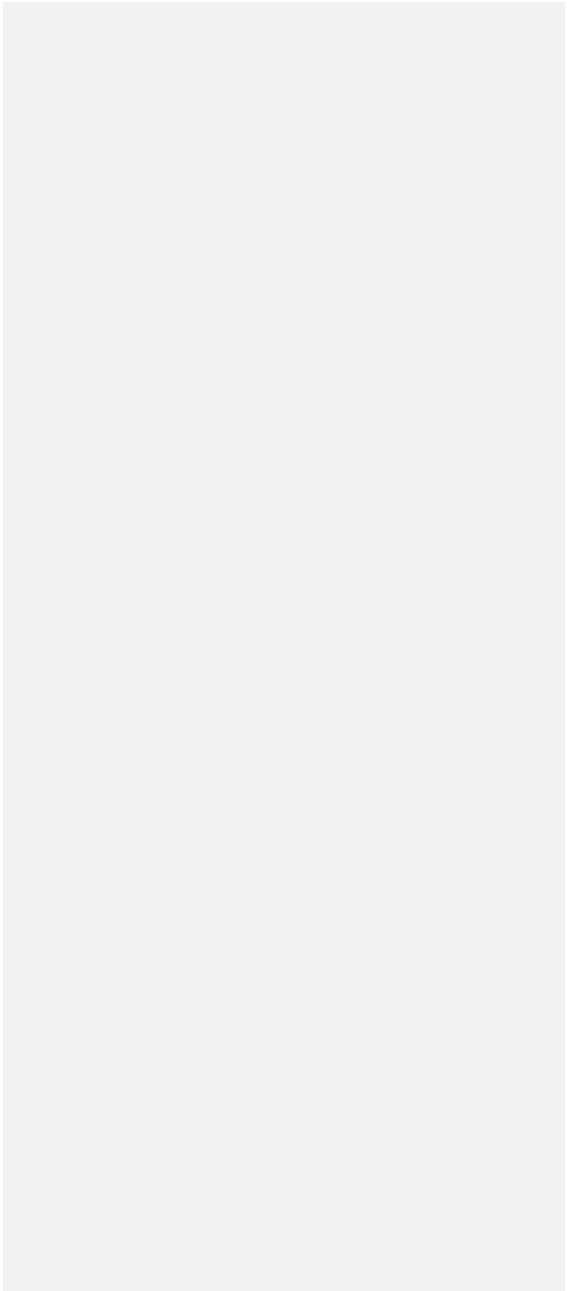
Land Use and/or Development	Exempted Sign	Maximum Size
Fuel depot, service station and/ or transport depot in the Commercial, Service Commercial or Light Industry zones.	<ul style="list-style-type: none"> awning fascia sign, canopy sign, plate sign, under awning sign, or wall sign; <p>applied to or affixed to a building, or boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; and</p> <p>displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.</p>	15m ² per street frontage of a lot, strata lot, survey strata lot or tenancy.
	A maximum of one (1) free standing sign / advertisement (pylon sign) per lot, for shared use by all tenancies thereon, displaying the name, logo, slogan, function and/or the activities of the premises / land use upon which the signage / advertisement is displayed.	<p>Any free standing advertisement / signage (pylon sign) on a lot –</p> <ul style="list-style-type: none"> does not exceed a maximum sign face area of 5m²; does not exceed a maximum of 6 metres in height above natural ground level.
Places of Public Meeting, Assembly or Worship.	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Racecourses, sports grounds and recreational complexes.	All signage / advertisements provided that, in each case, the sign / advertisement is not visible from outside of the premises, either from other private property, land reserved for public purposes or a public street.	Not applicable.
Temporary signage / advertisements for – <ul style="list-style-type: none"> building construction (displayed on a development site only for the duration of the construction period), or 	<p>A maximum of one sign/advertisement per street frontage of a lot, strata or survey strata lot that is a –</p> <ul style="list-style-type: none"> awning fascia sign, canopy sign, 	<p>Single and grouped dwellings:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of 2.2m² per street frontage of a lot, strata lot or survey strata lot.</p>

Land Use and/or Development	Exempted Sign	Maximum Size
<ul style="list-style-type: none"> real estate and property transaction (displayed on a property for sale or lease for the duration of the period over which property transactions are offered and negotiated); local events, garage sales and the like for the duration of the event and removed within 1 week of the event; the incidental sale of goods or livestock by auction on the property displayed for a period not exceeding 30 days within one calendar year. 	<ul style="list-style-type: none"> plate sign, under awning sign, or wall sign; <p>applied to or affixed to a –</p> <ul style="list-style-type: none"> building, or boundary fence or wall within the primary street setback area up to a maximum of 1.2 metres in height above natural ground level; <p>displaying the –</p> <ul style="list-style-type: none"> name and details of the project and the name and logo of the developer and/or builder, or name, slogan and/or logo of the estate agent and the details relating to the sale, leasing or auctioning of the property upon which the signage / advertisement is displayed. 	<p>Multiple dwellings, commercial and industrial buildings up to 12 metres in height above natural ground level:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of 5m² per street frontage of a lot, strata lot or survey strata lot.</p> <p>Multiple dwellings, commercial or industrial buildings greater than 12 metres in height above natural ground level and rural properties in excess of five (5) hectares:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of 10m² per street frontage of a lot, strata lot or survey strata lot.</p> <p>Rural land:</p> <p>Any signage / advertisement do not exceed a maximum sign face area of 2m² per street frontage of a lot, strata lot or survey strata lot.</p>

Schedule 8 – Development Contribution Areas

There are no Development Contribution Areas that apply to the Scheme.

DRAFT



COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the Council of the Shire of Toodyay at the Ordinary Meeting of Council held on the 28th day of August 2018.

CHIEF EXECUTIVE OFFICER

SHIRE PRESIDENT

DRAFT

COUNCIL RESOLUTION TO SUPPORT / NOT SUPPORT* SCHEME FOR APPROVAL

Council resolved to support / not support* approval of the draft Scheme of the Shire of Toodyay at the [INSERT MEETING TYPE] Meeting of Council held on the [DATE]

The Common Seal of the Shire of Toodyay was hereunto affixed by authority of a resolution of the Council in the presence of:

CHIEF EXECUTIVE OFFICER

SHIRE PRESIDENT

WAPC Recommended for Approval

Delegated under S.16 of the *Planning and Development Act, 2005*

Date: _____

Approval Granted

MINISTER FOR PLANNING

Date: _____

Schedule of Submissions Draft Shire of Toodyay Local Planning Scheme No. 5

Note: All submissions are noted, however the terminology of “Dismiss”, “Upheld”, or “Partially Upheld” is typically used for recommendations to the Western Australian Planning Commission (WAPC). In the Council’s Recommendation column, if a submission is only “Noted”, it does not make it clear to the WAPC whether the Council agrees or does not agree with the submission. If a submission is “Upheld”, it means that Council agrees that the amendment should be modified as a result of the submission. If a submission is “Dismissed”, it means that no modifications are recommended.

No.	Name/Address	Summary of Submission	Council’s Comments	Council’s Recommendation								
1	Statewest Planning on behalf of the owner of 480 Julimar Road, West Toodyay (postal address supplied)	<ul style="list-style-type: none"> Seeks Council’s support for an Additional Use to be applied to the site of Lot 1 (480) Julimar Road, West Toodyay: ‘Holiday Accommodation’ (allocating it as a ‘D’ use) in the proposed Local Planning Scheme No 5 for the following reasons: <ul style="list-style-type: none"> It is currently reserved for parks and recreation but is privately owned. It is proposed to be zoned Residential R2.5 (which the owner has no objection to), but its subdivision potential is limited by: <ul style="list-style-type: none"> Its configuration; Its environmental values; Its extensive frontage to the Avon River (in the context of its total lot size); and The Special Control Area affecting its western (riverfront) portion. 	<ul style="list-style-type: none"> Agree Lot 1 (480) Julimar Road, West Toodyay is currently classified as a local scheme reserve (PR Recreation and Conservation: Parks and Recreation), possibly an anomaly in LPS4; Existing development on Lot 1 includes a single dwelling and associated structures; Lot 1 is proposed to be zoned Residential R2.5 in LPS5; Lot 1 is located on the banks of the Avon River with scenic views; Lot 1 is impacted by Special Control Area 2 in LPS5 (Flood Prone Area); and The submission is supported on the basis that the additional use will facilitate the orderly planning and development of the area in a manner that respects the character and environmental values of the area, and will be responsive to the current and future community needs and aspirations. 	<ul style="list-style-type: none"> That the submission be upheld through modification of LPS5 (as advertised) as follows: <ul style="list-style-type: none"> <u>Text Modifications</u> Under Schedule 1 – Additional Uses, add the following: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Additional use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>Lot 1 (480) Julimar Road, West Toodyay</td> <td>Holiday Accommodation</td> <td>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</td> </tr> </tbody> </table> <u>Map Modifications</u> Modify the Scheme Map (Map 3) by adding annotation “A12” to Lot 1 (480) Julimar Road, West Toodyay 	No.	Description of land	Additional use	Conditions	12	Lot 1 (480) Julimar Road, West Toodyay	Holiday Accommodation	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
No.	Description of land	Additional use	Conditions									
12	Lot 1 (480) Julimar Road, West Toodyay	Holiday Accommodation	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.									
2	Leslie and Kevin Hug – owners of Toodyay Caravan Park located at 122 Railway Road, Toodyay (postal address supplied)	<ul style="list-style-type: none"> Seeks Council’s support for an Additional Use: Caravan Park be applied to Lots 20, 23 and 24, (122) Railway Road, Toodyay The Caravan Park is being referenced as "Residential" and not acknowledged as a ‘Caravan Park’ 	<ul style="list-style-type: none"> Agree Including ‘Caravan Park’ as an Additional Use on the lots will alleviate any non-conforming uses; and The submission is supported on the basis that the existing caravan park in this location is compatible with adjoining land uses and will not compromise the likely future amenity of the locality. 	<ul style="list-style-type: none"> That the submission be upheld through modification of LPS5 (as advertised) as follows: <ul style="list-style-type: none"> <u>Text Modifications</u> Under Schedule 1 – Additional Uses, add the following: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Additional use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>13</td> <td>Lots 20, 23 & 24 (122) Railway Road, Toodyay</td> <td>Caravan Park</td> <td>The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</td> </tr> </tbody> </table> 	No.	Description of land	Additional use	Conditions	13	Lots 20, 23 & 24 (122) Railway Road, Toodyay	Caravan Park	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
No.	Description of land	Additional use	Conditions									
13	Lots 20, 23 & 24 (122) Railway Road, Toodyay	Caravan Park	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.									

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation								
				<ul style="list-style-type: none"> ➤ <u>Map Modifications</u> Modify the Scheme Map (Map 4) by adding annotation "A13" to Lots 20, 23 & 24 (122) Railway Road, Toodyay 								
3	Roderick and Marie-Anne Cant, owners of Lot XXX (postal address supplied)	<ul style="list-style-type: none"> • Questions how the Shire intends to protect residents of Julimar from disturbances and off-site impacts caused by mining exploration, mine development and mining operations 	<ul style="list-style-type: none"> • Noted • The current Scheme does not distinguish between mining operations determined by the Department of Mines, Industry Regulation and Safety under the <i>Mining Act 1978</i>, or by the local government or a development assessment panel under the <i>Planning and Development Act 2005</i>. <p>The inclusion of mining operations in the zoning table of Draft LPS5 is intended to be used to 'trigger' the consultation process outlined in section 120(2) of the <i>Mining Act 1978</i>. Accordingly, 'Mining Operations' was expressly included in the zoning table of Draft LPS5 as a discretionary use. This will allow the local government to advise the Minister for Planning and the Minister for Mines and Petroleum that proposed mining operations may conflict with the local planning scheme.</p> <p>'Mining Operations on Minerals to Owner' land is an 'A' use for 'Rural' zone, and an 'X' use for all other zones. It is a key aim of LPS5 to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process.</p>	<ul style="list-style-type: none"> • That the submission be dismissed. 								
4	Urbanista Town Planning on behalf of the owner of 111 Clarkson Street, West Toodyay (postal address supplied)	<ul style="list-style-type: none"> • Advises that Reid's Mechweld has operated from the property for more than 18 years; • Reid's Mechweld is a business that is registered for the manufacture of agricultural equipment. The primary activities on the site relate to <ul style="list-style-type: none"> ➤ Agricultural harvesting equipment manufacturing ➤ Agricultural implement manufacturing; ➤ Agricultural planting equipment manufacturing; and ➤ Tractor attachment, agricultural, manufacturing. • Suggests an Additional Use: Industry – Light to be applied to the site of Lot 77 (111) Clarkson Street, West Toodyay in LPS5; • Conditions to proposed Additional Use: <ol style="list-style-type: none"> 1. Planning approval is required for the additional land uses —subject to the discretion of local government by granting planning approval, having regard to the matters set out in cl. 67 of Schedule 2 of the regulations (deemed provisions). 2. Development shall be in accordance with plans approved by local government and will require the issue of planning approval. 3. The local government may require planning approval applications to be advertised in accordance with cl. 64 of Schedule 2 of the regulations (deemed provisions). • Submits the additional use validates the existing land use which commenced prior to both the current LPS4 and draft LPS5. • Contends the suggested amendment will offer confidence to the landowner to continue their operations without confusion, and will provide a clearer framework for the local government to govern the site, as necessary. 	<ul style="list-style-type: none"> • Agree • The suggested amendment is supported on the basis that the land use activity (manufacturing of agricultural equipment) is generally consistent with the objectives of State Planning Policy 2.5 Rural Planning by supporting rural land uses and functions; • Any possible inconsistencies with the objectives of the Rural zone can be addressed through the suggested additional use conditions, and any future works will be subject to local government approval via a development application; and • It is considered the impacts on the amenity of the locality caused by the business, can be mitigated and controlled appropriately by way of an Additional Use instrument and appropriate conditions of approval. 	<ul style="list-style-type: none"> • That the submission be upheld through modification of LPS5 (as advertised) as follows: <ul style="list-style-type: none"> ➤ <u>Text Modifications</u> Under Schedule 1 – Additional Uses, add the following: <table border="1" data-bbox="2184 1220 2828 1734"> <thead> <tr> <th data-bbox="2184 1220 2258 1276">No.</th> <th data-bbox="2258 1220 2442 1276">Description of land</th> <th data-bbox="2442 1220 2608 1276">Additional use</th> <th data-bbox="2608 1220 2828 1276">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 1276 2258 1734">14</td> <td data-bbox="2258 1276 2442 1734">Lot 77 (111) Clarkson Street, West Toodyay</td> <td data-bbox="2442 1276 2608 1734">Industry – Light</td> <td data-bbox="2608 1276 2828 1734">The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.</td> </tr> </tbody> </table> ➤ <u>Map Modifications</u> Modify the Scheme Map (Map 4) by adding annotation "A13" to Lots 20, 23 & 24 (122) Railway Road, Toodyay 	No.	Description of land	Additional use	Conditions	14	Lot 77 (111) Clarkson Street, West Toodyay	Industry – Light	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.
No.	Description of land	Additional use	Conditions									
14	Lot 77 (111) Clarkson Street, West Toodyay	Industry – Light	The additional use, including any alteration, expansion or extension, is not permitted unless the local government has exercised its discretion by granting development approval.									

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
5	Robert Pearce, owner of Lot XXX (postal address supplied)	<ul style="list-style-type: none"> There appear to be inconsistencies with the colour coding and numeral marking of the Rural Residential zoned areas on the Scheme Maps. Considers that 'Caretaker's Dwelling' should be a use that may be considered for approval in the 'Rural' and 'Rural Smallholdings' zones. Considers that 'Commercial Vehicle Parking' should be a use that may be considered for approval in the 'Rural Residential' and 'Rural Enterprise' zones. Considers that 'Family Day Care' should be a use that may be considered for approval in the 'Rural Residential' and 'Rural Smallholdings' zones. Questions why the construction of a 'Single House', an 'A' use in the 'Rural Enterprise' zone, requires advertising first. Considers that 'Tourist Development' should be a use that may be considered for approval in the 'Residential' and Rural Residential' zones. Considers that the development requirements for outbuildings (where the R-Codes apply) in Part 4 – General Development Requirements – are too onerous. Suggests more flexibility is required. Disagrees with the provisions of clause 32(6)(a). Considers that it should be the landowner – not the local government – who determines the frontage of a lot with more than one street frontage. Considers that the provisions of clause 32(8) (parking of commercial vehicles in residential zones) may not be practicable/achievable in Toodyay. Considers that the minimum lot size (i.e., 40ha) for the erection of one (1) additional dwelling on a rural lot in clause 32(12)(b) requires further consideration "due to the demand and need for alternative living conditions". Not sure if Toodyay currently has a 'Rural Enterprise' zone, and unsure how this zone would function in the context of Toodyay's rural lifestyle. 	<ul style="list-style-type: none"> Noted. Disagree. Planning staff inspected the Scheme Map and found no inconsistencies with the colour coding and numeral markings. Noted. Disagree. The use class 'Caretaker's Dwelling' is a habitable building associated primarily with an industrial business (or private community purpose) that is conducted on the same site by a person having the care of buildings, plant, equipment and grounds of that site. It is considered the use class is inappropriate for the Rural and Rural Smallholdings zones. Noted. Disagree that Commercial Vehicle Parking would be an appropriate use in the Rural Residential zone due to the potential for adverse impacts on the amenity of localities (i.e., undue generation of noise, fumes, odours and the like). Visual amenity of Rural Residential zoned properties may also be compromised as viewed from the street or adjacent properties. Commercial vehicle parking in the newly assigned Rural Enterprise zone is associated with light industrial development, therefore the parking of commercial vehicles in the zone is implicit. Noted. Agree. Noted. Single house has been assigned an 'A' use in the Rural Enterprise zone because of the potential for land use conflict between sensitive receptors (i.e., dwellings) and light industrial land uses. Noted. Disagree. Tourist development, as defined by LPS5, is inappropriate (due to amenity concerns) as there is the risk of land use conflict through appropriate separation and/or increased vehicle volumes in established neighbourhoods. Noted. There is sufficient flexibility/scope for Council to consider variations to the general development requirements in Part 4 of LPS5. Refer to clause 34 – Variations to Site and Development Requirements. Noted. Disagree. Clause 32(6)(a) clearly states the local government "may" (not must) determine the street frontage. Noted. Disagree. The provisions of clause 32(8) are based on sound planning theory and rationale. Again, there is sufficient flexibility/scope for Council to consider variations to the provisions under clause 34 – Variations to Site and Development Requirements. Noted. Disagree. It is considered 40ha is an appropriate minimum size for the erection of an additional dwelling on a lot zoned Rural. Notwithstanding the 40ha standard, there is sufficient flexibility/scope for Council to consider variations to the minimum 40ha standard under clause 34 – Variations to Site and Development Requirements. Noted. No, whilst provision has been made for the zone in LPS5, it is yet to be created through the rezoning process. Additional employment land has also been identified east of Toodyay townsite as a new Rural Enterprise zone to provide suitably zoned land for larger home businesses and occupations, such as plumbers and concreters, to reside and work. 	<ul style="list-style-type: none"> That the submission be partially upheld by amending the Zoning Table (Table 4) in Draft LPS5 (as advertised) by designating the symbol 'A' to the Rural Residential and Rural Smallholding zones for the Family Day Care use class.

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
6	Kevin Banks-Smith on behalf of the owner of 116 Timberden Drive, Julimar (postal address supplied)	<ul style="list-style-type: none"> Fully supportive of proposed changes Property currently too small for viable farm use; Will seek approval for a potential 5 lot subdivision of the property. 	<ul style="list-style-type: none"> Noted. Noted. Rezoning change is consistent with the action 7.10(d) of Council's adopted Local Planning Strategy 2018. Noted. Schedule 5 of the Draft LPS5 under (2): <ol style="list-style-type: none"> No further subdivision is permitted. The keeping of livestock on any lot is to be restricted to outside of fenced tree preservation areas, or inside of fenced building envelopes. 	<ul style="list-style-type: none"> Dismissed That the submission be dismissed.
7	Stephen Hanson (postal address supplied)	<ul style="list-style-type: none"> Objects to the 20m boundary setback on the basis that it will increase bushfire risk. 	<ul style="list-style-type: none"> Noted. Disagree. There is no evidence to support the notion that reduced setbacks will increase bushfire risk of property in the Rural Residential zone. 	<ul style="list-style-type: none"> That the submission be dismissed.
8	Lori Reeve (address supplied)	<ul style="list-style-type: none"> Objects to the rezoning of 'Rural' zoned land to the 'Rural Smallholdings' zone in the Timberden Drive estate; Claims Zoning is for revenue raising. 	<ul style="list-style-type: none"> Noted. Zoning change is consistent with the action 7.10(d) of the adopted Local Planning Strategy 2018. Noted. Disagree that zoning change is for revenue-raising, or that the change in zoning will devalue properties in the estate (normally not a relevant planning consideration). 	<ul style="list-style-type: none"> That the submission be dismissed.
9	Jacquie & Peter Lacy (address supplied)	<ul style="list-style-type: none"> Do not wish to see existing use rights {parking of school buses) taken away by the change in zoning of Lot 502 Julimar Road from Special Residential to Residential. 	<ul style="list-style-type: none"> Noted. LPS5 will not remove the ability to apply for development approval for parking of commercial vehicles in the Residential zone. 	<ul style="list-style-type: none"> That the submission be dismissed.
10	Jo Hart (address supplied)	<ul style="list-style-type: none"> Generally poor internal and external references in the Scheme-Text; Submits that zoning provisions seem to be more in keeping with peri-urban, semi-urban and urban lifestyle areas; Document heading hierarchy at 'car parking requirements' on page 33 is ambiguous; Scheme Maps are difficult to interpret; Submits that Morangup properties should be zoned 'Rural Smallholding' rather than 'Rural Residential' due to current 4 to 40 ha size range; Submits that the Zoning Table (Table 4) requires modification to allow more local relevant small businesses to be operated; The 'commercial vehicle parking' land use class in the Zoning Table should be designated an 'A' use rather than an 'X' (not permitted) use; The 'mining operations' land use class in the Zoning Table should be an 'X' use rather than an 'A' use in the 'Rural' zone due to incompatibility with environmental values in the Shire; 	<ul style="list-style-type: none"> Noted. Opinions regarding document formatting is not a valid planning consideration. Noted. Disagree. Personal opinion. Noted. Opinions regarding document formatting is not a valid planning consideration. Noted. Disagree. The Rural Smallholding zone seeks to replace the Rural Living zone to align zone names with those in the Model Scheme Text (part of the 2015 Regulations). Noted. Disagree. It is considered the range and permissibility of commercial land use classes in the Zoning Table of LPS5 sufficiently aligns with the objectives of the Commercial zone. Noted. Disagree. Commercial vehicle parking is a non-permitted land use in the Rural Residential, Rural Enterprise, Environmental Conservation, Mixed Use and Private Community Purposes due to the potential for adverse impacts on the amenity of localities (i.e., undue generation of noise, fumes, odours and the like). Visual amenity of Rural Residential zoned properties may also be compromised as viewed from the street or adjacent properties. Noted. Disagree. The current Scheme does not distinguish between mining operations determined by the Department of Mines, Industry Regulation and Safety under the <i>Mining Act 1978</i>, or by the local government or a development assessment panel under the <i>Planning and Development Act 2005</i>. <p>The inclusion of mining operations in the zoning table of Draft LPS5 is intended to be used to 'trigger' the consultation process outlined in section 120(2) of the <i>Mining Act 1978</i>. Accordingly, 'Mining Operations' was expressly included in the zoning table of Draft LPS5 as a</p>	<ul style="list-style-type: none"> That the submission be partially upheld through the inclusion of the following heading and subclauses under clause 32 of Draft LPS5 (as advertised): <p>Nature Based Parks</p> <p>82. Nature based park proposals shall be accompanied by information that –</p> <ol style="list-style-type: none"> outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures; identifies environmental values and sets out measures for protection and rehabilitation; demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite; demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and any other information the decision maker considers relevant. <p>83. In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:</p> <ol style="list-style-type: none"> clearing of native vegetation to the government department/s responsible for the environment; and the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation				
		<ul style="list-style-type: none"> • Contends that the general development requirements for outbuildings listed under clause 26(4) are highly restrictive and prescriptive, and not suited to the largely rural character of the Shire of Toodyay; • Considers that the clauses (clauses 32(15) – 32(28) under 'Development (Rural, Rural Residential, Rural Smallholding) take no account of emerging trends in living and alternative lifestyle options such as the "tiny house movement" and multi-generational occupancy of properties; • Submits that clause 32(77) in the Scheme "can never be met" on the basis that extractive industries will always have an adverse effect on the environment or amenity in the locality; • With respect to clause 32(77), considers that there is insufficient and in some instances no reference to environmental considerations and/or Shire of Toodyay adopted environmental strategies; • Suggests that more conditions should be included under clause 32(79) to deal with groundwater as an amenity, the impacts of airborne dust on rainwater supply, size of vehicles permitted, and conditions managing blasting; and • Considers that the size of exempt advertising signs in Schedule 7 is insufficient (i.e. too small to be easily read from a vehicle). 	<p>discretionary use. This will allow the local government to advise the Minister for Planning and the Minister for Mines and Petroleum that proposed mining operations may conflict with the local planning scheme.</p> <p>It is a key aim of LPS5 to provide a rational framework for decisions with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability, are an essential facet of the planning process.</p> <ul style="list-style-type: none"> • Noted. There is sufficient flexibility/scope for Council to consider variations to the general development requirements in Part 4 of LPS5. Refer to clause 34 – Variations to Site and Development Requirements. • Noted. Agree that emerging trends and alternative lifestyle options (i.e., eco-tourism/short-term accommodation) be given special consideration in LPS5 for the Rural zone only. • Noted. Disagree. Extractive industries provide vital resources to the community for building, construction and infrastructure. However, extractive industry activities have the potential to have negative impacts on people and the environment. Rather than singling out the words "adversely affect" in subclause 77(a), it should be read in full context – that is: the local government will only support extractive industries where it can be demonstrated that the extraction of minerals or basic raw materials will not adversely affect the environment or amenity in the locality of the operation during or after excavation, including the provisions of subclauses 77(b) and 77(c). • Noted. Disagree. The provisions of clause 32(77) should be read with the relevant provisions of clause 67(2) in the <i>deemed provisions for local planning schemes</i>. * The <i>deemed provisions for local planning schemes</i> form part of every local planning scheme in the State. • Noted. Disagree. Clause 32(79) clearly states it is not intended to be an exhaustive list of matters to consider. • Noted. Disagree. The maximum size for an exempt sign primarily serves to avoid proliferation of signs on individual sites and buildings, and to ensure that the display of advertisements does not adversely impact on the amenity of surrounding land. Where signs exceed the maximum permitted size, development approval will be required. 	<p>84. Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land.</p> <p>85. No clearing of native vegetation is permitted to occur. <i>Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.</i></p> <ul style="list-style-type: none"> • That the submission be partially upheld through the inclusion of the following definition in clause 38 (division 2) of LPS5: <table border="1" data-bbox="2184 751 2828 1392"> <thead> <tr> <th data-bbox="2184 751 2504 814">Land use</th> <th data-bbox="2504 751 2828 814">Definition</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 814 2504 1392">nature based park</td> <td data-bbox="2504 814 2828 1392"> <p>means a facility in an area that:</p> <ol style="list-style-type: none"> 1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and 2. has been predominately formed by nature; and 3. has limited or controlled artificial light and noise intrusion. </td> </tr> </tbody> </table>	Land use	Definition	nature based park	<p>means a facility in an area that:</p> <ol style="list-style-type: none"> 1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and 2. has been predominately formed by nature; and 3. has limited or controlled artificial light and noise intrusion.
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11	Christine Lavery (address supplied)	<ul style="list-style-type: none"> • Submits that the consultation was neither appropriate or valid as people should be told what the changes to the Scheme are; and • Opposes reduced setbacks from 30m to 20m in the Rural Residential zone on the basis that it will increase bushfire risk. 	<ul style="list-style-type: none"> • Noted. LPS5 was advertised strictly in accordance with Part 4 (preparation or adoption of local planning scheme) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. • Noted. Disagree. There is no evidence to support the notion that reduced setbacks will increase bushfire risk of property in the Rural Residential zone. 	<ul style="list-style-type: none"> • That the submission be dismissed. 				
12	John Lucas (address supplied)	<ul style="list-style-type: none"> • Suggests that the development requirements for the Residential zone is changed to permit the parking of school buses (by definition, school buses are commercial vehicles). 	<ul style="list-style-type: none"> • Noted. LPS5 will not remove the ability to apply for development approval for parking of commercial vehicles in the Residential zone. 	<ul style="list-style-type: none"> • That the submission be dismissed. 				
13	Barbara and Francis Moran (address supplied)	<ul style="list-style-type: none"> • Considers the wording in the Scheme is too complicated to interpret. 	<ul style="list-style-type: none"> • Noted. The format and Scheme Text of LPS5 was prepared in accordance with the Model Scheme Text in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, and with the guidance of the Department of Planning, Lands and Heritage. A Local 	<ul style="list-style-type: none"> • That the submission be dismissed. 				

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			Planning Scheme <u>is a legal document</u> that sets out policies and controls for how land in a particular local government area can be used and developed. It contains information about long term planning and strategies and about how infrastructure and development will occur in the area.									
14	Paul Clarke (address supplied)	<ul style="list-style-type: none"> Submits that Rural Living zoned properties should be able to have a retail outlet on their property to sell produce on their property. 	<ul style="list-style-type: none"> Noted. Disagree. The Rural Smallholding zone seeks to replace the Rural Living zone to align zone names with those in the Model Scheme Text (part of the 2015 Regulations). 	<ul style="list-style-type: none"> That the submission be dismissed. 								
15	Sydney and Ann Sinclair (address supplied)	<ul style="list-style-type: none"> Expresses support for the continued parking of commercial vehicles (Mr John Lucas' school buses at Lot 502 Julimar Road in Toodyay) in the Residential zone. 	<ul style="list-style-type: none"> Noted. LPS5 will not remove the ability to apply for development approval for parking of commercial vehicles in the Residential zone. 	<ul style="list-style-type: none"> That the submission be dismissed. 								
16	Dan Pearce (RobertsDay Town Planners) on behalf of the owner of Lots 44 – 46 Stirling Terrace and Lot 300 Goomalling-Toodyay Road, Toodyay	<ul style="list-style-type: none"> Suggests alternative construction to the draft provisions for the proposed Special Use No. 15 area (Catholic Church Heritage Precinct) as follows: <ol style="list-style-type: none"> Table 2 details the current land use permissibility within the current 'Mixed Business' zone: <ul style="list-style-type: none"> Highlighted items in yellow are uses proposed by the Shire as part of the proposed rezoning to 'Special Use No. 15' in Draft LPS5. These uses are supported. Highlighted items in green are uses proposed by the Shire as part of the proposed rezoning for which land use definitions do not currently exist in LPS4. The uses are supported but the relevant land definitions should be included in the new LPS5. Highlighted items in magenta are uses not currently identified in the Special Use zone, which the owners consider appropriate for inclusion in the final provisions. Highlighted items in blue are uses which are not currently permissible in the Mixed Business zone but which the owners consider appropriate for inclusion in the final provisions given the purpose of the new zone. <p>The recommended uses omit most retail, large format and industrial uses, as well as uses such as tavern, that we understand were of concern to surrounding residents. It is proposed that the uses highlighted in Table 2 would be incorporated into column 2 of the Amendment grouped by land use permissibility.</p> We believe the requirement for an LDP to guide development approval is unnecessary. Given the current subdivision approval (which once implemented may facilitate creation and therefore independent development of individual lots), we suggest removing the requirement for an LDP and require consideration of the same matters as part of a development application. In the event that new titles are not created then the same provisions apply to development on any part of the land, thereby protecting the strategic heritage and environmental values identified in the draft provisions. Making the preparation of a Heritage Impact Assessment to accompany a DA to be at the discretion of Council having regard to whether the scope of works proposed merits the preparation of such a report i.e., in the case of an applicant proposing a change of use to office, with only minor work such as painting and no external works, the submission of a full Heritage Impact Assessment would appear to be onerous and unnecessary. Considering the approved subdivision cedes the foreshore area adjacent the Avon River we suggest provisions relating to flooding and foreshore management / access be removed. Inclusion of a residential density code consistent with the construction and density of the current Clause 4.7.3 of the Town Centre zone providing a context for future residential development. 	<ul style="list-style-type: none"> Noted. Agree. The suggested alternative construction of the draft provisions for proposed Special Use No. 15 is acceptable as the uses recommended by the submitter removes inappropriate retail, industrial and tavern uses from the list of uses that may be considered for approval. 	<ul style="list-style-type: none"> That the submission be upheld by amending Special Use Zone No. 15 in Schedule 2 of Draft LPS5 (as advertised) as follows: <table border="1"> <thead> <tr> <th>No.</th> <th>Description of land</th> <th>Special use</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>15</td> <td>Lots 44, 45, 46 and 67 Stirling Terrace and Lot 300 Goomalling-Toodyay Road, Toodyay</td> <td> Roman Catholic Church Group heritage site <u>As 'P' uses</u> <ul style="list-style-type: none"> Exhibition Centre Home Office <u>As Discretionary 'D' uses</u> <ul style="list-style-type: none"> Art Gallery Arts and Crafts Centre Carpark Child Care Premises Cinema/Theatre Civic Use Club Premises Community Purpose Consulting Rooms Emergency Services Family Day Care Funeral Parlour Home Business Home Occupation Home Store Industry - Cottage Medical Centre Office Place of Worship Reception Centre </td> <td> <ol style="list-style-type: none"> As part of an application for development approval, the application should provide sufficient information to address the following matters: <ol style="list-style-type: none"> Where deemed necessary by the local government, considering the scope of work proposed, impacts on the heritage and cultural significance of the precinct in the form of a Heritage Impact Assessment prepared by a suitably qualified person; Suitability of building design, materials, bulk and scale of development considering the heritage significance of the place; and Suitability of access, car parking and any traffic impacts; All proposed development is to be in accordance with the General Toodyay Town Centre Precinct Special Control Area (SCA3) and any relevant local planning policies. Fencing between lots should be permeable to ensure buildings are kept as a heritage group. The density of residential development shall be R10/R50. The local government will only permit development to occur at the R50 density coding if the land can be connected to reticulated sewer services. </td> </tr> </tbody> </table> 	No.	Description of land	Special use	Conditions	15	Lots 44, 45, 46 and 67 Stirling Terrace and Lot 300 Goomalling-Toodyay Road, Toodyay	Roman Catholic Church Group heritage site <u>As 'P' uses</u> <ul style="list-style-type: none"> Exhibition Centre Home Office <u>As Discretionary 'D' uses</u> <ul style="list-style-type: none"> Art Gallery Arts and Crafts Centre Carpark Child Care Premises Cinema/Theatre Civic Use Club Premises Community Purpose Consulting Rooms Emergency Services Family Day Care Funeral Parlour Home Business Home Occupation Home Store Industry - Cottage Medical Centre Office Place of Worship Reception Centre 	<ol style="list-style-type: none"> As part of an application for development approval, the application should provide sufficient information to address the following matters: <ol style="list-style-type: none"> Where deemed necessary by the local government, considering the scope of work proposed, impacts on the heritage and cultural significance of the precinct in the form of a Heritage Impact Assessment prepared by a suitably qualified person; Suitability of building design, materials, bulk and scale of development considering the heritage significance of the place; and Suitability of access, car parking and any traffic impacts; All proposed development is to be in accordance with the General Toodyay Town Centre Precinct Special Control Area (SCA3) and any relevant local planning policies. 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					<ul style="list-style-type: none"> • Recreation - Private • Recreation - Public • Research Centre • Residential Building • Restaurant / Café • Shop • Single House • Telecommunication Infrastructure <p><u>As Discretionary 'A' uses</u></p> <ul style="list-style-type: none"> • Aged/Dependent Persons Dwelling/s or Establishment • Ancillary Dwelling • Bed and Breakfast • Caravan Park • Caretaker's Dwelling • Educational Establishment • Grouped Dwelling • Holiday Accommodation • Holiday House • Hospital • Nursing Home • Tourist Accommodation • Tourist Development • Veterinary Centre 	
17	Department of Biodiversity, Conservation and Attractions (DBCA)	<ul style="list-style-type: none"> • Notes that the proposed Rural Smallholding zone will provide for the subdivision of land for lot sizes ranging from 4 to 40 ha; • Submits that several of the lots to be zoned Rural Smallholding contain large areas of native vegetation that have not been surveyed for threatened species and ecological communities. Then submits that, prior to rezoning lots which contain vegetation, targeted surveys for threatened species and communities should be undertaken to determine if intensification of land use is appropriate and potential impacts to biodiversity values can be avoided or managed; • Notes that designation of "tree preservation areas" and "natural vegetation preservation and/or remnant vegetation areas" could provide a suitable 	<ul style="list-style-type: none"> • Noted. • Noted. The Council recently engaged an environmental consultant to prepare a Local Biodiversity Strategy (LBS) for Shire of Toodyay. The LBS will provide a process for assessing the ecological significance of Local Natural Areas in the Shire, and for determining their protection status by assessing constraints and opportunities for protection. • Noted. Once the Shire's Local Biodiversity Strategy has been adopted, the local government will consider whether 			<ul style="list-style-type: none"> • That the submission be partially upheld through modification of Draft LPS5 (as advertised) Scheme Map as follows: <ul style="list-style-type: none"> ➢ Amend Scheme Map 1 by designating R42808, R42370, R19900, R19904 and R13971 as 'Environmental Conservation' Local Scheme Reserves; ➢ Amend Scheme Map 2 by designating R21429, Lot 889 on DP 415818 and Lot 70 on Plan 407481 as 'Environmental Conservation' Local Scheme Reserves; and

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		<p>mechanism for the Shire to protect vegetation, ecological corridors, habitat for conservation-significant flora and fauna and riparian vegetation;</p> <ul style="list-style-type: none"> Notes that there is an area adjacent to Wilkerson Road and Ridley Circle, West Toodyay, (Maps 2 and 3) that is proposed to be rezoned from Rural to Rural Residential, which will allow subdivision to create one to four hectare lots. This area adjoins Rugged Hill Nature Reserve and contains populations of threatened flora listed for protection under the <i>Biodiversity Conservation Act 2019</i>. Further notes that the proposed amendment to Rural Residential may increase lot densities and development in this area leading to vegetation clearing and indirect impacts to the adjacent conservation estate; Recommends that the Scheme Text should include a requirement that environmental assessments are undertaken to identify threatened flora, fauna and ecological communities with a view to inform any strategic or statutory planning proposal which facilitates the subdivision of lots containing remnant vegetation in the proposed and existing Rural Residential zone; Specific comments regarding LPS5 Scheme Maps: <table border="1" data-bbox="519 730 1448 1906"> <thead> <tr> <th data-bbox="519 730 647 787">Map #</th> <th data-bbox="647 730 1003 787">Issue</th> <th data-bbox="1003 730 1448 787">Comment</th> </tr> </thead> <tbody> <tr> <td data-bbox="519 787 647 982">1</td> <td data-bbox="647 787 1003 982"><i>Drummond Nature Reserve (R 42808) and Camerer Nature Reserve (R 42370) are proposed to be zoned Rural</i></td> <td data-bbox="1003 787 1448 982"><i>These nature reserves should be shown as Environmental Conservation reserves consistent with other DBCA managed conservation estate.</i></td> </tr> <tr> <td data-bbox="519 982 647 1171">1</td> <td data-bbox="647 982 1003 1171"><i>Poison Gully Nature Reserve (R 19900) and A-Class nature reserve (R 19904) are proposed to be reserved as Public Open Space</i></td> <td data-bbox="1003 982 1448 1171"><i>These nature reserves should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i></td> </tr> <tr> <td data-bbox="519 1171 647 1360">1</td> <td data-bbox="647 1171 1003 1360"><i>'Dewars Pool' Section 5(1)(g) reserve (R 13971) surrounded by Julimar State Forest is proposed to be reserved as State Forest</i></td> <td data-bbox="1003 1171 1448 1360"><i>This reserve should be reserved as Environmental Conservation to better reflect the reserve purpose.</i></td> </tr> <tr> <td data-bbox="519 1360 647 1518">2</td> <td data-bbox="647 1360 1003 1518"><i>Rugged Hill Nature Reserve (R 21429) is proposed to be reserved as Public Open Space</i></td> <td data-bbox="1003 1360 1448 1518"><i>This nature reserve should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i></td> </tr> <tr> <td data-bbox="519 1518 647 1707">2'</td> <td data-bbox="647 1518 1003 1707"><i>Lot 889 Chitty Road, Hoddy's Well (DP 415818)</i></td> <td data-bbox="1003 1518 1448 1707"><i>This lot is owned and managed by DBCA and is a proposed addition to the existing Clackline Nature Reserve. 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It is stated in Development Control Policy, 3.4 Subdivision of rural land (WAPC 2016) that, "Following the</i></td> </tr> </tbody> </table>	Map #	Issue	Comment	1	<i>Drummond Nature Reserve (R 42808) and Camerer Nature Reserve (R 42370) are proposed to be zoned Rural</i>	<i>These nature reserves should be shown as Environmental Conservation reserves consistent with other DBCA managed conservation estate.</i>	1	<i>Poison Gully Nature Reserve (R 19900) and A-Class nature reserve (R 19904) are proposed to be reserved as Public Open Space</i>	<i>These nature reserves should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i>	1	<i>'Dewars Pool' Section 5(1)(g) reserve (R 13971) surrounded by Julimar State Forest is proposed to be reserved as State Forest</i>	<i>This reserve should be reserved as Environmental Conservation to better reflect the reserve purpose.</i>	2	<i>Rugged Hill Nature Reserve (R 21429) is proposed to be reserved as Public Open Space</i>	<i>This nature reserve should be shown as Environmental Conservation reserve consistent with other DBCA managed conservation estate.</i>	2'	<i>Lot 889 Chitty Road, Hoddy's Well (DP 415818)</i>	<i>This lot is owned and managed by DBCA and is a proposed addition to the existing Clackline Nature Reserve. The lot should be reserved as Environmental Conservation.</i>	2	<i>Lot 70 on Plan 407481 should be placed in the Environmental Conservation zone.</i>	<i>This lot has a conservation covenant, administered by DBCA, under the Transfer of Land Act 1893. It is stated in Development Control Policy, 3.4 Subdivision of rural land (WAPC 2016) that, "Following the</i>	<p>to amend LPS5 at a later stage (i.e., post gazettal) to include tree preservation and natural vegetation areas.</p> <ul style="list-style-type: none"> Noted. Noted. Once the Shire's Local Biodiversity Strategy has been adopted, the local government will consider whether to amend LPS5 at a later stage (i.e., post gazettal) to make it a requirement that environmental assessments are undertaken to identify threatened flora, fauna and ecological communities. Noted. Agree that the Scheme Map (Map 1) is amended to show R42808 and R42370 as Environmental Conservation Reserves. Noted. Agree that the Scheme Map (Map 1) is amended to show R19900 and R19904 as Environmental Conservation Reserves. Noted. Agree that the Scheme Map (Map 1) is amended to show R13971 as Environmental Conservation Reserve. Noted. Agree that the Scheme Map (Map 2) is amended to show R21429 as Environmental Conservation Reserve. Noted. Agree that the Scheme Map (Map 2) is amended to show Lot 889 on DP 415818 as Environmental Conservation Reserve. Noted. Agree that the Scheme Map (Map 2) is amended to show Lot 70 on Plan 407481 as Environmental Conservation Reserve. 	<ul style="list-style-type: none"> ➤ Amend Scheme Map 4 by Designating Lot 110 Racecourse Road, Toodyay as 'Public Open Space' Local Scheme Reserve.
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No.	Name/Address	Summary of Submission		Council's Comments	Council's Recommendation								
			<i>creation of a lot under this clause, the resultant conservation lot should be appropriately zoned by the local government in the local planning scheme in a future omnibus amendment or when the scheme is reviewed."</i>	<ul style="list-style-type: none"> Noted. Agree that the Scheme Map (Map 4) is amended to show Lot 110 Racecourse Road, Toodyay as Public Open Space. 									
		4	<i>Lot 110 Racecourse Road, Toodyay, which currently contains the golf course is proposed to be reserved as Environmental Conservation</i>			<i>Given the land is Shire of Toodyay freehold for public recreational purposes it may be more appropriate for this reserve to be reserved as Public Open Space.</i>							
18	Water Corporation	<ul style="list-style-type: none"> Requests the Shire to include the odour buffer around the Toodyay Waste Water Treatment Plant (WWTP) at Lot 501 Goomalling-Toodyay Road in Toodyay in the Scheme Map and Scheme Text as a new Special Control Area (SCA), and to insert appropriate development control provisions in Schedule 3 of Draft LPS5. 		<ul style="list-style-type: none"> Noted. Agree. Lot 501 Goomalling-Toodyay Road, Toodyay is depicted on the Scheme Map (Map 2) as Rural Smallholdings. This appears to be an oversight as the property is owned by Water Corporation and is used for treated wastewater disposal and reuse. <p>It is not appropriate to assign the Rural Smallholdings zone to the site. To better reflect the intent and use of the site, it is considered appropriate to include Lot 501 in the "Public Purposes" reserve on the Scheme Map.</p>	<ul style="list-style-type: none"> That the submission be upheld through modification of the Draft LPS5 (as advertised) Scheme Map (Map 2) by designating Lot 501 Goomalling-Toodyay Road, Toodyay as 'Public Purpose' Local Scheme Reserve; and That the submission be upheld by amending Schedule 3 in Draft LPS5 (as advertised) by adding the following to the existing list of Special Control Areas: <table border="1" data-bbox="2184 892 2846 1894"> <thead> <tr> <th data-bbox="2184 892 2312 1003">Name of Area</th> <th data-bbox="2312 892 2439 1003">Purpose/ Objectives</th> <th data-bbox="2439 892 2567 1003">Application Requirements</th> <th data-bbox="2567 892 2846 1003">Relevant Considerations</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 1003 2312 1894">SCA4 – Toodyay Wastewater Treatment Plant odour buffer Special Control Area</td> <td data-bbox="2312 1003 2439 1894">To minimize the impact of odour on surrounding areas and to protect the operations of the Toodyay WWTP by ensuring that odour sensitive land uses are not established within the odour buffer.</td> <td data-bbox="2439 1003 2567 1894">Development approval is required for all development and land use within the Special Control Area.</td> <td data-bbox="2567 1003 2846 1894">In considering any application for land use or development within the WWTP odour buffer SCA, the local government will have due regard to the following: - The local government will generally not approve development which is sensitive to odour emanating from the WWTP; - The local government will consult the Water Corporation and the Department of Water and Environmental Regulation regarding the proposed development or land use for advice on the proposal and any conditions that should be imposed on approval. - The local government will have regard to relevant policies including State Planning Policy 4.1</td> </tr> </tbody> </table>	Name of Area	Purpose/ Objectives	Application Requirements	Relevant Considerations	SCA4 – Toodyay Wastewater Treatment Plant odour buffer Special Control Area	To minimize the impact of odour on surrounding areas and to protect the operations of the Toodyay WWTP by ensuring that odour sensitive land uses are not established within the odour buffer.	Development approval is required for all development and land use within the Special Control Area.	In considering any application for land use or development within the WWTP odour buffer SCA, the local government will have due regard to the following: - The local government will generally not approve development which is sensitive to odour emanating from the WWTP; - The local government will consult the Water Corporation and the Department of Water and Environmental Regulation regarding the proposed development or land use for advice on the proposal and any conditions that should be imposed on approval. - The local government will have regard to relevant policies including State Planning Policy 4.1
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							(State Industrial Buffers) and EPA Guidance Statement No.3 (Guidance for the Assessment of Environmental Factors).
19	LandInsights Planning, Design and Environment on behalf of the owner of Lot 151 Wilkerson Road, Toodyay	<ul style="list-style-type: none"> Notes that Lot 151 Wilkerson Road (the site) was identified in the Shire's adopted Local Planning Strategy for <i>Environmental Conservation and Rural Smallholdings</i> purposes; Notes that a subdivision of the Conservation Lot has been approved by the WAPC in early 2020; Notes that, as part of an earlier rezoning process, a detailed fauna and flora study was undertaken, which confirmed the presence of some significant flora species on the property as well as some black cockatoo habitat; Notes that the preparation of Council's Draft LPS5 provides a unique opportunity to ensure that the site is appropriately zoned in accordance with the Local Planning Strategy. This will have the benefit of ensuring the Conservation Lot is protected by the Scheme, and thereby shielded from incompatible rural development. 	<ul style="list-style-type: none"> Noted. Agree. Given that the Shire's adopted Local Planning Strategy identified Lot 151 Wilkerson Road in West Toodyay (known also as 44 Francis Street, West Toodyay) for Environmental Conservation and Rural Smallholdings respectively, it is only appropriate that the zoning of the land assigned accordingly. Further agree with the submitter that the rezoning of the land is undertaken through the preparation of LPS5, and that the Conservation Lot is protected by the Scheme and shielded from incompatible rural development. 				(State Industrial Buffers) and EPA Guidance Statement No.3 (Guidance for the Assessment of Environmental Factors).
20	Michael Wood, owner of Coorinja Winery (address supplied)	<ul style="list-style-type: none"> Notes that his property at Lot 345 (5914) Toodyay Road, Hoddy's Well is zoned 'Rural Living' under LPS4 where the land use class 'Restaurant/Café' is an 'A' use and therefore Council has the discretion to approve the land use following public consultation. Notes that under Draft LPS5, the property zoning will change to 'Rural Smallholdings', however, 'Restaurant/Café' will now be an 'X' land use, which means it is prohibited. Submits that 'Restaurant/Café' land should be listed as an 'A' not an 'X' land use, in the 'Rural Smallholding' zone for the following reasons: <ul style="list-style-type: none"> ➢ The land use is currently a discretionary land use in the 'Rural Living' zone under LPS4. Draft LPS5 proposes that the 'Rural Living' zone be changed to the 'Rural Smallholdings' zone, which is predominately a change to the title of the zone to be consistent with the Model Provisions contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. The zone is largely the same zone with similar lot size ranges and zoning objectives, it is therefore submitted that the 'Restaurant/café' land use should remain as a discretionary land use. ➢ The objectives of the 'Rural Smallholdings' zone include 'to provide for a limited range of rural land uses and incidental uses, such as tourism [emphasis added], where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land'. A restaurant is a tourist land use and therefore I submit that it should remain as a discretionary land use within the zone. ➢ The 'Rural Smallholdings' zone provides for a large range in lots sizes, from 4ha to 40ha, therefore a land use, like a restaurant, is capable of being designed and sited to ensure that the activity is consistent with the amenity of the locality. It is submitted that draft LPS5 should be adjusted for a restaurant to be an 'A' use so that a merit-based assessment can be performed, and the views of adjoining landowners can be considered through a development assessment, as opposed to it being a prohibited land use and the opportunity (including the potential economic benefits and investment) being removed altogether. ➢ It is submitted that keeping restaurant as an 'A' land use aligns with the vision and objectives of the Strategy Community Plan (the Plan). Specifically, if the land use remains as a discretionary land use it will assist to attract, develop, and maintain business in Toodyay, which is the strategic outcome under the economic pillar of the Plan. It will also align with the three objectives under the economic pillar of the Plan as it would: 	<ul style="list-style-type: none"> Noted. Noted. Noted. Agree. Consistent with adjoining local government areas (Shires of Northam and Mundaring), the use class 'restaurant/café' is a use that can be designated a discretionary use (i.e., 'A') in the Zoning Table of LPS5 for the Rural Smallholdings zone. 				<ul style="list-style-type: none"> That the submission be upheld through modification of the Zoning Table (Table 4) in Draft LPS5 (as advertised) by assigning the symbol 'A' to the 'restaurant/café', 'brewery' and 'industry-extractive' use classes in the Rural Smallholdings zone.

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation
		<ul style="list-style-type: none"> ▪ Encourage and support investment into an existing business in Toodyay; ▪ Will add another attraction to the region, thus promoting Toodyay as a tourism destination; and ▪ Will enable economic diversification. <ul style="list-style-type: none"> • Submits that 'Brewery' which is currently listed as an 'X'/prohibited land use in the 'Rural Smallholding' zone be amended to be an 'A' land use based on similar grounds as mentioned above. • Submits that the use class 'Industry – Extractive', which is currently an 'A' use in the 'Rural Living' zone, but depicted as an 'X' (not permitted) use in Draft LPS5, should be designated an 'A' use in Draft LPS5 on the basis that large tracts of what will be the 'Rural Smallholding' zone remain as operational farms that have not yet been subdivided, which generally enables adequate separation distances for such a land use to exist without impacting upon the amenity of the locality. 	<ul style="list-style-type: none"> • Noted. Agree. The use class 'brewery' is a use that can be designated as a discretionary use (i.e., 'A') in the Zoning Table of LPS5. • Noted. Agree. The use class 'industry - extractive' is a use that can be designated as a discretionary use (i.e., 'A') in the Zoning Table of LPS5. 	
21	Main Roads Western Australia	<ul style="list-style-type: none"> • Part 02 – Reserves, at 'Local Reserves', at (1) Amend "Department of Main Roads" to "Main Roads Western Australia" or "Main Roads WA" in two locations. • Part 03 – Zones and Use of Land, questions whether use classes "Industry", "Mining Operations on Minerals to Owner Land", and "Waste Disposal Facility" are not permitted uses in all zones. • Notes that some proposed development (i.e. access, stormwater drainage, signage, etc.) has an impact on the Main Roads WA network. Advises that development applications must be referred to Main Roads WA for comment. • Part 04 – General Development Requirements (clause 32), with respect to 'setbacks', questions why a 50m setback is required from a state road for Rural and Rural Smallholding zones. Advises that Main Roads WA was not aware of requesting this requirement. Questions why the requirement is inconsistent across similar zones, i.e. Rural Residential and Rural Enterprise. • Under 'Development in the Rural Residential and Rural Smallholdings zones' section of clause 32, with particular reference to (16) "...and the road .." should be "... and the property boundary ..", advises that town planning stops at the property boundary and Main Roads WA is unlikely to support landscaping or permitted rural activities (under the LPS) to be undertaken within road reserves under Main Roads WA control. • 'Development in the Light Industry zone' section under clause 32 needs to be consistent with (16) above and for accuracy. Advises that Main Roads WA is unlikely to support the daily parking of vehicles, loading and unloading of vehicles and trade displays within the Main Roads WA road reserve. Recommends it is made clear that the clause relates to local roads only. • Suggests clause 78(e) is reworded 	<ul style="list-style-type: none"> • Noted. Agree. • Noted. Council submits it is appropriate that the use classes "Industry", "Mining Operations on Minerals to Owner Land", and "Waste Disposal Facility" are not permitted uses in all zones. • Noted. Clause 66(1) of the <i>deemed provisions for local planning schemes</i> provides that when (in the opinion of the local government) an application for development approval may affect any other statutory, public or planning authority, the local government is to provide a copy of the application to the authority for objections and recommendations. • Noted. Currently, in LPS4, buildings that front a designated state, regional or district road should be set back a minimum of 100m from the boundary. A 50m setback is considered sufficient from a state or major road. • Noted. Disagree. Council submits that clause 32(16) is correctly worded. • Noted. Disagree. Council submits that clause 32(43) is correctly worded, and that further modification to distinguish between local and state roads is not required. • Noted. Disagree. Council submits that clause 32(78)(e) is correctly worded. Where warranted, extractive industry proposals that may affect MRWA's interests will be referred to MRWA for comments under the requirements of clause 66 of the <i>deemed provisions for local planning schemes</i>. 	<ul style="list-style-type: none"> • That the submission be partially upheld by amending Part 02 – Reserves of Draft LPS5 (as advertised) by substituting any and all reference to 'Department of Main Roads' to 'Main Roads WA'.
22	Chris & Olivia Wood (address supplied)	<ul style="list-style-type: none"> • Requests Council consider inclusion of Nature Based Park as a land use definition and appropriate permissibility within Scheme No. 5. • Considers Nature Based Park is an appropriate land use to bolster tourism options in the Shire, and further considers this modification will be required to eliminate inconsistencies between the planning approval requirements and those under the Caravan Parks and Camping Grounds legislation. 	<ul style="list-style-type: none"> • Noted. Agree. • Noted. Agree. 	<ul style="list-style-type: none"> • That the submission be upheld through the inclusion of the following heading and subclauses under clause 32 of Draft LPS5 (as advertised): <p>Nature Based Parks</p> <p>82. Nature based park proposals shall be accompanied by information that –</p> <p>(a) outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers,</p>

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation				
				<p>access arrangements to the site and any proposed structures;</p> <p>(b) identifies environmental values and sets out measures for protection and rehabilitation;</p> <p>(c) demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite;</p> <p>(d) demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and</p> <p>(e) any other information the decision maker considers relevant.</p> <p>83. In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose:</p> <p>(a) clearing of native vegetation to the government department/s responsible for the environment; and</p> <p>(b) the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health.</p> <p>84. Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land.</p> <p>85. No clearing of native vegetation is permitted to occur.</p> <p><i>Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.</i></p> <ul style="list-style-type: none"> That the submission be upheld through the inclusion of the following definition in clause 38 (division 2) of LPS5: <table border="1" data-bbox="2184 1451 2831 1879"> <thead> <tr> <th data-bbox="2184 1451 2504 1507">Land use</th> <th data-bbox="2504 1451 2831 1507">Definition</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 1507 2504 1879">nature based park</td> <td data-bbox="2504 1507 2831 1879"> <p>means a facility in an area that:</p> <p>1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and</p> </td> </tr> </tbody> </table>	Land use	Definition	nature based park	<p>means a facility in an area that:</p> <p>1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and</p>
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No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation							
23	Department of Planning, Lands and Heritage	<ul style="list-style-type: none"> • Requests Council consider recommended modifications to Special Use zone No.8 (SU8) and reclassification of land in response to a submission from the landowner of Lots 16, 802 and 803 Wattening Spring Road, Wattening. • Advises that the proposed changes seek to update the special uses and conditions in SU8 to facilitate a future tourism proposal within the zone, and to ensure consistency with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. In addition to updating SU8, it also seeks to bring the remaining portions of rural zoned land within Lots 802 and 803 into the Special Use zone. • Requests Council consider modification of the Scheme Map to reclassify Lot 28826 on DP 187541 (forming part of Reserve 2393) from part 'Special use', part 'rural' zone to 'Environmental Conservation' reserve. This is to better reflect its purpose for flora and fauna conservation. 	<ul style="list-style-type: none"> • Noted. Agree. • Noted. Agree. • Noted. Agree. 	<ul style="list-style-type: none"> • That the submission be upheld through the rezoning of Lots 16, 802 and 803 Wattening Spring Road, Wattening and modification of Special Use No. 8 in Draft LPS5 (as advertised) as follows: <ol style="list-style-type: none"> 1. Reclassify portions of Lots 802 and 803 Wattening Spring Road, Wattening from 'Rural' zone to 'Special Use' zone and amend the Scheme Map accordingly. 2. Reclassify a portion of Reserve 2393 (Lot 28826 on DP 187541) from 'Special Use' and 'Rural' zone to 'Environmental Conservation' reserve and amend the Scheme Map accordingly. 3. Modify Part 6 by inserting the model term and definition for 'Cabin' under clause 37(1). 4. Amending the provisions of Schedule 4 of the Scheme Text as they apply to Special Use Zone 8 to the following: 							
		<table border="1"> <thead> <tr> <th data-bbox="507 905 685 934">No.</th> <th data-bbox="685 905 1130 934">Description of Land</th> <th data-bbox="1130 905 1745 934">Special Use</th> <th data-bbox="1745 905 2843 934">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="507 934 685 1875">8</td> <td data-bbox="685 934 1130 1875">Lots 16, 802 and 803, Wattening Spring Road, Wattening</td> <td data-bbox="1130 934 1745 1875"> As a discretionary ('D') use: <ul style="list-style-type: none"> • Tourist Development • Cabin • Caretaker's dwelling • Chalet • Holiday accommodation • Holiday house and any other land uses that the local government considers consistent with the intent of this zone. </td> <td data-bbox="1745 934 2843 1875"> The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services. <ol style="list-style-type: none"> 1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval. 2. Development is address, but not limited to, the following matters: <ol style="list-style-type: none"> (a) Setbacks, as determined by local government; and (b) The location of on-site tourism and management facilities across the site; and (c) Access and traffic management for the site, including: <ul style="list-style-type: none"> • providing safe legal ingress and egress to the development site from a constructed public road; • provision of any required road upgrades and/or construction to the satisfaction of the local government; • provision of car parking; • internal vehicle access and circulation; and • pedestrian access across the site. (d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and (e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site. 3. Development is to be provided with the following servicing arrangements: <ol style="list-style-type: none"> (a) A sustainable water supply that is sufficient for the intended use; and (b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use; (c) On-site effluent disposal in accordance with relevant State policy and health requirements; (d) Provision for waste management. 4. No permanent residential accommodation is permitted in the Special Use zone, except for a caretaker's dwelling. 5. The above development conditions (2-4) may be varied at the discretion of the local government and on the advice of any relevant referral agency. </td> </tr> </tbody> </table>	No.	Description of Land	Special Use	Conditions	8	Lots 16, 802 and 803, Wattening Spring Road, Wattening	As a discretionary ('D') use: <ul style="list-style-type: none"> • Tourist Development • Cabin • Caretaker's dwelling • Chalet • Holiday accommodation • Holiday house and any other land uses that the local government considers consistent with the intent of this zone.	The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services. <ol style="list-style-type: none"> 1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval. 2. Development is address, but not limited to, the following matters: <ol style="list-style-type: none"> (a) Setbacks, as determined by local government; and (b) The location of on-site tourism and management facilities across the site; and (c) Access and traffic management for the site, including: <ul style="list-style-type: none"> • providing safe legal ingress and egress to the development site from a constructed public road; • provision of any required road upgrades and/or construction to the satisfaction of the local government; • provision of car parking; • internal vehicle access and circulation; and • pedestrian access across the site. (d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and (e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site. 3. Development is to be provided with the following servicing arrangements: <ol style="list-style-type: none"> (a) A sustainable water supply that is sufficient for the intended use; and (b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use; (c) On-site effluent disposal in accordance with relevant State policy and health requirements; (d) Provision for waste management. 4. No permanent residential accommodation is permitted in the Special Use zone, except for a caretaker's dwelling. 5. The above development conditions (2-4) may be varied at the discretion of the local government and on the advice of any relevant referral agency. 	
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8	Lots 16, 802 and 803, Wattening Spring Road, Wattening	As a discretionary ('D') use: <ul style="list-style-type: none"> • Tourist Development • Cabin • Caretaker's dwelling • Chalet • Holiday accommodation • Holiday house and any other land uses that the local government considers consistent with the intent of this zone.	The purpose and intent of this zone is to provide for tourist accommodation and incidental shared facilities and services. <ol style="list-style-type: none"> 1. Development and use is not permitted unless the local government has exercised its discretion by granting development approval. 2. Development is address, but not limited to, the following matters: <ol style="list-style-type: none"> (a) Setbacks, as determined by local government; and (b) The location of on-site tourism and management facilities across the site; and (c) Access and traffic management for the site, including: <ul style="list-style-type: none"> • providing safe legal ingress and egress to the development site from a constructed public road; • provision of any required road upgrades and/or construction to the satisfaction of the local government; • provision of car parking; • internal vehicle access and circulation; and • pedestrian access across the site. (d) A Bushfire Management Plan (BMP) and emergency evacuation plan shall be prepared; and (e) Any other relevant matter, which the State or local government considers to be warranted to ensure orderly and proper planning of the site. 3. Development is to be provided with the following servicing arrangements: <ol style="list-style-type: none"> (a) A sustainable water supply that is sufficient for the intended use; and (b) A reticulated electricity supply and/or a renewable energy system commensurate with the intended use; (c) On-site effluent disposal in accordance with relevant State policy and health requirements; (d) Provision for waste management. 4. No permanent residential accommodation is permitted in the Special Use zone, except for a caretaker's dwelling. 5. The above development conditions (2-4) may be varied at the discretion of the local government and on the advice of any relevant referral agency. 								

No.	Name/Address	Summary of Submission	Council's Comments	Council's Recommendation				
24	Tash Weir on behalf of Mahonia Operations (operating as In2thewild Tiny Holidays) (address supplied)	<ul style="list-style-type: none"> Requests Council consider inclusion of a land use definition and appropriate permissibility within LPS5 for "nature based park" to better reflect accommodation services in "tiny-houses-on-wheels." Considers nature based park is an appropriate land use to bolster tourism options in the Shire of Toodyay, and that this modification will be required to eliminate inconsistencies between the planning approval requirements and those under the Caravan Parks and Camping Grounds legislation. 	<ul style="list-style-type: none"> Noted. Agree. Council submits there is a need to better reflect short-term accommodation options in LPS5. Noted. Agree. 	<ul style="list-style-type: none"> That the submission be upheld through the inclusion of the following heading and subclauses under clause 32 of LPS5 (General Development Standards and Requirements): <ul style="list-style-type: none"> Nature Based Parks 82. Nature based park proposals shall be accompanied by information that – <ul style="list-style-type: none"> (a) outlines the scale of the proposal, including but not limited to, the number of camps, maximum number of campers, access arrangements to the site and any proposed structures; (b) identifies environmental values and sets out measures for protection and rehabilitation; (c) demonstrates waste disposal is in accordance with Government policy, or is otherwise removed from and disposed offsite; (d) demonstrates adequate separation distances and/or buffers from incompatible land uses on adjacent or nearby locations; and (e) any other information the decision maker considers relevant. 83. In considering a proposal for the development of a Nature based park the decision maker shall refer any application which propose: <ul style="list-style-type: none"> (a) clearing of native vegetation to the government department/s responsible for the environment; and (b) the installation of an on-site effluent disposal system to the government department/s responsible for human and environmental health. 84. Nature based park proposals will not be supported where in the opinion of the decision maker, the proposal detrimentally impact or undermines surrounding land uses, and in particular, where the proposal undermines the ability for continued agricultural use of Rural land. 85. No clearing of native vegetation is permitted to occur. <p><i>Note: Nature Based Park applications are required to be in accordance with the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.</i></p> <ul style="list-style-type: none"> That the submission be upheld through the inclusion of the following definition in clause 38 (division 2) of LPS5: <table border="1" data-bbox="2184 1801 2828 1850"> <thead> <tr> <th data-bbox="2184 1801 2504 1829">Land use</th> <th data-bbox="2504 1801 2828 1829">Definition</th> </tr> </thead> <tbody> <tr> <td data-bbox="2184 1829 2504 1850"></td> <td data-bbox="2504 1829 2828 1850"></td> </tr> </tbody> </table> 	Land use	Definition		
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				nature based park	<p>means a facility in an area that:</p> <ol style="list-style-type: none"> 1. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and 2. has been predominately formed by nature; and 3. has limited or controlled artificial light and noise intrusion.

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Part 4 — Preparation or adoption of local planning scheme

Division 1 — Proposal to prepare or adopt local planning scheme

19. Resolution to prepare or adopt scheme

- (1) A resolution of a local government to prepare or adopt a local planning scheme must be in a form approved by the Commission.

Note for this subregulation:

Section 72(1) of the Act provides for a local government to prepare a local planning scheme or to adopt a local planning scheme proposed by the owners of land in respect of which the local government might have prepared a scheme.

- (2) The local government may resolve not to adopt a local planning scheme proposed by a landowner if the local government is not satisfied that there is in place an agreement for the local government to use any copyrighted material provided in support of the proposed scheme —
- (a) for the purpose of preparing and implementing the scheme; and
 - (b) for zero remuneration.

20. Notification of resolution

- (1) A local government must, as soon as is reasonably practicable after passing a resolution to prepare or adopt a local planning scheme, advertise the resolution as follows —
- (a) publish a notice in a form approved by the Commission in accordance with regulation 76A;
 - (b) provide a copy of the published notice to the following persons or bodies for recommendations —
 - (i) the local government of each district that adjoins the local government district;

- (ii) each licensee under the *Water Services Act 2012* likely to be affected by the scheme;
- (iii) the chief executive officer of the department of the Public Service principally assisting in the administration of the *Conservation and Land Management Act 1984*;
- (iv) each other public authority likely to be affected by the scheme.

Note for this subregulation:

Under section 81 of the Act written notice of the resolution and written information about the local planning scheme must be given to the EPA.

- (2) A local government must, on the provision of the published notice to a person or body referred to in subregulation (1)(b), request the person or body to provide to the local government within 21 days or such longer period as the local government allows, a memorandum in writing setting out any recommendations in respect of the resolution.
- (3) If a person or body does not provide a memorandum within the time allowed under subregulation (2), the local government may determine that the person or body is to be taken to have no recommendations to make in respect of the resolution.

[Regulation 20 amended: SL 2020/252 r. 10.]

Division 2 — Advertising local planning scheme

21. Resolution to proceed to advertise draft local planning scheme

- (1) On completion of the preparation of local planning scheme documents or the consideration of local planning scheme documents proposed by an owner of land in the scheme area, a local government must resolve —
 - (a) to proceed to advertise the draft local planning scheme without modification; or

- (b) to proceed to advertise the draft local planning scheme with modifications; or
 - (c) not to proceed to advertise the draft local planning scheme.
- (2) If the local government resolves to proceed to advertise a draft local planning scheme the local government must, before advertising the scheme, submit 2 copies of the draft local planning scheme documents to the Commission.
- (3) The documents referred to in subregulation (2) must be submitted within 21 days of the local government resolution or such longer period as the Commission allows.
- (4) The Commission must, within 90 days or such longer period as the Minister or an authorised person allows, of receiving the documents submitted under subregulation (2), examine the documents and advise the local government if the Commission considers that any modification to the documents is required before the draft local planning scheme is advertised.
- (5) If the local government resolves not to proceed to advertise a draft local planning scheme the local government must, within 21 days or such longer period as the Commission allows, provide a copy of the resolution to the Commission.

22. Advertisement of local planning scheme

- (1) Subject to sections 81 and 82 of the Act, if the Commission advises a local government that it is satisfied that a draft local planning scheme submitted by the local government is suitable to be advertised, the local government must, as soon as is reasonably practicable, prepare a notice in a form approved by the Commission giving details of —
 - (a) the purpose of the draft scheme; and
 - (b) how the draft scheme is to be made available to the public in accordance with regulation 76A; and

- (c) the manner and form in which submissions may be made; and
 - (d) the period under subregulation (3) for making submissions and the last day of that period.
- (2) On completion of the preparation of the notice, the local government must advertise the draft local planning scheme for public inspection as follows —
- (a) publish in accordance with regulation 76A —
 - (i) the notice; and
 - (ii) the draft local planning scheme;
 - (b) give a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme;
 - (c) advertise the draft local planning scheme as directed by the Commission and in any other way the local government considers appropriate.

[(d), (e) deleted]

- (3) The period for making submissions on a draft local planning scheme is —
- (a) the period of 90 days after the day on which the notice is first published under subregulation (2)(a)(i); or
 - (b) a longer period approved by the Commission.

[(4) deleted]

[Regulation 22 amended: SL 2020/252 r. 11.]

23. Land owner may be required to pay costs of publication

The local government may require a person to pay the cost of the publication of a notice under regulation 22(2) if —

- (a) the notice relates to a draft local planning scheme in respect of land owned by the person; and
- (b) the person proposed the draft scheme.

24. Submissions on local planning scheme

- (1) A submission on a draft local planning scheme must —
 - (a) be made to the local government in a form approved by the Commission; and
 - (b) state the name and address of the person making the submission; and
 - (c) include a statement about the capacity in which the person makes the submission.
- (2) A local government must acknowledge in writing the receipt of each submission received by it.

25. Consideration of submissions

- (1) In this regulation —

consideration period, in relation to a draft local planning scheme, means the period ending on the latest of the following days —

 - (a) the day that is 120 days after the end of the submission period for the draft scheme;
 - (b) the day that is 21 days after the receipt of a statement in respect of the draft scheme delivered under section 48F(2)(a) of the EP Act;
 - (c) the day that is 21 days after the receipt of a statement in respect of the draft scheme delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);
 - (d) a day approved by the Commission;

submission period, in relation to a draft local planning scheme, means the period for making submissions that applies under regulation 22(3).

- (2) The local government —
- (a) must consider all submissions on a draft local planning scheme lodged with the local government within the submission period; and
 - (b) may, at the discretion of the local government, consider submissions on a draft scheme lodged after the end of the submission period but before the end of the consideration period.
- (3) Before the end of the consideration period for a draft local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —
- (a) to support the draft scheme without modification; or
 - (b) to support the draft scheme with proposed modifications to address issues raised in the submissions; or
 - (c) not to support the draft scheme.
- (4) If no submissions have been received within the submission period, the resolution referred to in subregulation (3) must be passed as soon as is reasonably practicable after the end of the submission period.

[Regulation 25 amended: SL 2020/252 r. 12.]

26. Local government may advertise proposed modifications to draft local planning scheme

- (1) The local government may decide to advertise a proposed modification to the draft local planning scheme if —
- (a) the local government proposes the modification to address issues raised in submissions made on the draft scheme; and
 - (b) the local government is of the opinion that the proposed modification is significant.

- (2) If a local government makes a decision under subregulation (1) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the draft local planning scheme.
- (3) A proposed modification to a draft local planning scheme may not be advertised on more than one occasion without the approval of the Commission.
- (4) Any advertisement of a proposed modification to the draft local planning scheme must include a notice specifying —
 - (a) the proposed modification to be made to the advertised local planning scheme; and
 - (b) details of how the proposed modification is made available to the public; and
 - (c) the manner and form in which submissions may be made; and
 - (d) the period under subregulation (5) for making submissions and the last day of that period.
- (5) The period for making submissions on the proposed modification is —
 - (a) the period of 60 days after the day on which the notice under subregulation (4) is first advertised; or
 - (b) a longer period approved by the Commission.
- (6) A person may make a submission on a proposed modification to a draft local planning scheme that has been advertised in accordance with subregulation (2) —
 - (a) in the manner and form specified in the notice; and
 - (b) within the period specified in the notice.

- (7) If a proposed modification to a draft local planning scheme is advertised in accordance with this regulation, a local government —
- (a) must consider all submissions on the proposed modification made to the local government within the period specified in the notice; and
 - (b) may, at the discretion of the local government, consider submissions on the proposed modification made to the local government after the end of the period specified in the notice; and
 - (c) must make a recommendation in respect of each submission considered.

[Regulation 26 amended: SL 2020/252 r. 13.]

27. Incorporation of environmental conditions

If a local government receives a statement in respect of a draft local planning scheme delivered under section 48F(2) of the EP Act after passing a resolution to support the draft scheme but before complying with regulation 28, the local government must amend the local planning scheme documents —

- (a) to incorporate the conditions set out in the statement; or
- (b) if as the result of a request by the local government under section 48G(1) of the EP Act a statement is delivered to the local government under section 48G(3) of the EP Act, to incorporate the conditions set out in that later statement.

28. Information on draft local planning scheme to be provided to the Commission

- (1) After passing a resolution under regulation 25(3) the local government must provide the advertised local planning scheme documents to the Commission together with the following —
- (a) a schedule of submissions made on the draft scheme;

- (b) the response of the local government to each submission;
 - (c) particulars of each modification to the draft scheme proposed by the local government in response to the submissions;
 - (d) if any proposed modification to the scheme was advertised —
 - (i) an explanation of the reasons for advertising the modification; and
 - (ii) particulars of how the modification was advertised; and
 - (iii) a schedule of submissions made on the proposed modifications; and
 - (iv) the recommendation of the local government in accordance with regulation 26(7)(c) in respect of each submission;
 - (e) a copy of the resolution passed under regulation 25(3);
 - (f) if that resolution was a resolution under regulation 25(3)(c) — a summary of the reasons why the local government does not support the draft scheme;
 - (g) details of any provision in the draft scheme that varies or excludes a provision set out in Schedule 1;
 - (h) details of any provision in the draft scheme that supplements a provision set out in Schedule 2;
 - (i) any relevant maps, plans, specifications and particulars required by the Commission.
- (2) A schedule of submissions referred to in subregulation (1)(a) and (d)(iii) must include —
- (a) the name and address of the person making the submission; and
 - (b) where it is relevant, a description of the property that is the subject of the submission; and

- (c) the submission or a summary of the submission.
- (3) The documents referred to in subregulation (1) must be provided to the Commission —
 - (a) in the case of a resolution to support a draft local planning scheme without modification or not to support a draft local planning scheme — within 21 days of passing the resolution; or
 - (b) in the case of a resolution to support a draft local planning scheme with proposed modifications —
 - (i) if the local government decides not to advertise the proposed modification — within 21 days of passing the resolution; or
 - (ii) otherwise — within 21 days of complying with regulation 26(7);or
 - (c) if the Commission in any case approves a longer period — within that longer period.

29. Commission to submit draft local planning scheme and recommendations to Minister

The Commission must, within 120 days of receiving the documents provided to it under regulation 28(1), or within such longer period as the Minister or an authorised person allows —

- (a) consider the documents; and
- (b) make any recommendations to the Minister in respect of the draft local planning scheme that the Commission considers appropriate; and
- (c) submit the documents and the recommendations to the Minister in accordance with section 87(1) of the Act.

30. Minister or authorised person may direct modifications to draft local planning scheme be advertised

- (1) Before a decision is made under section 87 of the Act, the Minister or an authorised person may direct the local government to advertise modifications to a draft local planning scheme if —
 - (a) the local government proposes, or the Commission recommends, that the scheme that was advertised under regulation 22 be modified; and
 - (b) the Minister or authorised person is of the opinion that the modification is significant.
- (2) The direction must include details of the process to be followed in respect of the advertisement including timeframes for —
 - (a) the making and consideration of submissions on the modifications; and
 - (b) providing recommendations to the Minister or authorised person following the advertisement.
- (3) If a local government is given a direction under subregulation (1), the local government must advertise the modification to a local planning scheme as directed by the Minister or authorised person.

Division 3 — Giving effect to decision on local planning scheme

31. Giving effect to Minister’s decision

- (1) If a local government is notified that the Minister has, under section 87(2)(c) of the Act, refused to approve a local planning scheme, the local government must, as soon as is reasonably practicable, notify each person who made a submission in relation to the local planning scheme of that refusal.
- (2) Within 42 days of being notified that, under section 87(2)(b) of the Act, the Minister requires the local government to modify

the draft local planning scheme, or a longer period approved by the Minister or authorised person, the local government must —

- (a) modify the draft scheme as required; and
 - (b) execute the modified local planning scheme documents; and
 - (c) submit to the Minister a copy of the executed documents.
- (3) If the local government is notified that the Minister has, under section 87(2)(a) of the Act, approved the local planning scheme, the local government must provide to the Commission for endorsement such copies of the local planning scheme as the Commission requires, including not less than 2 copies of the local planning scheme documents that have been executed by the local government.
- (4) The documents referred to in subregulation (3) must be provided within 14 days of the local government being notified of the Minister's approval, or a longer period approved by the Commission.

32. Endorsement of local planning scheme

- (1) The Commission must endorse each of the copies of the local planning scheme that has been executed by the local government and submit one of those copies to the Minister.
- (2) The Minister must endorse the copy of the local planning scheme with the Minister's approval and return it to the Commission.
- (3) A person authorised in writing by the Commission may certify that a copy of a local planning scheme is a true copy of a local planning scheme as approved by the Minister.

33. Advertisement of approved local planning scheme

- (1) The Commission must provide to the relevant local government a copy of the notice of a local planning scheme published in the *Gazette* under section 87(3) of the Act.
- (2) For the purposes of section 87(4B)(a) of the Act, the local government must advertise the local planning scheme as follows —
 - (a) publish a copy of the notice referred to in subregulation (1) in accordance with regulation 76A;
 - (b) publish the local planning scheme in accordance with regulation 76A;
 - (c) notify each person who made a submission in relation to the local planning scheme —
 - (i) that the local planning scheme has been approved; and
 - (ii) of the details of how the local planning scheme is made available to the public in accordance with regulation 76A.
- (3) Subregulation (2)(b) is an ongoing publication requirement for the purposes of regulation 76A(5)(a).

[Regulation 33 amended: SL 2020/252 r. 14.]

76A.

- (1) This regulation applies if under a provision of these regulations (other than Schedule 1 or 2) a local government is required to publish in accordance with this regulation a notice, scheme, amendment or other document (the *document*).

- (2) The local government must make the document available in accordance with the applicable requirements of subregulations (3) to (5).

Note for this subregulation:

Under regulation 76B, the Commission may approve varied requirements that apply if it is not practicable for a local government to publish documents in accordance with subregulations (3) to (5).

- (3) For all documents, the local government must —
- (a) publish on the website of the local government —
 - (i) the document; or
 - (ii) a hyperlink to a webpage on which the document is published;
 - and
 - (b) if it is reasonably practicable to do so — make a copy of the document available for public inspection at a place in the district of the local government during normal business hours.
- (4) If the document is a notice and the local government considers that it is appropriate in the circumstances for the notice to be published in a newspaper, the local government must also ensure that the notice is published in a newspaper circulating in the relevant locality in the local government's district.
- (5) The local government must ensure that the document remains published under subregulation (3)(a) and (if applicable) available for public inspection under subregulation (3)(b) —
- (a) if the document is published in compliance with a requirement that is expressed to be an ongoing publication requirement — at all times that the document is in effect; or
 - (b) if the document is published in compliance with a requirement to advertise for submissions or recommendations under these regulations — during the

r. 76B

whole of the period within which submissions or recommendations may be made; or

- (c) if paragraphs (a) and (b) do not apply — during a period that the local government considers is reasonable.

[Regulation 76A inserted: SL 2020/252 r. 26.]

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
12880	15/9/2021	Australian Communications & Media Authority	Renewal of Land Mobile radio tower 12 months licence	114.00
12881	15/9/2021	Department Of Transport	12 Months registration 1HDE040	426.30
12881	15/9/2021	Department Of Transport	12 Months Vehicle Registration - T15325	24.40
12881	15/9/2021	Department Of Transport	Vehicle Transfer - 1TWL782	18.90
12882	15/9/2021	Telstra Corporation Ltd	Telstra Mobiles & Data - August 2021	1,716.70
12882	15/9/2021	Telstra Corporation Ltd	Telstra Account 0293288400 - August 2021	6,915.76
12882	15/9/2021	Telstra Corporation Ltd	BFB Accounts 7852285500 - August 2021	45.60
12883	15/9/2021	Water Corporation	Water Account - Mrs O'Reillys 11/06/2021 to 12/08/2021	336.21
12883	15/9/2021	Water Corporation	Water account - Community Centre & Alma Beard MC 11/06/2021 to 12/08/2021	488.97
12883	15/9/2021	Water Corporation	Water Account - Bendigo Bank Building 11/06/2021 to 12/08/2021	449.22
12883	15/9/2021	Water Corporation	Water account - Harper Road Depot 11/06/2021 to 12/08/2021	918.64
12883	15/9/2021	Water Corporation	Water account - Anzac Park 17/06/2021 to 25/06/2021	53.24
12883	15/9/2021	Water Corporation	Water account - Old Gaol 17/06/2021 to 17/08/2021	236.92
12883	15/9/2021	Water Corporation	Water account - 19A Clinton St 17/06/2021 to 17/08/2021	263.68
12883	15/9/2021	Water Corporation	Water account - Road Verge Anzac Ave 17/06/2021 to 17/08/2021	5.32
12883	15/9/2021	Water Corporation	Water Account - 19B Clinton St 17/06/2021 to 17/08/2021	276.47
12883	15/9/2021	Water Corporation	Water Account - Railway Road Depot 17/06/2021 to 16/08/2021	87.85
12883	15/9/2021	Water Corporation	Water account - Waste Transfer Station 17/06/2021 to 16/08/2021	34.61
12883	15/9/2021	Water Corporation	Water account - Admin 17/06/2021 to 16/08/2021	31.94
12883	15/9/2021	Water Corporation	Water account - Admin 17/06/2021 to 16/05/2021	23.96
12883	15/9/2021	Water Corporation	Water account - Old P&G Depot 17/06/2021 to 16/08/2021	31.94
12883	15/9/2021	Water Corporation	Water account - Duidgee Park 17/06/2021 to 16/08/2021	356.71
12883	15/9/2021	Water Corporation	Water account - Community Standpipe Stirling Tce 11/06/2021 to 12/08/2021	48.55
12883	15/9/2021	Water Corporation	Water account - Toodyay Showgrounds 11/06/2021 to 13/08/2021	485.12
12883	15/9/2021	Water Corporation	Water account - Parkers Cottage 11/06/2021 to 13/08/2021	45.69
12883	15/9/2021	Water Corporation	Water account - Donegans Cottage 11/06/2021 to 13/08/2021	45.69
12883	15/9/2021	Water Corporation	Water Account - 33 Telegraph Road 15/06/2021 to 13/08/2021	47.52
12883	15/9/2021	Water Corporation	Water account - Railway St 11/06/2021 to 12/08/2021	13.31
12883	15/9/2021	Water Corporation	Water account - Duke St Toilets 11/06/2021 to 12/08/2021	282.03
12883	15/9/2021	Water Corporation	Water account - Memorial Hall 11/06/2021 to 12/08/2021	326.79
12883	15/9/2021	Water Corporation	Water account - Connors Cottage 11/06/2021 to 12/08/2021	318.55
12883	15/9/2021	Water Corporation	Water Account - Library 11/06/2021 to 12/08/2021	56.95
12883	15/9/2021	Water Corporation	Water account - Connors Mill & VC 11/06/2021 to 12/08/2021	262.16
12883	15/9/2021	Water Corporation	Water account - Toodyay Recreation Centre 28/07/2021 to 25/08/2021	298.08
12883	15/9/2021	Water Corporation	Water account - Pelham Reserve Toilets 17/06/2021 to 17/08/2021	151.74
12883	15/9/2021	Water Corporation	Water account - Northam Toodyay Rd Standpipe 01/07/2021 to 01/09/2021	4,735.78
12884	22/9/2021	Commissioner Of Police - Licensing Services Firearms	Firearms Licence Renewal 20/09/2021 to 20/09/2022	137.00
12885	22/9/2021	Department Of Transport	12 Months registration 1HDE040	426.30
12886	30/09/2021	Department Of Transport	12 Months Vehicle Registration - T15325	24.40
12886	30/09/2021	Department Of Transport	Vehicle Transfer - 1TWL782	18.90
12886	30/09/2021	Department Of Transport	12 Months Vehicle Registration T000	426.30
12887	30/09/2021	Old Gaol Museum	Old Gaol Honorariums - Oct 2021	450.00
1	1/09/2021	Bendigo & Adelaide Bank Ltd	Monthly service fee	15.00

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount	
2	1/09/2021	Bendigo & Adelaide Bank Ltd	Overdraft fee	15.00	
3	1/09/2021	Bendigo & Adelaide Bank Ltd	Bank fee	2.97	
4	1/09/2021	Bendigo & Adelaide Bank Ltd	Bank fee	8.25	
5	1/09/2021	Bendigo & Adelaide Bank Ltd	Bpay Monthly fee	164.56	
6	2/09/2021	Bendigo & Adelaide Bank Ltd	Transfer fee	10.00	
7	3/09/2021	Commonwealth Bank Of Australia	Merchant fee	93.05	
8	3/09/2021	Commonwealth Bank Of Australia	Merchant fee	134.82	
9	3/09/2021	Commonwealth Bank Of Australia	Merchant fee	22.73	
10	3/09/2021	Commonwealth Bank Of Australia	Merchant fee	81.33	
11	3/09/2021	Paymate	Community standpipe controller	0.33	
12	3/09/2021	Bendigo & Adelaide Bank Ltd	Transfer fee	15.00	
13	7/09/2021	Commonwealth Bank Of Australia	Equigroup - IT Hardware & Software Lease	151.15	
14	8/09/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Depot/VC/Library	470.34	
15	13/09/2021	CNH Industrial Capital Aust Pty Ltd	Iveco Truck Lease	3,207.70	
16	14/09/2021	Credit Card CESM	Credit card - CESM	4.00	
			Card Fee		4.00
17	14/09/2021	Credit Card MAS	Credit card - MAS	820.59	
			Trentech Automotive - Replace Battery Ranger Vehicle		265.00
			DWER - Clearing permit for Toodyay Bindi Bindi Rd		400.00
			Spot Messenger - GPS Tracking		30.67
			International Transaction fee		0.92
			Card Fee		4.00
			Tickets-WA Trails & Recreation Forum - G Warburton		120.00
18	14/09/2021	Credit Card CEO	Credit Card - CEO	1,150.06	
			Buidling Point - Annual Subscription SketchupPro - Design Software for Planning		440.00
			Adobe Acropro Subscription		462.92
			Zoom - Annual Subscription		162.74
			Card Fee		4.00
			R U OK Limited - Post-it Note pads		80.40
19	14/09/2021	Commonwealth Bank Of Australia	Equigroup - IT Hardware & Software Lease	2,635.05	
20	15/9/2021	4 Degrees South Band	Band performance at TIFF 2021 - Saturday 14 August 2021	1,500.00	
21	15/9/2021	6Five Double6	Consignment sales - August 2021	11.53	
22	15/9/2021	Abcorp Australasia Pty Ltd	500 Library Membership cards	907.50	
23	15/9/2021	Alison Barbara Downie	Consignment sales - August 2021	33.34	
24	15/9/2021	ASV Sales And Service	Remainder of parts to repair ASV Possie Track	818.34	
25	15/9/2021	ASV Sales And Service	Drive sprockets for Posi Track loader	858.79	
26	15/9/2021	Auscoinvest	VC Stock - Souvenir Coins plus Freight	289.30	
27	15/9/2021	Austral Bricks WA Pty Ltd	Supply of gravel for Morangup Rd Capital Works	12,889.80	
28	15/9/2021	Austral Bricks WA Pty Ltd	Supply of gravel road base for re-sheeting works on Morangup Rd	3,850.00	
29	15/9/2021	Australia Post	Postage charges for August 2021	619.07	
30	15/9/2021	Autopro Northam	Trailer plugs for plant	75.18	
31	15/9/2021	Autopro Northam	Service filter kit for Mechanic truck	79.67	
32	15/9/2021	Autopro Northam	Service filters for T6782 - Isuzu Crew Cab	131.38	

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
33	15/9/2021	Autopro Northam	1000Lt Adblue	864.58
34	15/9/2021	Autopro Northam	Service kits for aux engine on fire trucks	994.54
35	15/9/2021	Autopro Northam	supply pre cleaner for Ammann roller	197.51
36	15/9/2021	Autopro Northam	Replacement disc brake pads for T0002 Ranger vehicle.	83.93
37	15/9/2021	AV Truck Services Pty Ltd	Replacement clearance lights for truck 12	149.80
38	15/9/2021	Avon Skip Bins	Skip Bin empty - Recreation Centre - August 2021	200.00
39	15/9/2021	Avon Skip Bins	Skip Bin empty - Depot - August 2021	100.00
40	15/9/2021	Avon Skip Bins	Skip Bin empty - Memorial Hall - August 2021	200.00
41	15/9/2021	Avon Skip Bins	Skip Bin empty - Sportsground - August 2021	50.00
42	15/9/2021	Avon Valley Glass	Replace broken window in visitors centre.	316.45
43	15/9/2021	Avon Valley Shotokan Karate Club (Usku)	Parking Marshalls for 2021 TIFF	400.00
44	15/9/2021	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight commencing 16/08/2021	14,715.19
45	15/9/2021	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight commencing 02/08/2021	14,198.54
46	15/9/2021	Avon Waste - Stondon Pty Ltd	Services- Rubbish Waste Removal - 2021 Toodyay International Food Festival	880.00
47	15/9/2021	Barry Graham Keens	Consignment sales - August 2021	98.70
48	15/9/2021	BGC	26 tonne of 5mm aggregate with delivery	1,363.68
49	15/9/2021	Biomax Pty Ltd	Quarterly service of C10 Biomax System at Depot	130.80
50	15/9/2021	Blackwell Plumbing	Repairs to plumbing at Showgrounds	125.57
51	15/9/2021	Blue Frog Innovations	Bushfire Modelling	2,244.40
52	15/9/2021	Boral Construction Materials (Boral Resources WA Ltd)	7 x 205lt drums of emulsion	2,021.25
53	15/9/2021	Broderick Waste Solutions	Management of Waste Transfer Station fortnight ending 24/08/2021	5,500.00
54	15/9/2021	Broderick Waste Solutions	Cartage of Waste to Northam for the month of August 2021	4,751.34
55	15/9/2021	Broderick Waste Solutions	Management of Waste Transfer Station fortnight ending 07/09/2021	5,500.00
56	15/9/2021	C & F Building Approvals	4 x NCC Compliance Assessments & Issue of CDC	528.00
57	15/9/2021	C & F Building Approvals	1 x NCC Compliance Assessment & Issue of CDC	132.00
58	15/9/2021	Cameron Chisholm Nicol (WA) Pty Ltd	TRC DLP Phase June and July 2021	1,100.00
59	15/9/2021	Cameron Chisholm Nicol (WA) Pty Ltd	DLP Services - TRC - April & May 2021	1,100.00
60	15/9/2021	Capture The Light Photographic Tours	Consignment sales - August & June 2021	11.53
61	15/9/2021	Champagne & Gumboots Pty Ltd	40 x Mixed Gluten Free Cupcakes for TIFF	220.00
62	15/9/2021	Charles Service Company	Consumables - 6th July 2021, 9th August 2021, & 17th August 2021	1,114.45
63	15/9/2021	Charles Service Company	clean inside house 33 Telegraph Rd	800.00
64	15/9/2021	Charles Service Company	Clean of Toilets at showground	100.00
65	15/9/2021	Charles Service Company	Additional Services Admin & Youth Hall 26/07/2021 - 19/08/2021	1,584.00
66	15/9/2021	Charles Service Company	Monthly Cleaning August Library, Public Toilets, Depot, Community Centre, Mem Hall. Pavilion, VC, Goal, Museum	11,215.39
67	15/9/2021	Christopher Sharples	Entertainment - Performing Band Toodyay IFF 2021	1,000.00
68	15/9/2021	Classic Hire	Hire of Water filled barriers for traffic control on Bridge 4081	1,643.40
69	15/9/2021	Cleanflow Environmental Solutions	Provision to educt storm water drainage and conduct CCTV inspection, multiple sites	5,313.00
70	15/9/2021	Clublinks Management Pty Ltd	TRC Venue management - July 2021 to September 2021	113,297.29
71	15/9/2021	Coastal Machinery Pty Ltd	Purchase of new Brian James Cargo Connect plant trailer 5.5m x 2.2m with Hydraulic Tilt kit, tail panel and tail panel torsion bar kit. Includes new tyres, LED lights, spare wheel, jockey wheel and registration fees.	12,435.00
72	15/9/2021	Colour Splash Media	Event Photography coverage of TIFF 2021	700.00

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
73	15/9/2021	Conplant Pty Ltd	Replacement plug for water tank on ammann roller.	225.28
74	15/9/2021	Corsign (WA) Pty Ltd	Various Road Signs	1,687.40
75	15/9/2021	Country Copiers	Supply plotter plain paper 50mx594mm 2x Rolls	54.30
76	15/9/2021	Countrywide Pools	12" Edger Blades - Mowmaster Edger	100.00
77	15/9/2021	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS - August 2021	3,300.00
78	15/9/2021	Datacom Solutions (Au) Pty Ltd	Datascape ERP Implementation - Project Variation 006 - Azure D SSO to support GIS	4,785.00
79	15/9/2021	Datacom Solutions (Au) Pty Ltd	Datapay Payroll & Direct Access for August 2021	318.45
80	15/9/2021	Datacom Solutions (Au) Pty Ltd	Datascape ERP Implementation - Mileage, Travel & Accommodation	4,570.21
81	15/9/2021	Deborah Termann	Consignment sales - August 2021	52.00
82	15/9/2021	Dept Of Fire & Emergency Services	2021/2022 ESL 1st Qtr in accordance with DFES of WA Act 1998	88,712.70
83	15/9/2021	Destination Perth	Advertising in the 2022 Destination Perth Holiday Planner. Standard 2/9th page Ad	1,950.00
84	15/9/2021	Destination Perth	Participation in the Destination Perth 2021 Trade & Media Kit	275.00
85	15/9/2021	Digga-West & Earthparts WA	Replacement pallet fork tynes (rated 1200kg) for skid steer attachment.	776.60
86	15/9/2021	Dorma Australia Pty Ltd	Servicing of Automatic doors to all shire buildings	693.00
87	15/9/2021	Dorma Australia Pty Ltd	2 x 12V 17AH Batteries - VC & Library	120.36
88	15/9/2021	Driver Risk Management Pty Ltd	Operate & Maintain 4WD Training Course (TLIC2025 / RIIVEH305F)	1,155.00
89	15/9/2021	Driver Risk Management Pty Ltd	Operate Light Vehicle (TLIC1051/RIIVEH201D) and Operational Conditions Training (PUAVEH001) Driver Risk Management Drive Vehicle Under Operational Conditions Training (PUAVEH001) and Operate 4WD Training Vehicle (TLIC2025)	4,521.00
90	15/9/2021	Driver Risk Management Pty Ltd	Operate & Maintain 4WD Training Course (TLIC2025 / RIIVEH305F)	2,695.00
91	15/9/2021	Dunning Investments Pty Ltd	2 x 200Lt Drums of Kerosine	860.00
92	15/9/2021	Dunning Investments Pty Ltd	23400Lt Diesel & 2600 Lt Unleaded	33,479.88
93	15/9/2021	Easifleet	Payroll Salary Sacrifice deductions PPE 31/08/2021	852.19
94	15/9/2021	Easy2C Pty Ltd	VC Stock - Magnets & Pens	1,027.80
95	15/9/2021	Equifax	Fit 2 Work Integrity checks - August 2021	97.90
96	15/9/2021	Esslemont Estate	Consignment sales - August 2021	20.69
97	15/9/2021	Freedom Fairies	Children's entertainment - Nurture the Nature Zone - For 2021 Toodyay International Food Festival	1,980.00
98	15/9/2021	Frontline Fire & Rescue Equipment	BFS - Branches & PPE	8,871.83
99	15/9/2021	Frontline Fire & Rescue Equipment	BFB Fittings - BIC to Storz Qty 12	903.92
100	15/9/2021	Frontline Fire & Rescue Equipment	BFS Fleet - Vehicle Fit out and Equipment Inspection	9,955.65
101	15/9/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier readings - 01/08/2021 to 31/08/2021	367.63
102	15/9/2021	G & C Steytler	Consignment sales - August 2021	48.00
103	15/9/2021	George Jeffery Johnson	Environmental Health Officer Consultancy Services - August 2021	6,336.00
104	15/9/2021	George Jeffery Johnson	Environmental Health Officer Consultancy Services 30/7/21, 2/8/21, 6/8/21, 13/8/2021	3,168.00
105	15/9/2021	Glenoran Leather	Consignment sales - August 2021	137.68
106	15/9/2021	Hesperian Press	VC Stock	601.25
107	15/9/2021	If Atm Perth	Services - ATM Hire - 2021 Toodyay International Food Festival	330.00
108	15/9/2021	Industrial Automation Group	Northam Toodyay Road Standpipe - Operational cost - Annual Cloud Server fee & SCADA Subscription	666.05
109	15/9/2021	Instant Products Hire	Supply of toilets for the Toodyay International Food Festival 14 August 2021	3,970.67
110	15/9/2021	JCB Construction Equipment Australia	Replacement tail light due to damage - JCB Backhoe	143.78

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
111	15/9/2021	John Butler	Consignment sales - August 2021	53.90
112	15/9/2021	June Foote	Consignment sales - July & August 2021	19.92
113	15/9/2021	Kennards Hire	Additional week hire of VMB sign - Morangup Road Capital Works	385.00
114	15/9/2021	Kleen West Distributers	Admin - Box of toilet rolls	67.42
115	15/9/2021	Landgate	Online Title searches for August 2021	163.20
116	15/9/2021	Landgate	GRV Interim valuations Schedule G2021/7	207.67
117	15/9/2021	LD Thompson & Co	Provision to supply and coordinate 5x dilapidation reports on property near rock breaking activities - Toodyay St capital works	2,310.00
118	15/9/2021	Leah Imelda Carvell	Consignment sales - August 2021	33.00
119	15/9/2021	Leyland Engineering Services	Yearly Service of Bejoording 1.4	675.00
120	15/9/2021	Leyland Engineering Services	Yearly Service of Julimar 1.4	675.00
121	15/9/2021	Leyland Engineering Services	Yearly Service of Coondle 1.4 and minor repairs Julimar 2.4	675.00
122	15/9/2021	Leyland Engineering Services	Service and repair fire truck Julimar 2.4	787.50
123	15/9/2021	LGISWA	Insurance - Motor Vehicle	88,390.44
124	15/9/2021	Lindsay Burke	Consignment sales - August 2021	11.53
125	15/9/2021	Lupton's Liquid Waste	Remove septic waste from pavilion septic tanks.	1,210.00
126	15/9/2021	Major Motors Pty Ltd	replacement O RINGS for water pump	16.83
127	15/9/2021	Major Motors Pty Ltd	Supply new CV Boots for Coondle 1.4	601.13
128	15/9/2021	Margaret Bradford Seeley	Consignment sales - August 2021	32.34
129	15/9/2021	Mayday Earthmoving	Dry Hire of Water Truck - July 2021	3,932.50
130	15/9/2021	Mayday Earthmoving	Hire of water cart for Capital Works projects - August 2021	7,865.00
131	15/9/2021	Michael Speranza	Children's Entertainment - Roving Entertainer/Workshop - For 2021 Toodyay International Food Festival	650.00
132	15/9/2021	MJB Industries Pty Ltd	Leach drains for Toodyay Showgrounds Toilets	4,463.03
133	15/9/2021	Moodyne Festival Committee - Toodyay Festivals Inc	Community Group - Moodyne Festival Committee - Assisting with Covid Marshals Role - 2021 Toodyay International Food Festival	150.00
134	15/9/2021	Moodyne Festival Committee - Toodyay Festivals Inc	Covid Marshal Duties at Toodyay IFF 2021	100.00
135	15/9/2021	Multicon Commercial Constructions (Stallion Homes)	Julimar Fire Station - August Progress Claim	119,486.40
136	15/9/2021	Murray Views Pty Ltd	VC Stock	666.69
137	15/9/2021	Natspec	Aus-Spec complete subscription (Annual)	3,509.00
138	15/9/2021	North Metropolitan Tafe	Study C Skinner - BSBLIB603: Contribute to collection management & BSBLIB509: Provide subject access and classify material	1,158.00
139	15/9/2021	North Star Security Nominees Pty Ltd	Service Technician to attend Admin to fix fault with back gate auto lock and check alarm system	467.50
140	15/9/2021	North Star Security Nominees Pty Ltd	Call out to check and replace rear gate fob entry as it had not been working - Serviced Alarm system and replaced old battery's while here	1,100.55
141	15/9/2021	Northams Avon Descent Association	Annual Sponsorship of the 2021 Avon Descent event	11,000.00
142	15/9/2021	Officeworks	Admin Stationery	560.75
143	15/9/2021	Old Macdonald'S Travelling Farm	Children's Entertainment - (Animal Farm Stand) - For 2021 Toodyay International Food Festival	990.00
144	15/9/2021	Onsite Rental Group	Supply and set up of generators and electrical requirements for the Toodyay International Food Festival 14 August 2021	9,067.08
145	15/9/2021	Planning Institute Of Australia	Annual Membership to Planning Institute of Australia for Hugo de Vos	638.00
146	15/9/2021	Professional PC Support Pty Ltd	Managed ITC Agreement Monthly Billing - September 2021	8,024.26
147	15/9/2021	Professional PC Support Pty Ltd	Managed Phone Services Billing for September 2021	1,068.47

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
148	15/9/2021	Professional PC Support Pty Ltd	Managed Phone Services Billing for September 2021	280.50
149	15/9/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Keyboard and mouse combo	46.20
150	15/9/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Ticket 93629 - Faulty Laptop at TRC	770.00
151	15/9/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - VC Computer issues	22.00
152	15/9/2021	Public Transport Authority Of WA	TransWA ticket sales for August 2021	234.48
153	15/9/2021	Quilts By Robyn	Consignment sales - August 2021	330.00
154	15/9/2021	Road And Traffic Services	Provision to supply and install line marking as per SoT drawing - Julimar Road capital works	6,443.03
155	15/9/2021	Robert Van Oosten	Consignment sales - August 2021	35.00
156	15/9/2021	Rylan Concrete	Provision to supply and install kerbing - Shire Depot	4,785.00
157	15/9/2021	Shire Of Goomalling	21/22 Contribution to Pioneer Pathway	3,850.00
158	15/9/2021	Six Seasons Connect	Welcome to Country - Performed by Sharmaine Miles (NKAC) - TIFF	300.00
159	15/9/2021	Snap - West Perth	Tax Invoice Receipting paper - for Rates & Animals	601.70
160	15/9/2021	Snap - West Perth	3000 Window Face Envelopes for Rates	658.46
161	15/9/2021	Southern Cross Austereo Pty Ltd	Around the Towns radio chat - August 2021	88.00
162	15/9/2021	Southern Sharpening Services	Consignment sales - August 2021	53.84
163	15/9/2021	Spacetoco Pty Ltd	Host ParterPro Bundle - Online Facility Bookings - August 2021	165.00
164	15/9/2021	St John Ambulance - Wheatbelt - Northam	Provide 1st Aid - S Dodemaide 21/08/2021	160.00
165	15/9/2021	St John Ambulance - Wheatbelt - Northam	BFS - First Aid Course 28th Aug - W Fletcher	160.00
166	15/9/2021	St John Ambulance - Wheatbelt - Northam	BFS - First Aid Course 28th Aug - G Scobie	160.00
167	15/9/2021	St John Ambulance - Wheatbelt - Northam	BFS - First Aid Course 28th Aug - R Kesic	160.00
168	15/9/2021	St John Ambulance - Wheatbelt - Northam	BFS - First Aid Course 28th Aug - B O'Neill	160.00
169	15/9/2021	St John Ambulance - Wheatbelt - Northam	BFS - First Aid Course 28th Aug - S Wallace	160.00
170	15/9/2021	St John Ambulance- Toodyay & Districts	St John Ambulance Services - Country event standby - TIFF 2021	440.00
171	15/9/2021	Stephanie Mary Patricia Slater	Consignment sales - August 2021	10.00
172	15/9/2021	Stewart & Heaton Clothing Co Pty Ltd	BFB PPE	1,836.78
173	15/9/2021	Stewart & Heaton Clothing Co Pty Ltd	BFB PPE	1,579.55
174	15/9/2021	Stewart & Heaton Clothing Co Pty Ltd	BFB PPE	9.86
175	15/9/2021	Stewart & Heaton Clothing Co Pty Ltd	BFB PPE	37.11
176	15/9/2021	Suzanna Douglas	Consignment sales - August 2021	22.50
177	15/9/2021	Swan Marquees & Party Hire (Swan Events)	Marquees and furniture for the Toodyay International Food Festival 14 August 2021	11,500.00
178	15/9/2021	Synergy	Electricity Charges - Railway Rd Depot 11/08/2021 to 07/09/2021	432.50
179	15/9/2021	Synergy	Electricity account - 174585790 Streetlights 25/07/2021 to 24/08/2021	3,894.55
180	15/9/2021	Synergy	Electricity account 802970900 - August 2021 Grouped accounts	8,727.43
181	15/9/2021	Tammar Publications	Consignment sales - August 2021	38.00
182	15/9/2021	Tazcar Pty Ltd (Tassie Devil Linemarking)	Provision to supply and install linemarking, various townsite locations	3,049.75
183	15/9/2021	Terry Siva - Eonian Media	Stage Management & MC for Toodyay IFF 2021	800.00
184	15/9/2021	The Goods	4 x 4Lt Deb Solopol Natural Power Wash	181.50
185	15/9/2021	The Jarrah Celt Band	Entertainment - Performing Band (The Jarrah Celts) - 2021 Toodyay International Food Festival	1,320.00
186	15/9/2021	Toll	Freight charges to 12/08/2021	76.38
187	15/9/2021	Toll	Freight charges to 16/08/2021	65.93
188	15/9/2021	Toll	Freight charges to 22/08/2021	30.39
189	15/9/2021	Toodyay Agricultural Society Inc	2021 Toodyay Ag Society Sponsorship - as per Sponsorship agreement	500.00

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

Pay Type	Date	Name	Description	Amount
190	15/9/2021	Toodyay Community Resource Centre	Community Group - Toodyay Community Resource Centre - Assisting with Covid Marshals Role - 2021 Toodyay International Food Festival	300.00
191	15/9/2021	Toodyay Hardware & Farm	Sikaflex Construction Adhesive, Caulking Gun And Advance Ant Sand	124.66
192	15/9/2021	Toodyay Hardware & Farm	1 Pkt 380 x 7.6mm Black Cable ties	9.45
193	15/9/2021	Toodyay Hardware & Farm	1 x Tape Filament 36mm x 50m	15.09
194	15/9/2021	Toodyay Hardware & Farm	1 pair Chemical Gloves	3.99
195	15/9/2021	Toodyay Herald	Advertisements for the Positions of ETO, Part-time EHO & DSO	402.48
196	15/9/2021	Toodyay Herald	ADVERTISING - Shire of Toodyay Notices - Fire Related	240.40
197	15/9/2021	Toodyay Herald	Shire News - September 2021	705.00
198	15/9/2021	Toodyay Herald	2 x 10 Colour advertisement - Extractive Industry - Lot 123 Clackline Road	107.60
199	15/9/2021	Toodyay Music Festival	Community Group - Toodyay Music Festival - Assisting With Pack Up - 2021 Toodyay International Food Festival	300.00
200	15/9/2021	Toodyay Music Festival	Consignment sales - August 2021	146.30
201	15/9/2021	Toodyay State Emergency Service	Covid Marshalls for TIFF 2021	900.00
202	15/9/2021	Toodyay Traders	2 x small heaters	67.00
203	15/9/2021	Toodyay Traders	PVC Pipe DWZ - 100mm (sewer)	59.05
204	15/9/2021	Total Eden - Midland	2 x 80mm Slipfix joiners for reticulation repairs at Toodyay Town Oval	165.59
205	15/9/2021	Total Green Recycling	eWaste Recycling - July 2021	823.52
206	15/9/2021	Transwest WA	Supply of gravel for storm damage repairs & Supply of MRWA spec gravel for Toodyay St Capital Works project	14,785.10
207	15/9/2021	Transwest WA	Supply of 5t of 200-300mm pitching rock for roadside drainage maintenance	160.16
208	15/9/2021	Transwest WA	Supply of MRWA spec gravel for Toodyay St Capital Works project	5,455.45
209	15/9/2021	Transwest WA	Supply 17t of 25mm ballast for replacement leach drains at Toodyay Oval pavilion	752.40
210	15/9/2021	Transwest WA	Supply of MRWA spec gravel for Toodyay St Capital Works project - Adjustment	515.90
211	15/9/2021	Truckline	Replacement rocker box bushes for trailers.	139.39
212	15/9/2021	URL Networks Pty Ltd	SIP Trunks - PAYG , Landlines & Mobiles for August 2021	295.53
213	15/9/2021	Veris Australia Pty Ltd - Corporate Office (Head Office)	Provision to supply feature survey pickup - 3km Toodyay Bindi Bindi Road Capital Works	7,040.00
214	15/9/2021	Verlindens Electrical Service (WA)	replacement of light switch at Admin Male toilets.	209.66
215	15/9/2021	Verlindens Electrical Service (WA)	Replace lights at library	970.75
216	15/9/2021	Verlindens Electrical Service (WA)	Wire up new gate at depot, repairs to hot water system at Youth Hall.	2,977.92
217	15/9/2021	Verlindens Electrical Service (WA)	Repair Streetlights - Stirling Tce & Charcoal Lane	444.40
218	15/9/2021	Verlindens Electrical Service (WA)	Repair lights at Medical Centre	462.11
219	15/9/2021	Wacwill Landscaping & Earthworks Pty Ltd	Reinstate Concrete for Newcastle Park Footpaths & Charcoal Lane Footpaths	2,750.00
220	15/9/2021	Wajon Publishing	VC Stock - Wildflower books	314.40
221	15/9/2021	WALGA	In House Training for Councillors - CEO Performance Appraisals	4,400.00
222	15/9/2021	WALGA	Trainer travel and accommodation related expenses CEO Performance appraisals training delivered 26 July 2021	385.00
223	15/9/2021	Wendouree Tearooms	Catering for Toodyay Ambassador Event 22 July 2021	200.00
224	15/9/2021	Wendouree Tearooms	Catering of refreshments for NKAC, Elected members & Invited guests RAP Launch	100.00
225	15/9/2021	West Wide Auto Electrics	Central 1.4 - 2 x Gel Batteries installed	1,140.00
226	15/9/2021	West Wide Auto Electrics	Auto Electrical Repairs Toodyay 12.2	185.50
227	15/9/2021	West Wide Auto Electrics	Auto Electrical Repairs - FSV Ford Ranger	130.00
228	15/9/2021	West Wide Auto Electrics	Electrical repairs - Central 4.4	1,942.50

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Pay Type	Date	Name	Description	Amount
229	15/9/2021	West Wide Auto Electrics	Electrical repairs - Morangup 1.4	167.50
230	15/9/2021	West Wide Auto Electrics	Auto Electrical Repairs - SES Ute Ford Ranger	344.28
231	15/9/2021	West Wide Auto Electrics	Auto Electrical Repairs - Coondle 3.4	257.50
232	15/9/2021	West Wide Auto Electrics	Auto Electrical Repairs - Morangup 2.4	1,117.50
233	15/9/2021	West Wide Auto Electrics	Auto Electrical Repairs - SES Truck	651.00
234	15/9/2021	Wilko'S Feral Pest Control	Feral Pig Trapping on Shire Reserve 35544 - Rugged Hills	990.00
235	15/9/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings for Library 19/07/2021 to 18/08/2021	79.03
236	15/9/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings for VC 19/07/2021 to 18/08/2021	695.33
237	15/9/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings for Depot 19/07/2021 to 18/08/2021	195.67
238	15/9/2021	Wright Express Aust Pty Ltd	SES Fuel Card Fees - August 2021	20.64
239	15/9/2021	Wurth Australia P/Ty Ltd	Depot Workshop Consumables	1,164.30
240	15/9/2021	Wurth Australia P/Ty Ltd	Supply of Store items	515.46
241	15/9/2021	Commonwealth Bank Of Australia	Bpoint fee	29.77
242	15/9/2021	Toyota Finance	BRPC Vehicle Lease	4,144.35
243	15/9/2021	Bendigo & Adelaide Bank Ltd	Bank fee	8.36
244	15/9/2021	Bendigo & Adelaide Bank Ltd	Bank fee	14.74
245	15/9/2021	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Admin	370.70
246	17/09/2021	Gear Select	Drum Roller Lease	2,296.91
247	22/09/2021	LG Professionals Australia WA	2021/2022 Full Membership - S Haslehurst	531.00
248	22/09/2021	Bendigo & Adelaide Bank Ltd	Bank fee	0.11
249	24/09/2021	Cfmeu - Western Australia	Deed of Settlement and Release for previous officer re CFMEU Claim	8,000.00
250	24/09/2021	Bendigo & Adelaide Bank Ltd	Bank fee	0.11
251	24/09/2021	Komatsu Australia Corporate Finance Pty Ltd	Grader Lease	4,560.99
252	27/09/2021	Paymate	Community standpipe controller	82.50
253	28/09/2021	Paymate	Community standpipe controller	0.01
254	28/09/2021	Komatsu Australia Corporate Finance Pty Ltd	Front Wheel Loader Lease	4,901.37
255	29/09/2021	Bendigo & Adelaide Bank Ltd	Bank fee	8.25
256	30/09/2021	1Spatial	FME Annual Maintenance - Software License 01/12/2021 to 30/11/2022	858.00
257	30/09/2021	Air Communications	Perform Diagnostic checks on Depot Connectivity Infrastructure & repair	1,015.85
258	30/09/2021	Andrew Carr Welding And Carpentry	Pelham Reserve maintenance - 2 hours per week 10/04/2021 to 30/09/2021	1,920.00
259	30/09/2021	Art Beat	VC Stock	134.10
260	30/09/2021	Autopro Northam	Tie down straps	212.90
261	30/09/2021	Autopro Northam	Filters for fleet servicing.	89.52
262	30/09/2021	Autopro Northam	Supply disc pads for T0001	72.55
263	30/09/2021	Avon Skip Bins	Skip Bin empty for September 2021 - Recreation Centre	250.00
264	30/09/2021	Avon Skip Bins	Skip Bin empty for September 2021 - Depot	50.00
265	30/09/2021	Avon Skip Bins	Skip Bin empty for September 2021 - Sportsground	50.00
266	30/09/2021	Avon Skip Bins	Skip Bin empty for September 2021 - Memorial Hall	200.00
267	30/09/2021	Avon Skip Bins	Skip Bin Hire July to Sept 2021 - Recreation Centre	210.00
268	30/09/2021	Avon Skip Bins	Skip Bin Hire for July to Sept 2021 - Sportsground	105.00
269	30/09/2021	Avon Skip Bins	Skip Bin Hire July to Sept 2021 - Depot	105.00
270	30/09/2021	Avon Skip Bins	Skip Bin Hire for July to Sept 2021 - Memorial Hall	105.00
271	30/09/2021	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight commencing 30/08/2021	15,087.83

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Pay Type	Date	Name	Description	Amount
272	30/09/2021	Benjamin John Bell	Members Monthly Attendance Allowance - Sept 2021	1,022.94
273	30/09/2021	Benjamin John Bell	Members Telecommunications Allowance - July to Sept 2021	100.00
274	30/09/2021	Beth Ruthven	Members Telecommunications Allowance - July to Sept 2021	100.00
275	30/09/2021	Beth Ruthven	Members Monthly Attendance Allowance - Sept 2021	1,484.90
276	30/09/2021	Blackwell Plumbing	Unblock Public Toilets - Duke Street	139.98
277	30/09/2021	Blackwell Plumbing	Youth Hall - Toilet Repairs	769.92
278	30/09/2021	Bolgart Rural Merchandise	10 x 20lt Drums - 540 Glyphosate	1,760.00
279	30/09/2021	Boral Construction Materials (Boral Resources WA Ltd)	Remaining 3 x 205lt Drums Emulsion	866.58
280	30/09/2021	Brian Rayner	Members Monthly Attendance Allowance - Sept 2021	1,022.94
281	30/09/2021	Brian Rayner	Members Telecommunications Allowance - July to Sept 2021	100.00
282	30/09/2021	Broderick Waste Solutions	Management of Waste Transfer Station - fortnight ending 21/09/2021	5,500.00
283	30/09/2021	Cadds Fashions Sportfirst Northam	Mack Terrapro Work Boot - R Lloyd	199.99
284	30/09/2021	Cadds Fashions Sportfirst Northam	3056 NS Street Work Boots - J Augustin	119.00
285	30/09/2021	Cadds Fashions Sportfirst Northam	3056NS Street Work Boots - C Skinner	119.00
286	30/09/2021	Charles Service Company	Monthly cleaning - Admin and Youth Hall 23/08/2021 to 16/09/2021	1,742.40
287	30/09/2021	Corsign (WA) Pty Ltd	10 x Quad Stand frames	187.00
288	30/09/2021	CTI Security	Alarm System Monitoring - Connors Mill/VC 01/10/2021 to 31/12/2021	192.34
289	30/09/2021	Driver Risk Management Pty Ltd	Sep 7 - Operate & Maintain 4WD Training Course (TLIC2025 / RIIVEH305F)	1,925.00
290	30/09/2021	Easifleet	Payroll Deductions PPE 14/09/2021	852.19
291	30/09/2021	Fire & Safety WA	80 sets Scott Promask Filters	2,200.00
292	30/09/2021	Frontline Fire & Rescue Equipment	Repairs of Shire of Toodyay Bush Fire Appliance's	4,817.59
293	30/09/2021	Gemma Ringa Civil	54Tn White sand & 17Tn Ballast	1,392.05
294	30/09/2021	J & A Building Pty Ltd	Roof repairs to Toodyay Race Club	4,347.20
295	30/09/2021	Jason Signmakers	3 Stop/Slow bats - 2 x Depot, 1 x Rangers	189.65
296	30/09/2021	JCB Construction Equipment Australia	Supply new pressure transmitter switch - JCB Backhoe	324.27
297	30/09/2021	Leyland Engineering Services	Service & Minor repairs to Coondle 3.4	675.00
298	30/09/2021	Leyland Engineering Services	Follow up repairs to Coondle 1.4	1,305.00
299	30/09/2021	Leyland Engineering Services	Service & repairs to Central 12.2	675.00
300	30/09/2021	Major Motors Pty Ltd	Replacement swivel bearings for Coondle 1.4	329.47
301	30/09/2021	Mark Gordon Middleton	Paint ceilings - Admin Kitchen & Veranda, Community Centre	1,150.00
302	30/09/2021	Mclernons - Business Base	VC Office refurbishment	2,610.00
303	30/09/2021	Michael Vincent McKeown	Members Monthly Attendance Allowance - Sept 2021	1,022.94
304	30/09/2021	Michael Vincent McKeown	Members Telecommunications Allowance - July to Sept 2021	100.00
305	30/09/2021	North Star Security Nominees Pty Ltd	Alarm system monitoring - Admin, TRC Pavilion & TRC Swimming Pool Oct to Dec 2021	435.60
306	30/09/2021	Northam Paper Products	Gift Bags & Carry Bags - VC	156.41
307	30/09/2021	Officeworks	Admin & CESM Stationery	188.23
308	30/09/2021	Philip David Hart	Members Telecommunications Allowance - July to Sept 2021	100.00
309	30/09/2021	Philip David Hart	Members Monthly Attendance Allowance - Sept 2021	1,022.94
310	30/09/2021	Professional Lockservice	Fit new lock system to CEO office door.	753.50
311	30/09/2021	Professional Lockservice	Cut and supply keys for the child health room, community centre.	140.80
312	30/09/2021	Professional PC Support Pty Ltd	Ticket 94381 - Diversion of phone calls while on holidays - Technician hours as per ITC management agreement	77.00
313	30/09/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Monthly Billing for October 2021	8,024.26

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount	
314	30/09/2021	Professional PC Support Pty Ltd	Managed Phone Services Monthly Billing - October 2021	1,068.47	
315	30/09/2021	Reinforced Concrete Pipes Aust (WA) Pty Ltd	Provision to supply concrete storm water products - Morangup Rd Capital Works	6,221.38	
316	30/09/2021	Ronald Back	Financial Management Training 28 June 2021	825.00	
317	30/09/2021	Rosemary June Madacsi	Members Monthly Attendance Allowance - Sept 2021	3,114.95	
318	30/09/2021	Rosemary June Madacsi	Members Telecommunications Allowance - July to Sept 2021	100.00	
319	30/09/2021	Safemaster Safety Products Pty Ltd	BFS & SES - Morangup Co-Location - Recertification of Height System	470.80	
320	30/09/2021	Sapio Pty Ltd	Attend site to investigate issues with Depot Internet service	870.10	
321	30/09/2021	Shire Of Northam	Tipping Fees for August 2021	12,982.95	
322	30/09/2021	St John Ambulance - Wheatbelt - Northam	BFB - First Aid 1 Day - K Dore	160.00	
323	30/09/2021	St John Ambulance - Wheatbelt - Northam	BFS First Aid Kit Servicing - Central	158.80	
324	30/09/2021	St John Ambulance - Wheatbelt - Northam	SES First Aid Kit Servicing	139.95	
325	30/09/2021	St John Ambulance - Wheatbelt - Northam	BFS First Aid Kit Servicing	125.95	
326	30/09/2021	St John Ambulance - Wheatbelt - Northam	BFS First Aid Kit Servicing	227.28	
327	30/09/2021	St John Ambulance - Wheatbelt - Northam	BFS First Aid Kit Servicing	159.48	
328	30/09/2021	Susan Caroline Pearce	Members Telecommunications Allowance - July to Sept 2021	100.00	
329	30/09/2021	Susan Caroline Pearce	Members Monthly Attendance Allowance - Sept 2021	1,022.94	
330	30/09/2021	The Cola Cafe	Catering - Financial Training 28/06/2021	298.10	
331	30/09/2021	The Cola Cafe	Catering Zone Meeting 23/08/2021	328.10	
332	30/09/2021	The Cola Cafe	Catering BFB Training - Ground Controller 28/08/2021	60.00	
333	30/09/2021	The Cola Cafe	Catering - BFB Training - 05/09/2021	140.00	
334	30/09/2021	The Cola Cafe	Sandwiches for Community Engagement - 11/03/21 Memorial Hall	170.00	
335	30/09/2021	The Cola Cafe	Sandwiches for Community Engagement - 18/03/21 Memorial Hall pax 20	180.00	
336	30/09/2021	Therese Chitty	Members Monthly Attendance Allowance - Sept 2021	1,022.94	
337	30/09/2021	Therese Chitty	Members Telecommunications Allowance - July to Sept 2021	100.00	
338	30/09/2021	Toll	Freight charges to 29/08/2021	34.01	
339	30/09/2021	Toll	Freight charges to 06/09/2021	15.82	
340	30/09/2021	Toll	Freight charges as at 12/09/2021	35.99	
341	30/09/2021	Toodyay Bakery & Cafe	15 Artisan Salad rolls for meeting - Workshop 4: Working Well	115.91	
342	30/09/2021	Toodyay IGA	Staff amenities - August 2021	601.24	
			<i>Toodyay IFF - Water Stationery</i>		35.96
			<i>Admin - Newspapers, Milk, Tea, Coffee, Sugar, Cleaning products</i>		144.74
			<i>Councillors - Refreshments - Meetings</i>		64.27
			<i>VC - Milk, Cleaning products, Batteries</i>		88.63
			<i>Library - Newspapers, Milk, Coffee, cleaning products, batteries</i>		71.36
			<i>BFB - Refreshments for BFB Training - Ground Controller 28/08/2021</i>		30.47
			<i>Ranger - Cat Litter, Cat Food, Dog Food, Cleaning products</i>		75.84
			<i>Depot - Milk, Coffee, Tea</i>		89.97
343	30/09/2021	Toodyay Men's Shed Inc	Restoration of Lectern	20.00	
344	30/09/2021	Toodyay Tyre & Exhaust	Tyres Fitted & balanced - Mitsubishi Triton & Toyota Camry	719.00	
345	30/09/2021	Toodyay Tyre & Exhaust	Tyre Repairs - Iveco Prime Mover & Isuzu Crew Cab	110.00	
346	30/09/2021	Toodyay Tyre & Exhaust	Replace front tyre & wheel alignment - Colorado	334.00	
347	30/09/2021	WALGA	Attendance at Local Govt Planning Showcase 21/09/2021	65.00	
348	30/09/2021	WALGA	WALGA Training - Policy and Procedure Writing - N Rodger	990.00	

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
349	30/09/2021	WALGA	WALGA Training - Policy and Procedure Writing - E Francis	990.00
350	30/09/2021	WALGA	Policy Development and Procedure Writing - T Prater	990.00
351	30/09/2021	Wendy Binks	VC Stock	583.00
352	30/09/2021	West Wide Auto Electrics	Electrical Repairs to Shire Fleet	3,602.50
353	30/09/2021	West Wide Auto Electrics	Electrical repairs to Ford Ranger - FSV	690.00
354	30/09/2021	Winc Australia P/L	Admin Stationery - FINAL	4.11
355	30/09/2021	Winc Australia P/L	Stationery Order & Bulk Paper - Part order	1,900.48
356	30/09/2021	Winc Australia P/L	Admin Stationery - Part order	83.50
357	30/09/2021	Winc Australia P/L	Library Stationery	76.30
358	30/09/2021	Winc Australia P/L	Admin Stationery	56.63
359	30/09/2021	Winc Australia P/L	Admin, Library, CESM, VC & Depot Stationery	1,188.95
360	30/09/2021	Winc Australia P/L	Admin & Library Stationery	64.83
361	30/09/2021	Winc Australia P/L	Admin Stationery	273.24
362	30/09/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - Library 18/08/2021 to 07/09/2021	100.79
363	30/09/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - Depot 18/08/2021 to 07/09/2021	524.64
364	30/09/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - VC 18/08/2021 to 07/09/2021	1,220.62
365	30/09/2021	Woodhamm Pty Ltd	Consulting Services - Governance Review - Shire of Toodyay	26,400.00
366	30/09/2021	Bendigo & Adelaide Bank Ltd	Bank fee	6.38
	1/09/2021	Payroll PPE 31-08-2021	Payroll PPE 31-08-2021	106,031.10
	15/09/2021	Payroll PPE 15-09-2021	Payroll PPE 15-09-2021	105,652.50
	29/09/2021	Payroll PPE 28-09-2021	Payroll PPE 28-09-2021	119,924.12
	2/09/2021	Aware Super		21,202.36
	2/09/2021	Aware Super		22,019.65
	17/09/2021	Aware Super		21,272.26
	29/09/2021	Aware Super		20,589.61
			Total Payments	1,415,618.39

Direct Debit	25,426.48
Trust Chqs	0.00
EFT	952,042.11
DD Payroll	416,691.60
DD Loans	0.00
Muni Chqs	21,458.20
TOTAL	1,415,618.39

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RSL TOODYAY SUB-BRANCH

(Charter Granted 7 Oct 1919)

ABN 41 729 897 635



PO Box 521
Toodyay WA 6566

Date: 23 August 2021

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

XREF ICR 78148 & OCR 56865
SHIRE OF TOODYAY
Record Number: ICR 79067
23 AUG 2021
Officer / Dept: MCCS
File Number: COM61/ART2

Dear Suzie,

Application for approval of the installation of Street Art proposed Alma Beard Memorial

The RSL Toodyay Sub-Branch do hereby make application to undertake the construction of a Toodyay stone and polished stainless steel memorial to the late Sister Alma Beard.

The memorial will be a polished stainless steel silhouette of a World War 2 Australian nurse mounted on a Toodyay stone plinth. Attached to the silhouette will be a mounted plaque (kindly donated to the Sub-Branch by Margie Eberle, Museum Curator/Cultural Heritage Officer Shire of Toodyay) detailing the events surrounding Alma Beards tragic death.

The memorial is to be located within the front area of the Alma Beard Medical Centre, 81 Stirling Terrace Toodyay (see attached photographs outline the proposed location). This memorial we trust complies with the Shire of Toodyay's G2 Public Art Policy.

The project will be funded by the RSL Toodyay Sub-Branch, constructed of high quality materials, by experienced and skilled trades people.

The Sub-Branch will maintain and care for this memorial by way of regular inspections and cleaning, thus not requiring any expenditure from the Shire of Toodyay.

Once approval has been granted, construction will commence as soon as possible as the proposed completion is planned for 16th February 2022, being the 80th anniversary of Alma Beards tragic death.

Should you require any additional information regarding this project please contact the project co-ordinator Mr Colin Bird

We trust this proposal meets the requirements of the Shire of Toodyay Public Art Policy and that it receives support from the council process for approval.

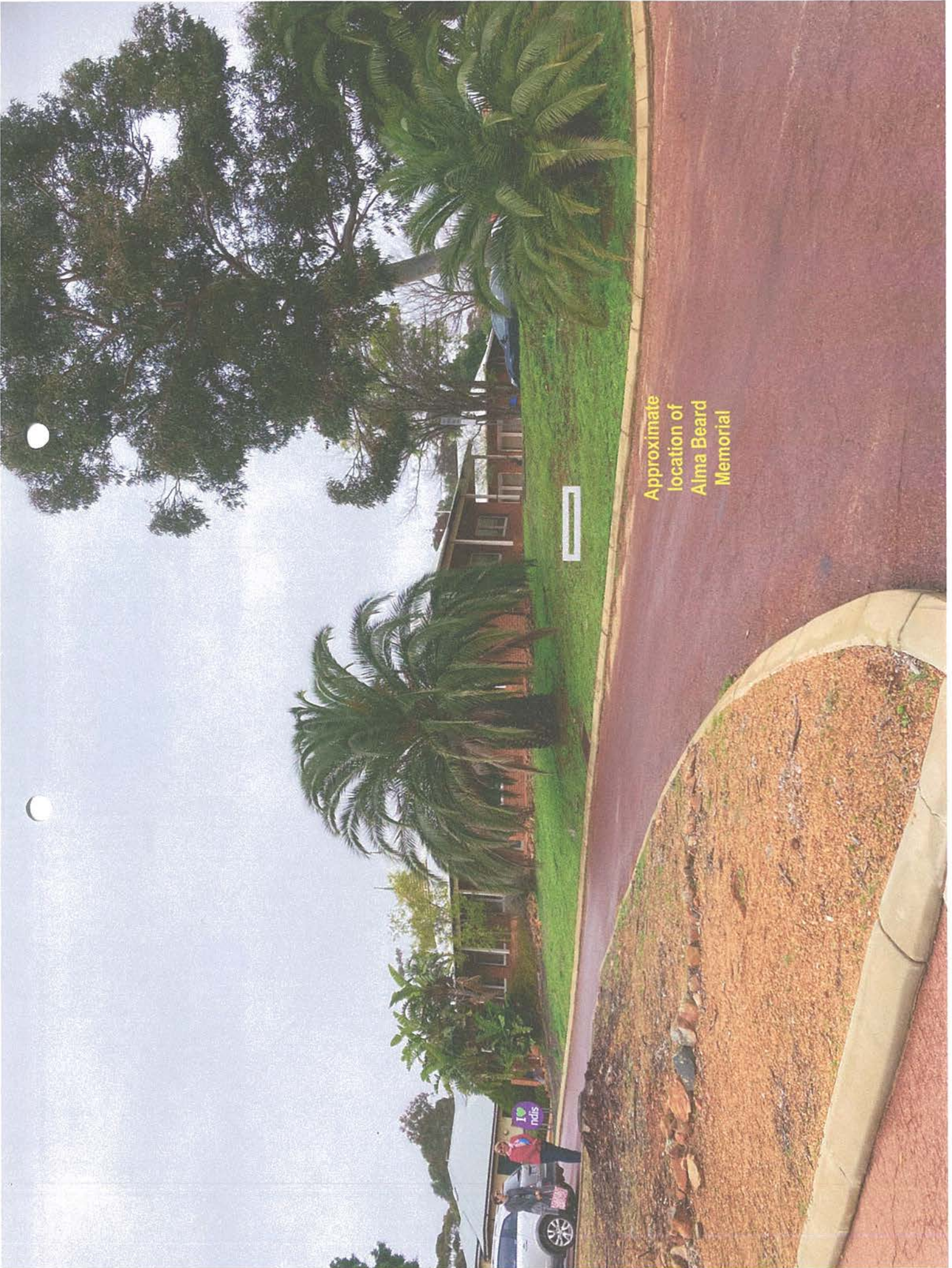
Yours sincerely,



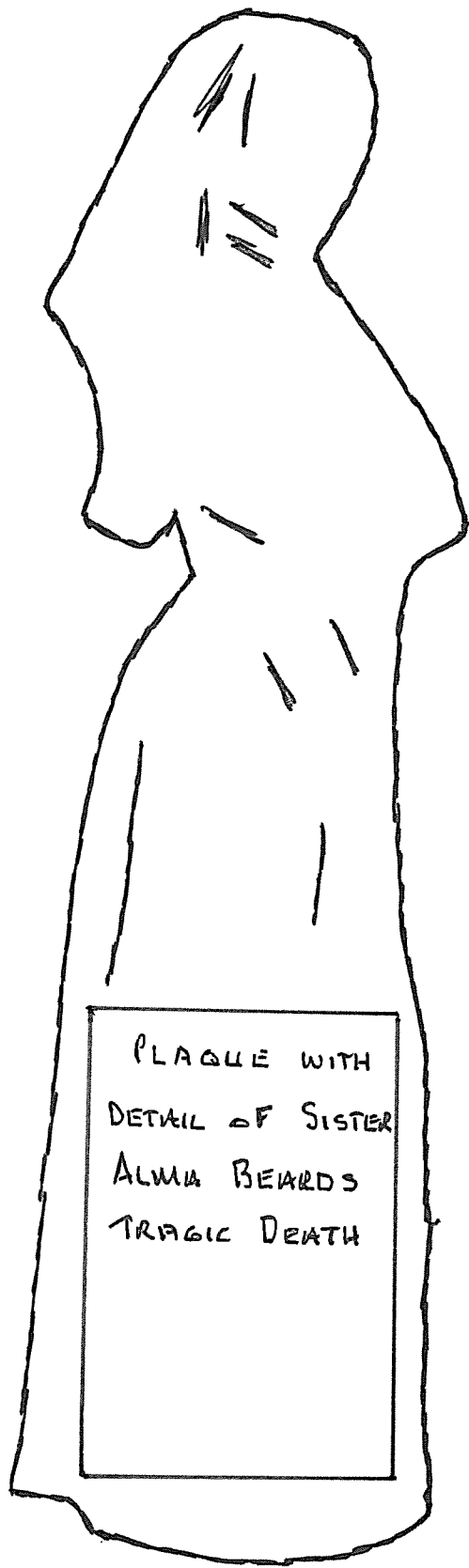
Heather Brennan
Secretary
Toodyay RSL Sub Branch.







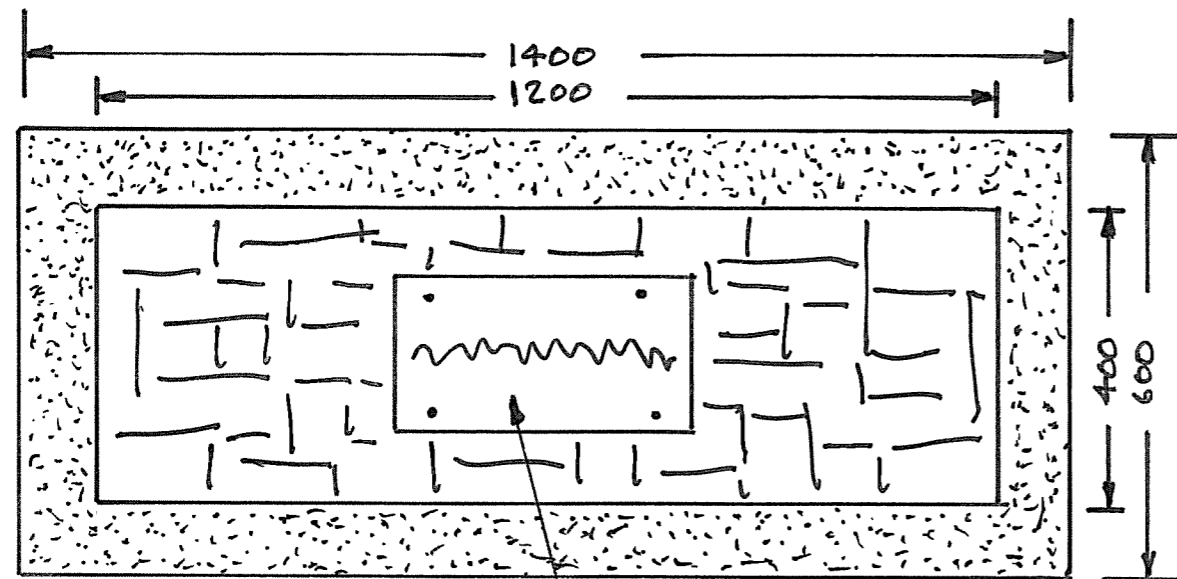
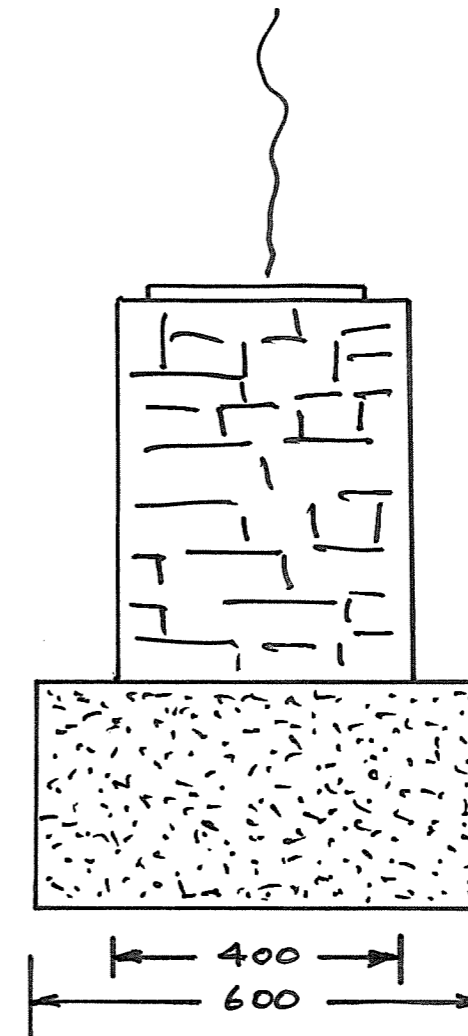
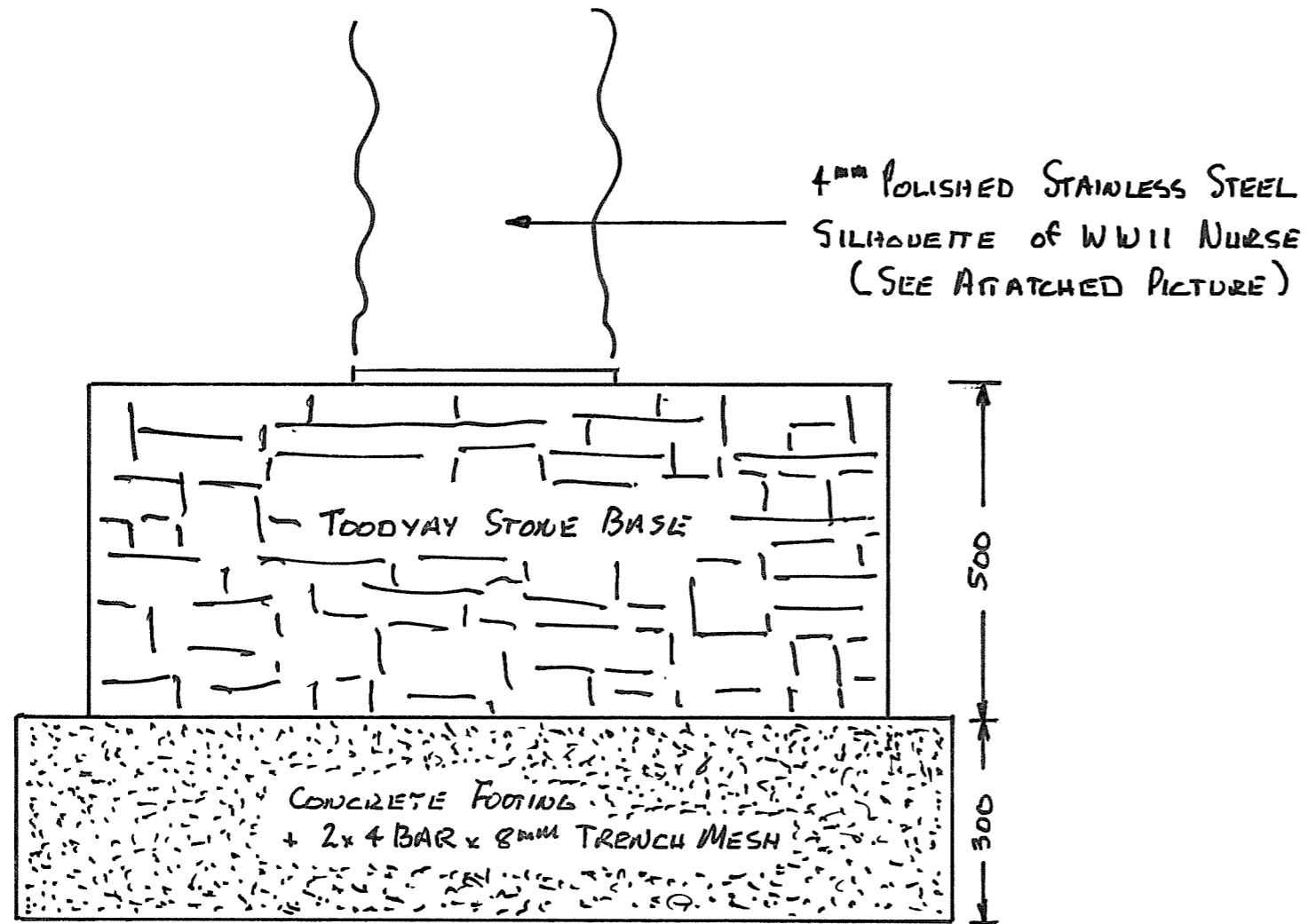
Approximate
location of
Alma Beard
Memorial



APPROX
2100

PLAQUE WITH
DETAIL OF SISTER
ALMA BEARDS
TRAGIC DEATH





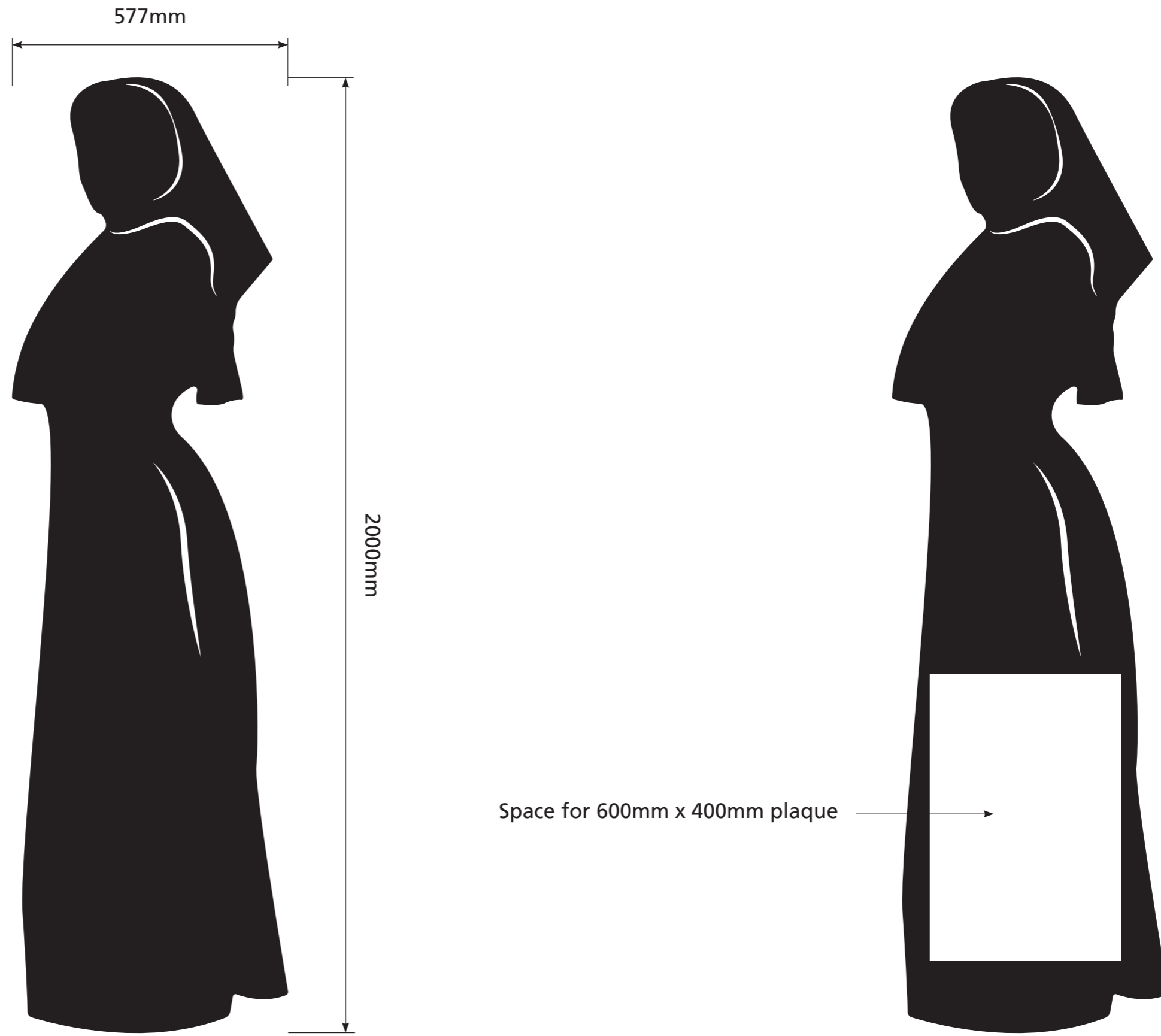
FIXING PLATE FOR
STAINLESS STEEL SILHOUETTE

PROPOSED MEMORIAL TO THE LATE
SISTER ALMA BEARD, NURSE
1909-1942

SCALE 1:1000

ITEM 1 - DXF File

Create DXF file



Job No: 50459

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Legal action will be taken against any unauthorised reproduction of this artwork.

Date:
Artwork by: Devin
Proof #: 1

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Tabitha Bateman

Subject: FW: [External]-Fwd: Alma Beard Medical Centre Toodyay

From: Heather Abel
Subject: Re: Alma Beard Medical Centre Toodyay
Date: 12 October 2021 at 14:57:22 AWST
To: Colin A Bird
Cc: "Catherine Milliner"

Hi Colin,

On behalf of the Wheatbelt Health Network, we have no objection to the proposed Alma Beard Memorial at our Toodyay Health Centre.

Kind regards

Heather Abel

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SHIRE OF TOODYAY
STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
For the Period Ended 30 September 2021



	2021/2022 Budget	YTD Budget Sept 2021	YTD Actual Sept 2021	Var. \$	Var. %
	\$	\$	\$	\$	%
Operating Revenues					
Governance	128,950	14,148	12,948	(1,200)	(8.48%)
General Purpose Funding - Rates	6,870,033	22,612	22,612	0	0.00%
General Purpose Funding - Other	835,976	176,395	176,394	(1)	(0.00%)
Law, Order, Public Safety	1,222,643	486,645	614,317	127,672	26.24%
Health	80,500	6,336	6,679	343	5.41%
Housing	13,780	1,965	1,964	(1)	(0.05%)
Community Amenities	945,011	24,045	38,594	14,549	60.51%
Recreation and Culture	254,570	16,548	16,550	2	0.01%
Transport and Infrastructure	579,832	150,066	165,868	15,802	10.53%
Economic Services	309,740	29,481	39,517	10,036	34.04%
Other Property and Services	129,041	183	909	726	396.72%
Total Operating Revenue	11,370,076	928,424	1,096,352	167,928	
Operating Expense					
Governance	(574,779)	(501,158)	(506,634)	(5,476)	(1.09%)
General Purpose Funding	(348,773)	(16,477)	(21,895)	(5,418)	(32.88%)
Law, Order, Public Safety	(2,178,243)	(329,426)	(346,408)	(16,982)	(5.16%)
Health	(241,016)	(13,230)	(9,318)	3,912	29.57%
Education & Welfare	(39,713)	(57)	(153)	(96)	(168.42%)
Housing	(34,503)	(6,195)	0	6,195	100.00%
Community Amenities	(1,665,311)	(318,083)	(334,483)	(16,400)	(5.16%)
Recreation and Culture	(1,980,471)	(382,694)	(316,869)	65,825	17.20%
Transport and Infrastructure	(3,873,047)	(761,160)	(95,537)	665,623	87.45%
Economic Services	(1,281,297)	(175,874)	(176,238)	(364)	(0.21%)
Other Property and Services	(1,231,790)	(393,569)	(428,543)	(34,974)	(8.89%)
Total Operating Expenditure	(13,448,943)	(2,897,923)	(2,236,078)	661,845	
Funding Balance Adjustments					
Add back Depreciation	3,907,920	976,986	0	(976,986)	(100.00%)
Adjust (Profit)/Loss on Asset Disposal	(4,000)	0	0	0	
Net Cash from Operations	1,825,053	(992,513)	(1,139,726)	(147,213)	
Capital Revenues					
Grants, Subsidies and Contributions	3,301,633	576,579	861,226	284,647	49.37%
Proceeds from Disposal of Assets	692,500	0	0	0	
Total Capital Revenues	3,994,133	576,579	861,226	284,647	

SHIRE OF TOODYAY
 STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
 For the Period Ended 30 September 2021



	2021/2022 Budget	YTD Budget Sept 2021	YTD Actual Sept 2021	Var. \$	Var. %
Capital Expenses					
Land and Buildings	(757,099)	0	0	0	
Infrastructure - Roads	(3,749,829)	0	(147,216)	(147,216)	
Infrastructure - Bridges & Drainage	(356,000)	0	0	0	
Infrastructure - Other	(251,785)	0	0	0	
Plant and Equipment	(890,800)	0	0	0	
Infrastructure - Work in Progress	0	0	0	0	
Total Capital Expenditure	(6,005,513)	0	(147,216)	(147,216)	
Net Cash from Capital Activities	(2,011,380)	576,579	714,010	137,431	
Financing					
Transfer from Reserves	655,131	0	0	0	
Repayment of Debentures	(471,167)	0	0	0	
Transfer to Reserves	(767,738)	0	0	0	
Net Cash from Financing Activities	(583,774)	0	0	0	
Net Operations, Capital and Financing	(770,101)	(415,934)	(425,716)	(9,782)	
Opening Funding Surplus/(Deficit)	780,101	780,101	780,101	0	
Closing Net Current Assets Surplus/(Deficit)	10,000	364,167	354,385	(9,782)	(2.69%)

SHIRE OF TOODYAY VARIANCE REPORT

FOR THE PERIOD ENDED 30 SEPTEMBER 2021

Local Government (Financial Management) Regulations 1996

Reg 34. Financial activity statement required each month (Local Government Act s6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and

(b) budget estimates to the end of the month to which the statement relates; and

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
			\$	%
OPERATING REVENUE				
Governance	14,148	12,948	(1,200)	-8.48%
No material variance to report				
General Purpose Funding - Rates	22,612	22,612	0	0.00%
No material variance to report - Interest raised 30 Sept 2021 \$8,182. Account enquiries received \$14,430				
General Purpose Funding - Other	176,395	176,394	(1)	0.00%
No material variance to report - first quarterly instalment received for Financial Assistance Grants.				
Law, Order, Public Safety	486,645	614,317	127,672	26.24%
Timing variance - CESM funding recoups raised in August 2021 for the 2020/21 financial year \$129,724 to be journalled to 30 June 2021. MAF Funding received \$480,606.				
Health	6,336	6,679	343	5.41%
No material variance to report				
Education & Welfare	0	0	0	0.00%
No material variance to report				
Housing	1,965	1,964	(1)	-0.05%
No material variance to report				
Community Amenities	24,045	38,594	14,549	60.51%
Timing variance only - Standpipe water and property lease charges raised.				
Recreation and Culture	16,548	16,550	2	0.01%
No material variance to report - Regular property lease charges raised.				
Transport and Infrastructure	150,066	165,868	15,802	10.53%
Timing variance only - Road contributions received to date \$10,978. MRWA operating grant received \$148,737				
Economic Services	29,481	39,517	10,036	34.04%
Timing variance only - Higher than expected building application fees received				
Other Property and Services	183	909	726	396.72%
No material variance to report				

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
			\$	%
OPERATING EXPENDITURE				
Governance	(501,158)	(506,634)	(5,476)	-1.09%
No material variance to report				
General Purpose Funding	(16,477)	(21,895)	(5,418)	-32.88%
Timing variance - ESL on Shire properties posted in September \$5,871				
Law, Order, Public Safety	(329,426)	(346,408)	(16,982)	-5.16%
No material variance to report				
Health	(13,230)	(9,318)	3,912	29.57%
No material variance to report				
Education & Welfare	(57)	(153)	(96)	-168.42%
No material variance to report				
Housing	(6,195)	0	6,195	100.00%
Timing variance (non-cash) - YTD budget relates to depreciation which is unable to be posted in Datascope to date.				
Community Amenities	(318,083)	(334,483)	(16,400)	-5.16%
No material variance to report				
Recreation and Culture	(382,694)	(316,869)	65,825	17.20%
Timing variance - second instalment due for insurance - posted in October 2021.				
Transport and Infrastructure	(761,160)	(95,537)	665,623	87.45%
No material variance to report				
Economic Services	(175,874)	(176,238)	(364)	-0.21%
No material variance to report				
Other Property and Services	(393,569)	(428,543)	(34,974)	-8.89%
No material variance to report				

CAPITAL ACTIVITIES

Non-operating grants

To date, grant funds for road construction projects have been raised totalling \$861,226. The remaining Building Better Regions grant funds of \$471,000 were received for the Toodyay Recreation Centre however, these funds will be reported within the 2020/2021 annual financials and form part of the carried forward surplus.

Capital Works - Infrastructure

Due to timing of budget adoption, limited expenditure is reported against capital projects. To date, \$147,000 has been spent on road construction projects adopted in the 2020/2021 annual budget and carried forward to 2021/2022 for completion.

Loan Repayments

No loan principal or interest repayments have been made for the period ending 30 September 2021. The annual loan guarantee fee was paid in September 2021 and posted to operating expenses.

SHIRE OF TOODYAY
Bank Account Balances and Investments
For the Period Ended 30 September 2021



FUND	31/07/2021	31/08/2021	30/09/2021
TRUST	139,684	139,684	139,240
MUNICIPAL	814,594	921,946	1,000,964
RESERVE	1,645,850	1,645,850	1,645,850
Total	\$ 2,600,128	\$ 2,707,480	\$ 2,786,054

Term deposits not included above - held for rehab bonds

Account Number	Balance
633 000 137 945 127 T100 - BGC	141,714
633 000 152 237 145 T214 - Toodyay Feature Stone	49,510
633 000 152 238 135 T4 - S Mangione	125,180
633 000 152 238 176 T114 - Vernice Pty Ltd	208,538
633 000 152 238 218 T458 - Boral Resources	452,340
633 000 152 240 818 T793 - Sands Plus	23,980
633 000 152 240 834 T797 - Ironbridge Holdings	32,909
633 000 158 622 795 T805 - Vernice Pty Ltd - Stormville	24,443
633 000 165 467 309 T809 - Opal Vale	123,795
633 000 173 945 890 T811 TAQWA Holdings	9,559
633 000 184 647 550 T820 - Avon Earthworks	10,002
Total	\$ 1,201,970

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Expression of Interest

Registration Form

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

Dear Sir

Expression of Interest to participate in a Committee of Council

I, _____ (insert name [print])

of _____ (insert address)

Contact Phone: _____ Mobile: _____ Email: _____

Postal address (if different from above): _____

Wish to participate in the following Committees of Council:

Audit Committee Environment Advisory Committee Museum Advisory Committee

The reason for my interest is

Relevant experience / Qualifications

(Add an A4 Page if you require more room)

Please note: Applicants may attach further supporting documents at their discretion.

Yours sincerely

Signed: _____ Date: _____

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Request for extension of time to submit an Annual Financial Report to the Auditor

Local governments who wish to seek Ministerial approval for an extension of time to submit the draft Annual Financial Report to the auditor, under section 6.4(3) of the *Local Government Act 1995*, will need to submit this application.

An extension of time will be considered if you are unable to prepare and submit the Annual Financial Report to your auditor by 30 September for the preceding financial year. An extension cannot be considered if this request is received **after 30 September** for the preceding financial year.

This application should be lodged via the **my LG** collaborative page in Smart Hub.

If you need help completing this form, telephone the department on (08) 6551 8787 or toll free for country callers on 1800 620 511, or email smarthub@dlgsc.wa.gov.au. For a Translating and Interpreting Service (TIS) telephone 13 14 50.

Check the appropriate boxes and enter text to fill in the form below.

Applicant

Shire / Town / City:	Shire of Toodyay			
CEO Title:	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Other <input type="checkbox"/> Enter title here.
First name:	Suzie			
Surname:	Haslehurst			
Email address:	records@toodyay.wa.gov.au			
Telephone:	9574 9300			
Contact Title:	Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other <input type="checkbox"/> Enter title here.
First name:	Tabitha			
Surname:	Bateman			

Contact position:	Manager Corporate and Community Services
Email address:	records@toodyay.wa.gov.au
Telephone:	9574 9300

Application details

Provide the financial year of Annual Financial Report: **2020/2021**

Provide the new date you would like to lodge the draft Annual Financial Report with the auditor:

31 October 2021

Give reason/s for the extension: **Our ability to prepare financial statements has been delayed due to setbacks with the Shire of Toodyay's transition to the new ERP system, Datascape, and the associated difficulties in extracting financial data. At present, Officers are unable to produce reports in order to complete the financial statements and fulfill legislative requirements. We continue to work through these issues with the Datacom development team on a daily basis.**

Have all balance sheet accounts been reconciled to 30 June? If not, provide reasons: **No – the accounts for June 2021 have not been reconciled for the same reason as mentioned above. Officers have attempted to merge and reconcile information from two ERP systems in order to prepare 2020/21 actual figures for the annual budget for which an extension was also sought. Officers are not 100% confident in the accuracy of the figures.**

Does the local government have all the information necessary to report all required financial and asset ratios? If not, identify those ratios that cannot be reported and provide reasons: **Officers cannot accurately report ratios until data can be extracted to finalise the annual financial statements.**

Provide details of the last three years:

Annual Report Year	2019/20	2018/19	2017/18
Date submitted to auditor	Prior to 30 Sept	Prior to 30 Sept	Prior to 30 Sept
Date of audit certificate	18/11/2020	17/12/2019	11/12/2018
Year extension requested	NA	NA	NA
Date of extension	NA	NA	NA

If the local government outsources any of its accounting and financial statement preparation, provide details: [Financial Statements are prepared using the Moore Australia template. Moore Australia complete the lease note.](#)

Has council agreed to this decision to seek an extension? If 'Yes', provide the date of the Ordinary Council Meeting at which this decision was agreed: [No – the Shire President is aware of the situation, but it has not been presented to Council for decision.](#)

Name of auditor appointed by Council: [Caroline Spencer – Auditor General](#)

Business name of auditor: [Office of the Auditor General for Western Australia](#)

Was the Auditor consulted on this application? If 'Yes', did the auditor provide feedback on council's proposed revised timeframe?

Yes or No

Provide auditor feedback: [The following information was provided:](#)

[“In terms of the timetable, if the financial statements are provided by 31 October we can schedule our audit visit date to 8 November, however I am not sure that we will be able to have the report issued by 31 December, it will probably be in February 2022 as many people take leave in January.”](#)

With the requested extension, what is the auditor's expected date of sign off for the auditor's report?

[February 2022](#)

Provide the date of adoption and review for the most recent plans:

- Strategic community plan: November 2018. The SCP is currently under review - a draft was presented to Council in June 2021 prior to public consultation.
- Corporate business plan: March 2019
- Long term financial plan: June 2020
- Asset management plan: September 2018

[Legislative requirements](#)

All local governments are required to prepare their financial statements in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996*, Australian Accounting Standards (AASB) and the Australian Accounting Standards Board Interpretations (AASBI).

Section 6.4(3) of the *Local Government Act 1995* requires a local government to complete its Annual Financial Report and submit the report to its auditors by 30 September in each financial year, or **such extended time as the Minister allows**.

[Decision](#)

The Director General has delegated authority from the Minister to consider and approve any extension. In making a decision, the following is taken into consideration:

- timeliness of application
- reasonableness of extension period requested
- adverse effects of delaying adoption
- reason and justification
- transparency

Relevant legislation:

- *Local Government Act 1995*
Section 5.54 Acceptance of annual reports
Section 5.55 Notice of annual reports
Section 6.4(3) Financial Report
- *Local Government (Financial Management) Regulations 1996*
Reg 5A Local governments to comply with AAS
Reg 51 Annual financial report to be signed etc. by CEO and given to Department

Approval

The department will provide a decision to the applicant by email within five working days from the date and time of lodgement in Smart Hub of this request.

Applications will be considered until 5.00pm, 30 September for the preceding financial year.

Enquiries

Email: smarthub@dlgsc.wa.gov.au

Telephone: 08 6551 8787

Declaration

To the best of my knowledge, the information provided is true and correct.

Signature: **Suzie Haslehurst**

Date: **29 September 2021**



From: [Records Officer](#)
Sent: Thursday, 30 September 2021 2:31 PM
To: [Tabitha Bateman](#)
Cc: [Beth Flaherty](#); [Maria Rebane](#)
Subject: FW: IFM79729 - [External]-RE: Toodyay Shire document alert - ExtensionTimeAnnualFinancialReport.pdf

Kind Regards,

Rachel Byrne
RECORDS OFFICER



From: Troy Hancock <troy.hancock@dlgsc.wa.gov.au> **On Behalf Of** Legisla. on
Sent: Thursday, 30 September 2021 12:45 PM
To: Records Officer <records@toodyay.wa.gov.au>
Subject: IFM79729 - [External]-RE: Toodyay Shire document alert - ExtensionTimeAnnualFinancialReport.pdf

Correc on: "submit annual financial report"

Sorry for the inconvenience.

Troy

Troy Hancock

Senior Legisla on Officer
Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Telephone [REDACTED]

Email [REDACTED]

Web www.dlgsc.wa.gov.au

The Department acknowledges the Aboriginal peoples of Western Australia as the tradi onal custodians of this land, and we pay our respects to their Elders past and present

From: Troy Hancock <[REDACTED]> **On Behalf Of** Legisla on
Sent: Thursday, 30 September 2021 12:17 PM

To: Shire of Toodyay CEO <records@toodyay.wa.gov.au>

Subject: RE: Toodyay Shire document alert - ExtensionTimeAnnualFinancialReport.pdf

Good a. ernoon

I am wri ng to advise that the Shire's applica on for an extension of me to adopt the budget has been received.

Could you please provide the following documents in order to assist with the assessment:

1. A copy of the Timetable from your Audit Plan; and
2. Confirma on from the contract auditor (or OAG if you are conduc ng the audit yourselves) of your revised dates to do the "Year end audit" and submit "Audit files to OAG".

Kind regards

Troy

Troy Hancock

Senior Legisla on Officer

Department of Local Government, Sport and Cultural Industries

140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone [REDACTED]

Email [REDACTED]

Web www.dlgsc.wa.gov.au

The Department acknowledges the Aboriginal peoples of Western Australia as the tradi onal custodians of this land, and we pay our respects to their Elders past and present

From: Alan Carmichael <[REDACTED]>

Sent: Thursday, 30 September 2021 11:34 AM

To: Legisla on <legisla on@dlgsc.wa.gov.au>

Cc: Claire Ware <[REDACTED]>

Subject: FW: Toodyay Shire document alert - ExtensionTimeAnnualFinancialReport.pdf

Hi

Applica on lodged in Smart Hub from Shire of Toodyay for an extension of me to lodge their accounts with the auditor.

Regards

Alan Carmichael

Senior Project Officer

Local Government Support

Telephone [REDACTED]

Email [REDACTED]

From: Lone (Lorna) Nielsen <[REDACTED]>

Sent: Wednesday, 29 September 2021 2:57 PM

To: Smarthub <smarthub@dlgsc.wa.gov.au>

Subject: FW: Toodyay Shire document alert - ExtensionTimeAnnualFinancialReport.pdf

From: Toodyay Shire <noreply@dlgc.wa.gov.au>

Sent: Wednesday, 29 September 2021 2:56:27 PM (UTC+08:00) Perth

To: Lone (Lorna) Nielsen <[REDACTED]>

Subject: Toodyay Shire document alert - ExtensionTimeAnnualFinancialReport.pdf

[Toodyay Shire](#)

ExtensionTimeAnnualFinancialReport.pdf has been added

[Modify my alert settings](#) | [View ExtensionTimeAnnualFinancialReport.pdf](#) | [View Documents](#)

Last Modified 29/09/2021 2:54 PM by Beth Flaherty



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



Customer Focused



Responsive



Respectful



Accountable



Innovative

* This message has been scanned by the PPS spam filtering system.

Our Ref: MAN13



30 September 2021

Ms Lanie Chopping
Director-General
Department of Local Government,
Sport & Cultural Industries
PO Box 8349
Perth Business Centre WA 6849

Administration Centre

15 Fiennes Street
PO Box 96
TOODYAY WA 6566

T (08) 9574 9300
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Via email: [REDACTED]

Cc: [REDACTED]

Dear Ms Chopping

RE: SHIRE OF TOODYAY GOVERNANCE REVIEW RESPONSE

At the July Ordinary Council Meeting, Council received the Governance Review Report from Hammond Woodhouse Advisory, commissioned in response to the recommendations of the Authorised Inquiry into the Shire of Toodyay. Following this, a workshop was held with elected members and senior officers to consider the Shire's response to the findings of the Review and an action plan was developed.

At the Ordinary Council Meeting held on 28 September 2021, it was resolved:

That Council:

1. *Endorses the Governance Review Action Plan as attached to this report.*
2. *Requests the Chief Executive Officer to forward the Governance Review Action Plan to the Director-General of the Department of Local Government, Sport and Cultural Industries with no further comment.*

Subsequently, please find attached the Governance Review Action Plan in response to the Governance Review undertaken by Hammond Woodhouse Advisory. This will now be implemented in accordance with the indicative timeframes included in the plan.

Please don't hesitate to contact the office on 9574 9300 or via email: records@toodyay.wa.gov.au if you require further information.

Yours sincerely

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

GOVERNANCE REVIEW ACTION PLAN

V.1. Distributed to Council 6 September 2021

THE ROLE OF THE COUNCIL						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
3.3(1)	Review content, layout and structure of reports to the Council	Medium	(a) Allocate resources to implement Info Council	Council	September 2021	Annual Budget contains an allocation for Info Council
			(b) Develop CEO directive regarding structure and content of reports	CEO	November 2021	
			(c) Implement installation of Info Council and undertake staff training	EA	April 2022	
3.3(2)	Provide training to staff re report writing/agenda preparation	Medium	(a) Identify training opportunities for relevant staff	SMG	September 2021	
			(b) Budget allocation for training	MCCS	September 2021	
			(c) Schedule training	EA	December 2021	
3.3(3)	The Council to consider all proposals to treat matters as confidential on individual basis.	High	(a) Review all reports and attachments prior to agenda distribution to determine reasons (if any) for confidentiality	SMG	Monthly	
			(b) Council decision required to treat matters as confidential and provide reasons in accordance with the Act.	Council	On-going	

THE ROLE OF THE COUNCIL						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
3.3(4)	Undertake a risk-based review of all Council Policies. Local Planning Polices should be afforded special attention.	High	(a) Present indicative plan with timeframes to Council	CEO / MPD	January 2022	
			(b) Consider allocation of resources to support review	Council	March 2022	
			(c) Hold staged Council workshops to review policies	Officers	As per indicative plan	
			(d) Present policies to Council for adoption	Officers	On-going	
3.3(5)	Develop Council Policy for dealing with corporate documents.	Medium	(a) Policy developed and workshopped with Council	CEO	November 2021	
			(b) Policy adopted by Council	Council	November 2021	
3.3(6)	Modify Corporate Business Plan to include a 5-year financial forecast.	High	(a) Finalise review of Strategic Community Plan	CEO /MCCS	November 2021	
			(b) Council workshop to review draft Corporate Business Plan and Long-Term Financial Plan	CEO / MCCS	November 2021	
			(c) Incorporate 5-year financial plan in CBP for adoption by Council	CEO / MCCS	November 2021	

THE ROLE OF THE COUNCIL						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
3.3(7)	Undertake workshops to elevate the Corporate Business Plan to guide strategic financial management.	High	(a) Hold workshops with Council to review the CBP in November and April of each year to align with end of financial year performance (November) and formulation of the annual budget (April)	MCCS	Nov / April annually	

THE ROLE OF INDIVIDUAL COUNCILLORS						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
	<i>No recommendations</i>					N/A

COUNCIL CULTURE AND DYNAMICS						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
5.3(1)	Councillors to pay attention to taking steps to address behaviour issues	High	Governance Framework developed and adopted by Council	CEO / Council	August 2021	The Governance Review Report was received by Council at the July 2021 Ordinary Council Meeting. In accordance with Council Resolution No. 154/07/21, the CEO submitted the Governance Review Report to the Director-General of the Department of Local Government, Sport and Cultural Industries on 29 July 2021.
5.3(1)	Councillors to pay attention to taking steps to address behaviour issues	High	Councillors to familiarise themselves with Standing Orders Local Law and ensure compliance	Councillors	On-going	
		High	(a) Induction process for new Councillors to include briefing on: <ul style="list-style-type: none"> - Code of Conduct - Complaints of Alleged Breach of Code of Conduct - <i>Standing Orders Local Law 2008</i> - Governance Framework Record-keeping	CEO	October 2021	

RELATIONSHIP BETWEEN THE COUNCIL AND CEO						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
6.3(1)	Engage a qualified independent facilitator to assist in the annual performance review process, in alignment with recommendation 4 of the Authorised Inquiry.	Medium	(a) Select an appropriately qualified independent facilitator to assist with the CEO's annual performance review for 2021.	Council	August 2021	Council engaged a qualified independent facilitator to assist in the annual CEO performance review process, in alignment with recommendation 4 of the Authorised Inquiry. The CEO provided a response to the Shire President in accordance with her contract.
			(b) Consider including a clause requiring independent facilitator in Standards for Recruitment and Selection, Performance Review and Termination of CEO policy	CEO / Council	June 2022	This was considered when Council adopted the policy called "G.5 Standards for CEO Recruitment and Selection, Performance Review and Termination" in July 2021.

RELATIONSHIP BETWEEN THE COUNCIL AND ADMINISTRATION						Status
Report Ref.	Recommendation	Priority	Action	Responsibility.	Indicative Timeframe	Actions taken
7.3(1)	Councillors to pay attention to the Code of Conduct in dealings with staff.	High	(a) Process developed and implemented to address concerns prior to the matter being escalated to a Complaint of Breach of the Code of Conduct	SP / CEO	October 2021	
			(b) Councillors to undertake a self-assessment at least annually	SP / CEO	Sept / Oct annually	
7.3(2)	Councillors to advise the CEO promptly of advice concerns	High	(a) Councillors to provide prompt advice of concerns via email	Council	On-going	
			(b) CEO to investigate and take steps to update the advice provided if required	CEO	As required	
7.3(3)	CEO to pay attention to the standard of advice that is provided by staff.	High	(a) Review all reports and attachments prior to agenda distribution to confirm accuracy of advice	SMG	Monthly	
			(b) Develop and implement a procedure for seeking external advice when required	SMG	December 2021	
			(c) Identify areas for improvement and provide training	SMG	March 2022	

MANAGEMENT OF EMPLOYEES						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
8.3(1)	Modify the annual performance review form re role changes	Medium	(a) Amend the Annual Performance Review form to include review of position descriptions and follow-up actions	MCCS	February 2022	
			(b) Review and implement the procedure for annual performance review	MCCS	February 2022	
8.3(2)	Employees not to be directed to undertake functions outside PD without appropriate skills/experience	High	(a) Review position descriptions and expectations annually	Supervisors / Managers	Annually	
			(b) Identify skills gaps and provide training where required	Supervisors / Managers	Annually	
			(c) Encourage employees to discuss issues or concerns relating to position descriptions	Supervisors / Managers	Annually	
8.3(3)	Review of all job specifications when performance reviews done	Medium	(a) Review position descriptions during annual performance reviews	SMG	Annually	
			(b) Develop and implement a procedure to update position descriptions as required	MCCS	Annually	
8.3(4)	Identify training	Medium	(a) See 8.3(2)(b) above	MCCS	December 2021	

MANAGEMENT OF EMPLOYEES						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
	opportunities		(b) Develop and implement a procedure to identify training needs as part of the annual budget process	MCCS	December 2021	

PROCUREMENT AND PROBITY						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions Taken
9.3(1) to 9.3(7)	Establish suite of standard contract templates	High	(a) Review and develop suite of standard purchasing and contract templates	CCO / MCCS	November 2021	
			(b) Provide training to relevant staff regarding the use of the templates	CCO / MCCS	February 2022	
9.3(8) to 9.3(10)	Develop CEO directive to mandate use of templates	High	(a) Develop and implement CEO directive regarding use of standard purchasing and contract templates	MCCS / CEO	November 2021	
9.3(11)	CEO to encourage training	Medium	(a) Identify and provide training to relevant staff	SMG	June 2022	
9.3(12) to 9.3(17)	Develop and mandate list of matters where scope of works to be	High	(a) Identify list of matters where scope needs to be prepared with expert input	CCO / SMG	December 2021	

PROCUREMENT AND PROBITY						Status
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions Taken
	prepared by external expert		(b) Develop and implement CEO directive regarding matters where scope needs expert input	CCO / CEO	January 2022	
9.3(18) to 9.3(19)	CEO to oversee evaluation panels and consider a suitable CEO Directive	Medium	(a) Develop and implement template "Approval for RFT/RFQ" to be used that outlines specification, evaluation criteria and weightings, expert input provided if any, and evaluation panel members.	CCO / SMG	December 2021	
			(b) Develop and implement CEO Directive to ensure approval of RFT/FRQ by CEO	CCO / CEO	January 2022	
9.3(20)	CEO to provide report to Council re Rec Centre options	Medium	(a) Report presented to Council providing options for management of Recreation Centre, comparing in-house and outsourced management	CEO	August 2022	

RECORD KEEPING						<i>Status</i>
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
10.3(1)	Develop procedures re record keeping for councillor emails	Medium	(a) Develop and implement procedures re record keeping for councillor emails	EA / Records	October 2021	
10.3(2)	CEO to ensure enterprise-wide record keeping capability	High	(a) Retain 10 access licenses for access to Synergysoft to enable continued record registration while new system is developed	MCCS	July 2021	
			(b)	Records		

LITIGATION POLICY						<i>Status</i>
Report Ref.	Recommendation	Priority	Action	Responsibility	Indicative Timeframe	Actions taken
11.3(1)	Consider amending Policy re prosecutions	Medium	(b) Workshop policy with Council to determine amendments	CEO	July 2022	

Version Control Information					
Version No.	Issued	Description	Reason	Developer/Reviewer	Approved by
VO1	06/09/2021	First Draft	As a result of the Governance Review in 2021	CEO	N/A
VO2	07/09/2021	Second Draft	As a result of Council workshop	Council reviewed	N/A

Version Control Information					
Version No.	Issued	Description	Reason	Developer/Reviewer	Approved by
VO2	14/09/2021	Third Draft	Added status column in preparation for presentation to Council	Officer review	N/A

From: [Marina Sucur](#)
Sent: Thursday, 30 September 2021 1:11 PM
To: [Suzie Haslehurst](#)
Cc: [Records Officer](#)
Subject: [External]-RE: [External]-Authorised Inquiry Recommendations

Hi Suzie

Many thanks for the additional update. I look forward to receiving the training report once that is completed.

Regards
Marina

From: Suzie Haslehurst <s.haslehurst@toodyay.wa.gov.au>
Sent: Thursday, 30 September 2021 12:30 PM
To: Marina Sucur <[REDACTED]>
Cc: Shire of Toodyay CEO <records@toodyay.wa.gov.au>
Subject: RE: [External]-Authorised Inquiry Recommendations

Good morning Marina

Thank you for your email. I have sent under separate cover the Governance Review Action Plan endorsed by Council in response to Hammond Woodhouse Advisory's Report. I have arranged for an invoice to be raised and sent to the Department for the cost of the review.

The last agreed training session for elected members will take place on 12 October and will be conducted by Mark Chester. Once this is done, I will submit a report on the training undertaken by elected members in accordance with the agreed schedule.

For your information, at the August OCM Council adopted a Governance Framework which will be included in the Induction pack for new elected members. The Framework which can be found [here](#) outlines the principles of good governance and how they apply to the Shire of Toodyay.

Finally, the Shire of Toodyay advertised four vacancies for the upcoming local government elections and received four nominations. Therefore, all nominees are elected unopposed. Cr Brian Rayner and Cr Therese Chitty chose not to renominate and Council thanked them for their contribution over the past eight years. Current elected member, Cr Mick McKeown and three new councillors will be sworn in on 18 October.

Please don't hesitate to contact me should you have any queries.

Regards

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

Shire of Toodyay
PO Box 96
TOODYAY WA 6566

Phone: (08) 9574 9300
Fax: (08) 9574 2158
E: ceo@toodyay.wa.gov.au
W: www.toodyay.wa.gov.au



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Please consider the environment before printing this email

From: Marina Sucur <[REDACTED]>
Sent: Wednesday, 29 September 2021 10:58 AM
To: Suzie Haslehurst <s.haslehurst@toodyay.wa.gov.au>
Subject: [External]-Authorised Inquiry Recommendations

Good morning Suzie

I hope you are well. It was lovely to see you at the recent WALGA Convention. I'm contacting you to see whether at yesterday's council meeting the Shire adopted the draft Governance Review report prepared by Hammond Woodhouse Advisory? Also, does the Shire have an invoice to recoup the costs for the report as agreed?

I note the training has been progressing well and there is only one module left. (Accountability) that was scheduled to occur in September.

Please let me know of any other updates you consider relevant as the Shire continues to progress the Authorised Inquiry report recommendations.

Regards

Marina Sucur

Senior Project Officer, Local Government Support
Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Telephone + [REDACTED]

Email [REDACTED]

Web www.dlgsc.wa.gov.au

The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.



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



Customer Focused



Responsive



Respectful



Accountable



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



Customer Focused



Responsive



Respectful



Accountable



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Our Ref: PLA1/EAC

Native Vegetation Policy
Department of Water and Environmental Regulation
Locked Bag 10
Joondalup DC WA 6919

Dear Sir/Madam

SHIRE OF TOODYAY SUBMISSION FOR DRAFT NATIVE VEGETATION POLICY

The Shire of Toodyay welcomes the opportunity to comment on the *Draft Native Vegetation Policy*.

The importance of this policy cannot be understated. Without clear strategic goals dedicated to the protection and enhancement of this valuable environmental asset, it will only continue to suffer, degrade and diminish.

This policy is seen as a positive step, and one which is welcomed by the Shire of Toodyay, which has had its community recognise the importance of the natural beauty and environmental resources in its Strategic Community Plan. The *Draft Native Vegetation Policy* will be used by the Shire of Toodyay to inform future strategy and policy directions of its own.

Some general comments on the draft strategy are as follows:

Lack of inclusion of Local Government and Communities

Whilst it is recognised that this is a whole of Government policy, it should be noted that much of the important work in driving this policy will be done at a grass roots, local government, and community level. For this policy to be most effective, it will require buy in from the communities – this can be achieved by involving them and being more inclusive. Local knowledge and experience are a vital, yet sometimes overlooked, piece of this process.

Lack of connection between water resources and native vegetation

It is a universally accepted fact that plants need water to survive and thrive. Yet the *Draft Native Vegetation Policy* does not make this nexus. Australia has an arid climate, and this continues to be impacted by climate change and man's impact on the landscape. Thus, surface and ground water supplies are less reliable than they once were. Therefore, the success of this policy is largely dependent on water being included prominently in the discussion and final version.

Triple bottom line of sustainable development

Sustainable development is a balance of good social, environmental, and economic outcomes. However, with Western Australia being such a resource rich State, there are concerns that the policy is written with a 'pie in the sky' approach, with motherhood statements which ultimately are unrealistic and unachievable – given so much latitude

is given to the resources sector. The policy makes a lot of these statements – but how will they be achieved and audited?

The Shire of Toodyay has drafted a set of modifications and comments relating to its review of the *Draft Native Vegetation Policy*. These are included as an attachment to this submission, and we request that they be considered for inclusion into the final version of the policy.

Yours sincerely

SUZIE HASLEHURST
CHIEF EXECUTIVE OFFICER

26 October 2021

Encl: Schedule of Comments and Modifications

Our Ref: PLA1/EAC

Native Vegetation Policy
Department of Water and Environmental Regulation
Locked Bag 10
Joondalup DC WA 6919

Dear Sir/Madam

SHIRE OF TOODYAY SUBMISSION FOR DRAFT NATIVE VEGETATION POLICY

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Some general comments on the draft strategy are as follows:

Lack of inclusion of Local Government and Communities

Whilst it is recognised that this is a whole of Government policy, it should be noted that much of the important work in driving this policy will be done at a grass roots, local government, and community level. For this policy to be most effective, it will require buy in from the communities – this can be achieved by involving them and being more inclusive. Local knowledge and experience are a vital, yet sometimes overlooked, piece of this process.

Lack of connection between water resources and native vegetation

It is a universally accepted fact that plants need water to survive and thrive. Yet the *Draft Native Vegetation Policy* does not make this nexus. Australia has an arid climate, and this continues to be impacted by climate change and man's impact on the landscape. Thus, surface and ground water supplies are less reliable than they once were. Therefore, the success of this policy is largely dependent on water being included prominently in the discussion and final version.

Triple bottom line of sustainable development

Sustainable development is a balance of good social, environmental, and economic outcomes. However, with Western Australia being such a resource rich State, there are concerns that the policy is written with a 'pie in the sky' approach, with motherhood statements which ultimately are unrealistic and unachievable – given so much latitude

is given to the resources sector. The policy makes a lot of these statements – but how will they be achieved and audited?

The Shire of Toodyay has drafted a set of modifications and comments relating to its review of the *Draft Native Vegetation Policy*. These are included as an attachment to this submission, and we requested that they be considered for inclusion into the final version of the policy.

Yours sincerely

SUZIE HASLEHURST
CHIEF EXECUTIVE OFFICER

26 October 2021

Encl: Schedule of Comments and Modifications

Draft Native Vegetation Policy	Shire of Toodyay suggested modifications/comments.
<p>Section: Purpose (p.4)</p> <p>The State Government recognises the need to:</p> <ul style="list-style-type: none"> • prevent the extinction of threatened species; • protect areas of high conservation value; and • achieve a nett gain in native vegetation extent. 	<p>The State Government recognises the need to:</p> <ul style="list-style-type: none"> • prevent the extinction of <u>all native threatened</u> species; • <u>Identify and</u> protect areas of high conservation value; and • achieve a nett gain in native vegetation extent <u>and diversity</u>.
<p>Section: Scope (p. 4)</p> <p>This policy sets strategic direction for the State Government. It applies to all State Government agencies with responsibilities that influence Western Australia's native vegetation. State Government boards and commissions (as defined in the Glossary) are encouraged to apply the policy, where relevant.</p>	<p>This policy sets strategic direction for the State Government. It applies to all State Government agencies and local government authorities with responsibilities that influence Western Australia's native vegetation. State Government boards and commissions (as defined in the Glossary) are encouraged to apply the policy, where relevant.</p>
<p>Section: Policy statement (p.5)</p>	<p><u>Add a new setting:</u> <u>To ensure that all data is validated by the local government and community stakeholders.</u> <u>To ensure that data is validated by local knowledge and community stakeholders.</u></p>
<p>Section: Policy statement (p.5)</p> <ul style="list-style-type: none"> • are tailored to bioregional differences or specific challenges 	<ul style="list-style-type: none"> • are tailored to bioregional differences or specific challenges <u>while recognising the change in regional species distribution due to climate change and human impact.</u>
<p>Section: Context (p.6)</p> <p>It is culturally and spiritually significant to Aboriginal people, underpins community wellbeing and supports important sectors of the state's economy.</p>	<p><u>Comment</u> <u>Not only limited to indigenous people. Needs to be more inclusive.</u></p>
<p>Section: Context (p.6)</p> <p>Activities that sustain people's livelihoods and the economy – like agricultural production and urban development –</p>	<p>Activities that sustain people's livelihoods and the economy – like agricultural production, and <u>urban development, mining and the extraction of basic raw materials.</u>–</p>
<p>Table 1 (p.7)</p> <p>Heading (Organisations, businesses and individuals)</p>	<p><u>Comment</u> <u>Should involve 'community' there are many individuals who are not necessarily landholders, land managers or members of groups/organisations, but who would have contributions of value</u></p>
<p>Section: Practice (p.8)</p> <p>8. Stewardship of native vegetation by all land managers is vital to ensure landscape health – including through its integration with other productive land uses (e.g. agriculture, mining), or through its ecologically</p>	<p>8. Stewardship of native vegetation <u>(Including water and groundwater resource management)</u> by all land managers is vital to ensure landscape health – including through its integration with other productive land uses (e.g. agriculture,</p>

Draft Native Vegetation Policy	Shire of Toodyay suggested modifications/comments.
sustainable use (e.g. beekeeping, pastoralism).	mining), or through its ecologically sustainable use (e.g. beekeeping, pastoralism).
Section: Opportunities and Challenges (p. 9) 12. Traditional owners with their rich cultural knowledge of ecosystems have roles to play in co-managing, conserving and restoring native vegetation, and in planning for its management.	12. All owners including the traditional owners Traditional owners with their rich cultural knowledge of ecosystems have roles to play in co-managing, conserving and restoring native vegetation, and in planning for its management.
Section: Opportunities and Challenges (p. 9) 14. The condition and extent of Western Australia's native vegetation is declining. Addressing the decline requires coordinated management across all land tenures, supporting connectivity and maintenance of ecosystem function	14. The condition and extent of Western Australia's native vegetation is declining. Addressing the decline requires coordinated management across all land tenures, supporting connectivity and maintenance of ecosystem function. This includes the Identification and conservation of groundwater resources.
Section: Opportunities and Challenges (p. 9) 15. "... A nett improvement in the condition and extent of native vegetation can be achieved through strategic coordination and stewardship across sectors, and will restore landscape and ecosystem functions."	Comment Unrealistic proposition on its own. How is this going to be achieved?
Section: Opportunities and Challenges (p. 9) 16. In the extensive land-use zone (Figure 1), native vegetation is subject to a range of degrading processes. Coordinated management of the threats to native vegetation is needed to maintain and enhance the condition and ecosystem function of native vegetation.	16. In the extensive land-use zone (Figure 1), native vegetation is subject to a range of degrading processes. Coordinated management of the threats to native vegetation. Including water extraction and loss of water recharge areas is needed to maintain and enhance the condition and ecosystem function of native vegetation.
Section: Strategies and outcomes (p. 10) (Outcomes) Native vegetation objectives are achieved, together with other state priorities	Comment What certainty is there that native vegetation objectives are achieved and their interests are not outweighed by those of industry and general economic or social growth.
Section: Goals and Approaches (p. 11) (Approaches)	Add new approach: Consulting with Local Governments; Incorporating the environmental imperatives in Local Planning Schemes.
Section: Goals and Approaches (p. 11) v) Acquire and effectively manage a comprehensive, adequate and representative reserve system for terrestrial and aquatic ecosystems.	v) Acquire and effectively manage a comprehensive, adequate and representative reserve system (incorporating road reserves and wildlife corridors) for terrestrial and aquatic ecosystems.

Draft Native Vegetation Policy	Shire of Toodyay suggested modifications/comments.
<p>Section: Strategy 2 – Contemporary systems and practice. (p. 11)</p> <p>i) Apply regionally tailored objectives across State Government functions to ensure action and investment is coordinated and strategic.</p>	<p><u>Comment</u> Climate change is changing bioregions - species distributions are changing - this needs to be incorporated so that bioregion boundaries are not rigid</p>
<p>Section: Strategy 2 – Contemporary systems and practice. (p. 11)</p>	<p><u>New Goal</u> Contemporary systems and practice require auditing to ensure guiding principles are met and assessment processes are not adversely influenced by vested interests. Contemporary systems and practice require an auditing mechanism to ensure guiding principles are met.</p>
<p>Section: Strategy 3 – Build and share knowledge (p. 12)</p>	<p><u>New Approach</u> Community involvement in data gathering (Citizen Science) would promote 'ownership'. Use of community knowledge and resources to help with this process.</p>
<p>Section: Strategy 4 – All sectors enabled</p> <p>v) Explore strategic coordination of funding streams (e.g. environmental or carbon offsets, restoration funding, tourism opportunities) to deliver positive native vegetation outcomes together with other priorities.</p>	<p>v) Explore strategic coordination of funding streams (e.g. environmental or carbon offsets, restoration funding, tourism opportunities) to deliver positive native vegetation outcomes together with other priorities.</p>
<p>Section: Strategy 3 – Build and share knowledge (Priority Projects) (p. 16)</p> <p>3.4 Improve native vegetation mapping in the Wheatbelt, prioritising mapping to support strategy development (see Action 1.6).</p>	<p><u>Comment</u> Local Government should be a partner agency in this</p>

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SHIRE OF TOODYAY	
Project Number:	ICR77825
18 JUN 2021	
Officer / Dept:	EXECSER
File Number:	COC14

Environmental Advisory Committee
 15 Fiennes Street
 Toodyay 6566

Dear members

Toodyay/Salt Valley Roadworks as proposed by MRWA

I have serious concerns about the scale of road works proposed for the junction of Salt Valley and Toodyay Roads.

In it's environmental assessment, consultants AECOM advised of six fauna habitats, one of which was *isolated trees*. It did **not** note the historical, environmental and tourism value of old growth trees such as the Powderbark Wandoo (*Eucalyptus accedens*). [Attachment 1].

Parks and Wildlife found faults with the assessment provided by AECOM and recommended that there be an additional survey by another consultant. The report by Woodman Environmental and reviewed by DBCA (Department of Biodiversity, Conservation and Attractions) was also found to be lacking in that it only applied selective key diagnostic characteristics. Consequently an updated further report was supplied by Woodman Environmental in 2018.

The area in question has a high level of biodiversity given that it is a significant habitat for black cockatoos, chuditch, and the high amount of clearing undertaken in the wheatbelt. The proposed clearing and lowering of the topography of Toodyay and Salt Valley roads will severely impact upon the ascetic value of the **flora designated Salt Valley road** in that the area required for the lowering by 11 metres will need to use a large area of land to provide batters. This will mean the removal of the historic and magnificent Powderbark Wandooos along with highly visible wildflowers. This road attracts a high number of tourism operators with Tourism Bureau staff commenting that during the Spring flowering season between 200-300 people visit the centre daily. As a Wildflower Friendly town it is unacceptable that such an emphatic statement as the Powderbark Wandooos at the beginning of the flora designated road should be demolished when there is an alternative.

Quite simply put, the roadworks need not involve the lowering of the hill top by the the amount of 11 metres. It need only be lowered by 1-2 metres to improve line of vision which has already been improved by the re-alignment of Toodyay on the proposed plan by MRWA. We would still have the ascending lanes both sides. The hill top is a small area and lowering it by 1-2 metres will give a clearer line of sight. The junction could be moved to the west by c.5 metres and that will mean that the Powderbark Wandooos will be preserved and the area of clearing significantly reduced.

The rise to the hill top is a gradual incline and not as steep as in other parts of the Toodyay Road through Gidgegannup. The road leading into Gidgegannup townsite from Toodyay is the model that should be used for the Toodyay/Salt Valley road. It is three lanes with the overtaking (climbing) consisting of two lanes and one lane running downhill. The shoulders are sealed, rumble strips inserted and metal railings then installed thus allowing for maximum retention of roadside flora.

Trucks turn right into Salt Valley Road and enter unladen after travelling uphill from Midland. Speed is not an issue. Laden trucks turn left into Toodyay Road and can travel very fast downhill where there is, again, a three lane road. With Sandplain road junction being re-aligned further downhill towards Gidgegannup a considerable safety issue will be addressed. There are very few trucks turning right into Toodyay Road from Salt Valley Road – again into a three lane road with appropriate turning lane.

Toodyay is the only shire within Western Australia and indeed, Australia, with such a concentrated site of the Blue Scented Sun Orchids (*Thelymitra macrophylla*). [Attachment 2]. It adds considerably to the Wildflower Friendly status of the town. The site cannot be recreated elsewhere, particularly with such easy visibility from the road. All it needs to retain this site is that the north side of the road area on Toodyay Road have the shoulders sealed, rumble strips inserted and metal road guards erected. The south side changes as proposed by MRWA stand – i.e. a widening of the road to be reasonably consistent with the re-alignment.

I attach the map of the proposed clearing by MRWA. Picture this without the yellow batters and the permitted clearing line – the yellow strip to the left of Sandplain road would be mostly all that is needed. I have independent advice from a Civil Engineer with a history of roadwork involvement to say that not lowering the roadworks by 11 metres is entirely feasible.

I ask that the Environmental Advisory Committee consider the alternative to the current MRWA proposal for the Toodyay/Salt Valley roadworks area, the alternative being not to lower the area by 11 metres.

Sincerely

Elaine L Hall (B.App Sci; M.Acc)
17 June 2021



Powderbark Wandoo (*Eucalyptus accedens*)

Located on the corner of Salt Valley and Toodyay Road this iconic tree is estimated to be 420 years old. Slightly behind and to the south of it the second tree is also estimated to be 400 years old. Together they are an imposing and magnificent sight. The age estimate of the first tree means that it was growing before the first European explorer, Willen Janszoon, first set foot on Australian soil at Pennefather River on the western shore of Cape York in Queensland on the 26 February 1606, sailing in the *Duyfken*. On the 25 October 1616 Dirk Hartog made landfall on an island of the coast at Shark Bay, the second recorded European expedition to land on the Australian continent.

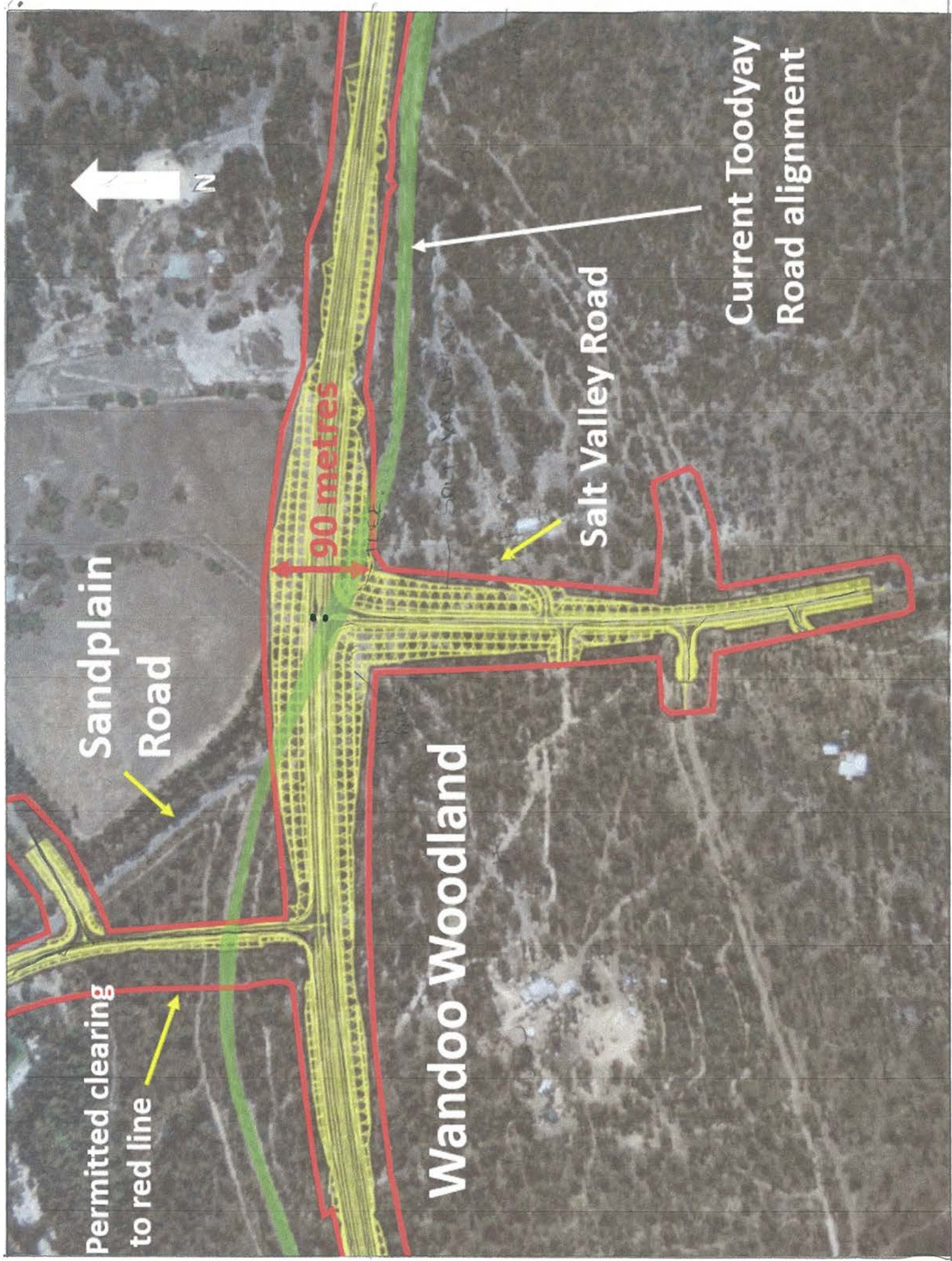
The trees are located on the flora designated road of Salt Valley Road, making for an impressive start to this very popular road with tourist operators owing to the abundance of colourful flora – in Spring – large bushes of *Leschenaultia biloba* and a colourful red flowering pea bush among many other flowering plants.



Scented Blue Sun Orchid (*Thelymitra macrophylla*)

Whilst this orchid, endemic to south-west of Western Australia, is not a threatened species and can be transplanted if the conditions into which it is being transplanted contain the suitable *mychorrhizea*, this is the only location known that has a mass display of the blooms. Flowering from late September to November the plants are clearly visible on both sides of Toodyay Road just under a kilometre up from Dryandra Road. A rough estimate is of at least 600 plants in the one dense stand.

The conditions in this one location for this phenomenal growth are perfect in that it has the right slope, canopy cover, leaf litter depth, no competition, moisture retention, and most importantly, the necessary soil microbia to enable a very high rate of germination. As stated, this has never been seen elsewhere in Australia and is commented on by members of the WA Orchid Society, Kings Park horticulturalists, wildflower photographers, Michael Morcombe and Eddy Wojil and wildflower lovers in general.



Sandplain
Road

90 metres

Salt Valley Road

Wandoo Woodland

Current Toodyay
Road alignment



Permitted clearing
to red line

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Audit & Risk Committee

Section 7.1A of the *Local Government Act 1995*

Committee Function: Regulation 16 of the Local Government (Audit) Regulations 1996

14 October 2021

MINUTES

To: The Members of the Audit & Risk Committee

Here within the Minutes of the Audit & Risk Committee 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

Membership Composition	
Council Representation - Primary	Cr Ruthven, Cr Hart, Cr Madacsi and Cr Pearce
Council Representation - Deputy	Cr Bell and Cr Chitty
Community Representation	H McDonald-Appleby and J Robertson

Preface

When the CEO approves these Minutes for distribution they are in essence "Unconfirmed" until the following Audit Committee Meeting, where the Minutes will be confirmed subject to any amendments.

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

Attachments that formed part of the Agenda, in addition to those tabled at the Meeting are incorporated into a separate attachment to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 14 October 2021.

Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on

Signed:

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

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ATTACHMENTS with separate index follows Item 10.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr Ruthven, Chairperson, declared the meeting open at 2.08pm.

2. RECORDS OF ATTENDANCE / APOLOGIES

Members

Cr Ruthven	Council Member (PM/Chairperson)
Cr Madacsi	Council Member (DPM/Deputy Chair)
Cr Hart	Council Member
Cr Pearce	Council Member
Ms J Robertson	Community Member

Staff

Ms T Bateman	Manager Corporate Services
Ms S Haslehurst	Chief Executive Officer
Mrs M Rebane	Executive Assistant

Visitors

Nil.

Apologies

Ms H McDonald-Appleby Community Member

3. DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. CONFIRMATION OF MINUTES

4.1 Minutes of Meeting held on 12 August 2021.

OFFICER'S RECOMMENDATION/ARC RES. NO. 14/10/21

MOVED Cr Madacsi

That the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 12 August 2021 be confirmed.

MOTION CARRIED 5/0

5. INFORMATION ADDITIONAL TO THE AGENDA

5.1 Review of Audit & Risk Committee Status Report

The Status Report was reviewed.

6. BUSINESS LEFT OVER FROM PREVIOUS MEETING (if adjourned)

Nil.

7. OFFICER REPORTS

7.1 Risk Management Update and Policy Review

Date of Report:	8 October 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/PCY2/ LEG273
Author:	T Bateman – Manager Corporate & Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	24/08/21 (Res. No. 175/08/21).
Author's Disclosure of Interest:	Nil
Committee's Role in the matter:	Review
Attachments:	1. Revised A.18 Risk Management Policy

PURPOSE OF THE REPORT

This report provides an update on the Shire's risk management improvement journey and presents the revised policy A18 Risk Management for the Audit and Risk Committee's consideration and recommendation to Council.

BACKGROUND

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires local governments to review the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance at least once every three years. At the Audit and Risk Committee meeting held 12 August 2021, Officers presented reviewed Risk Tables which were subsequently adopted by Council at its Ordinary Meeting held 24 August 2021 OCM as follows;

That Council:

1. *Adopts the risk tables at Attachment 2 to this report as the Shire of Toodyay's level of risk appetite and tolerance.*
2. *Requests the Chief Executive Officer amend policy A.18 Risk Management to reflect the updated tables.*

In accordance with Part 2 of the resolution, Officers are presenting the revised policy A.18 Risk Management incorporating the new risk tables for the Audit Committee's review and recommendation to Council.

COMMENTS AND DETAILS

Local governments have significant financial and legal responsibilities to exercise effective and efficient risk management practices. Currently, the Shire addresses risk on an informal basis with direction from the existing risk management policies and principles.

The following process was proposed to review current risks, their potential impacts and mitigation strategies to be implemented.

Item Activity Timeline		
1	Presentation by LGIS to Audit & Risk Committee regarding organisational risk management	Postponed at the August 2021 meeting – to be rescheduled. Regional Risk Coordinator appointed September 2021
2	Workshop involving officers across the organisation to understand and identify area specific risks and develop mitigation strategies with reference to informing reports/plans.	As above. Training is anticipated for November 2021.
3	Review Risk Management policy for presentation to Audit and Risk Committee	October 2021 meeting
4	Development of Risk Management Dashboard and reporting template for presentation to Audit and Risk Committee	December 2021 meeting.

In accordance with the timeline above, Officers have reviewed policy A.18 Risk Management as attached to this report. Notable changes to the revised policy compared to the version adopted in 2014 include the following;

Risk Management Guidelines – originally appended to the policy, these guidelines have been removed and will be replaced with a separate supporting document, the Risk Management Framework. The framework will be developed over the coming months and presented for the Committee’s consideration and recommendation to Council.

Responsibilities – this section (originally clause 4) has been removed from the revised policy. Risk management is the responsibility of all staff and shire representatives as detailed within the policy intent.

Principles and Framework – the revised policy specifies the key risk management principles as provided in AS/NZS ISO 31000 and requires that the framework be reviewed every three years to coincide with the legislated *Local Government (Audit) Regulation 17* reviews. The Risk Tables as adopted by Council in August 2021, have been inserted under this section.

Reporting and Monitoring – the revised policy commits to reporting the risk register to the Audit and Risk Committee biannually.

AS/NZS ISO 31000:2009 has been replaced with AS/NZS ISO 31000:2018.

IMPLICATIONS TO CONSIDER

Consultative:

Officers recently met with LGIS and the newly appointed Regional Risk Coordinator who will play an integral part in the ongoing development and training for Shire staff in relation to risk.

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.

Objective 3: Ensure rigorous organisational systems.

Policy related:

A.18 Risk Management.

A.19 Internal Control.

A.20 Legislative Compliance.

Financial:

There are no financial implications as a result of the Officer's recommendation. However, it is anticipated that development of a risk register may identify risks and therefore the need for mitigation. In the event unbudgeted funds are required, Officers will prepare a report for budget amendment for Council's consideration.

Legal and Statutory:

Local Government Act 1995, Part 7.

Local Government (Audit) Regulations 1996.

Risk related:

Section 7.1A of the Act requires that all local governments establish an audit committee. The audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, risk management systems, legislative compliance and the external audit functions. Failure to have an audit committee in place exposes Shire officers and Councillors to significant risk. This report assists in mitigating these risks.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit & Risk Committee recommends to Council the following:

That Council:

1. Adopts Policy A.18 Risk Management as attached to this report.
2. Requests the Chief Executive Officer to develop a Risk Management Dashboard in consultation with Local Government Insurance Services for presentation to the Audit and Risk Committee in December 2021.

The CEO tabled at 2.11pm a copy of the previous policy.

Cr Madacsi moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/ARC RES. NO. 15/10/21

MOVED Cr Madacsi

That the Audit Committee recommends to Council the following:

That Council:

1. Adopts Policy A.18 Risk Management as attached to this report.
2. Requests the Chief Executive Officer to develop a Risk Management Dashboard in consultation with Local Government Insurance Services for presentation to the Audit and Risk Committee in December 2021.

MOTION CARRIED 5/0

7.2 Budget Amendments

Date of Report:	8 October 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/FIN29
Author:	T Bateman – Manager Corporate & Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	29/09/2021 (Res. No. 202/09/21)
Author’s Disclosure of Interest:	Nil
Committee’s Role in the matter:	Review
Attachments:	1. Summary of 2021/2022 Budget amendments - 30 September 2021.

PURPOSE OF THE REPORT

This report provides details of budget amendments required after adoption of the 2021/2022 Annual Budget for the Committee’s consideration and recommendation to Council.

BACKGROUND

Council adopted its 2021/2022 Annual Budget on 29 September 2021 with an estimated surplus of \$10,000. During the meeting, officers were alerted to an error within the budget and committed to presenting a request for budget amendment at the earliest opportunity.

COMMENTS AND DETAILS

Regulation 5 of the *Local Government (Financial Management) Regulations 1996* (Regulations) provides specific direction for CEOs to ensure efficient financial management. Further, it is good management practice to revise the adopted budget when it is known that circumstances have changed.

Given the timing of budget adoption, the rates strike, which usually occurs in July or August each year, was delayed until October. This poses a significant cashflow risk that officers will continue to monitor and manage. With rates not being due until November, projects will be managed carefully to ensure ongoing financial commitments are met.

As Council's large projects progress, Officers will continue to review income and expenditure and report material variances to the Audit and Risk Committee. Given the budget was adopted later than usual, and that for many projects the procurement process is yet to be finalised, there are very few budget adjustments identified to date, including the following;

Water Expenses - Toodyay Recreation Centre

The budget was adopted with an allocation of \$70,000 for water usage at the Toodyay Recreation Centre. In accordance with the management contract, Clublinks are responsible for water usage charges. This budget adjustment will result in an estimated increase to cash of \$70,000.

Capital Plant and Equipment

The adopted budget includes an allocation for the replacement of Works Utility T0014 which was initially budgeted for replacement at a cost of \$45,000. Officers are proposing to replace the existing 4X4 utility with a small truck in order to undertake road patching works and to tow the road broom. The advantages include safety, increased height (clearance) and a higher towing capacity. The expected cost of the new truck is approximately \$62,000.

Adoption of the officer recommendation will result in a surplus to the budgeted net current position of \$63,000. Approval is therefore sought for the budget adjustments detailed in the attachment to be recommended to Council.

IMPLICATIONS TO CONSIDER

Consultative:

Officers

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.

Objective 3: Ensure rigorous organisational systems.

Policy related:

F6 Significant Accounting.

F16 Financial Governance.

Financial:

The result of the review forecasts a year end surplus of \$63,000 as at 30 June 2022. Details of proposed amendments are outlined within Attachment 1.

Legal and Statutory:

Local Government Act 1995, Part 7.

Local Government (Financial Management) Regulations 1996.

Local Government (Audit) Regulations 1996.

Risk related:

Failure to monitor and financially manage budgeted projects exposes Shire officers and Councillors to significant risk. This report helps to mitigate this risk. The review does not, however, seek to make amendments below the materiality threshold unless strictly necessary.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee recommends to Council the following:

That Council adopts the proposed budget amendments as detailed within Attachment 1 and requests the CEO to implement the changes.

Manager Corporate & Community Services provided an overview in relation to this report.

Clarification was sought.

Cr Hart moved the Officer's Recommendation.

The motion was put.

OFFICER'S RECOMMENDATION/ ARC RES. NO. 16/10/21

MOVED Cr Hart

That the Audit Committee recommends to Council the following:

That Council adopts the proposed budget amendments as detailed within Attachment 1 and requests the CEO to implement the changes.

MOTION CARRIED 5/0

7.2 Datascape Update

Date of Report:	8 October 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG289/COC2
Author:	T Bateman – Manager Corporate & Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	26/02/19 (Res. No. 64/02/19).
Author's Disclosure of Interest:	Nil
Committee's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

This report provides a brief update on the transition of the Shire's Enterprise Resource Planning (ERP) system from Synergysoft to Datascape.

BACKGROUND

At the Ordinary Council Meeting held in February 2019, it was resolved:

That Council awards a contract to WALGA preferred supplier Datacom Solutions for the provision of Fully Integrated Enterprise Software, in accordance with Regulation 11(2) (b) of the Local Government (Functions and General) Regulations 1996.

There followed a design by inquiry process to determine the needs and specifications. The onset of the global pandemic in March 2020 impacted the ability for Datacom representatives to physically attend the Shire and a decision was made to stage the implementation of the system 'go live'.

In July 2020, the Shire's payroll and creditors modules of Datascape were implemented with training and troubleshooting provided electronically. Work continued concurrently on the development of the rating, revenue, cemeteries, animals, building and planning, regulation and assets modules.

The changeover process has presented significant challenges, each of which have had to be overcome to ensure continued progress. The possibility of reverting to Synergysoft was, at one stage, considered given the resources required to complete the transition. However, it was agreed that the selected system has the potential to

better serve and protect the organisation in the future and will eventually justify the investment.

COMMENTS AND DETAILS

Officers continue to work through Datascope implementation challenges which are the major contributing factor for delays to what are considered ordinary financial management practices.

The *Local Government (Financial Management) Regulations 1996* provide guidance in the preparation of monthly and annual financial reporting and details the kind of disclosures required to be reported. Currently, many of these modules are either not fully operational in Datascope or the transition process is incomplete.

Officers are working with Datacom developers on a number of issues, including, but not limited to;

- Depreciation and capitalisation of assets;
- Completion of Business Activity Statements;
- Loans module;
- Trust funds and bonds held;
- Reserves module;
- Bank reconciliations; and
- Loading the annual budget for monthly analysis to meeting statutory requirements.

In an attempt to address these issues, staff are required to log support requests which are attended to by Datacom staff and developers. Officers have communicated the Shire's dissatisfaction with the process to date. Consequently, Datacom has responded with additional support and training and representatives have escalated support requests for attention. Numerous weekly meetings are being held via Teams to work through these issues.

Officers are confident that the system has the potential to meet the Shire's requirements but are also weary of the toll this transition has had on staff, Council and the community, in addition to the Shire's reputation.

IMPLICATIONS TO CONSIDER

Consultative:

Datacom

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.

Objective 3: Ensure rigorous organisational systems.

Policy related:

F.16 Financial Governance.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

Local Government (Financial Management) Regulations 1996.

Risk related:

This report is intended to ensure the Committee and Council are kept informed of the progress of the transition of the Shire's ERP system.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee recommends to Council the following:

That Council notes the update on the transition of the Shire's Enterprise Resource Planning system.

The CEO provided an overview of the report and reported a typographical error.

Cr Pearce moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/ARC RES. NO. 17/10/21

MOVED Cr Pearce

That the Audit Committee recommends to Council the following:

That Council notes the update on the transition of the Shire's Enterprise Resource Planning system.

MOTION CARRIED 5/0

8. OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

Nil.

9. NEXT MEETING

The next Audit & Risk Committee Meeting was scheduled to be held on 9 December 2021 commencing at 2.00pm.

Please note:

The Audit & Risk Committee timetable for 2022 has been prepared and the following dates are part of the schedule:

Months	Actual Date	Draft Reports 11 days prior	Agenda Settlement 8 days prior	Distribution at least 5 days prior
FEBRUARY	1/02/2022	21/01/2022	24/01/2022	27/01/2022
APRIL	5/04/2022	25/03/2022	28/03/2022	31/03/2022
JUNE	7/06/2022	27/05/2022	30/05/2022	2/06/2022
AUGUST	2/08/2022	22/07/2022	25/07/2022	28/07/2022
OCTOBER	4/10/2022	23/09/2022	26/09/2022	29/09/2022
DECEMBER	6/12/2022	25/11/2022	28/11/2022	1/12/2022

Note: The meetings have been moved to a Tuesday and will be earlier than usual to accommodate items to be written for upcoming Council Meetings.

Cr Hart moved a motion as follows:

That Council conduct its Audit & Risk Committee quarterly on the first Tuesday every three months from March to December, commencing at 2.00pm; unless otherwise determined by the Chairperson of the Committee.

Cr Pearce seconded the motion.

Clarification was sought.

The motion was put.

MOTION/ARC RES. NO. 18/10/21

MOVED Cr Hart

SECONDED Cr Pearce

That the Audit Committee recommends to Council the following:

That Council conduct its Audit & Risk Committee quarterly on the first Tuesday every three months from March to December, commencing at 2.00pm; unless otherwise determined by the Chairperson of the Committee.

MOTION CARRIED 5/0

10. CLOSURE OF MEETING

The Chairperson declared the meeting closed at 3.09pm.

Attachments to Minutes

Audit & Risk Committee

14 October 2021

INFORMATION ADDITIONAL TO THE AGENDA

5.1 Review of Audit & Risk Committee Status Report 1

REPORTS OF OFFICERS

7.1 Risk Management Update and Policy Review 3

Attachment 1 – Revised A.18 Risk Management Policy. 3

Attachment 2 – Tabled – previous policy 7

7.2 Budget Amendments 32

Attachment 1 – Summary of 2021/2022 Budget amendments
30 September 2021.. 32

7.3 Datascape Update N/A

No attachments N/A

ARC STATUS REPORT
Audit & Risk Committee

Supporting Officer
Manager Corporate & Community Services



Meeting Date	Purpose	Resolution	Target date for completion	Actioned by	Completion Date	Meeting Commentary / Comments made
14/10/2021	7.1 Risk Management Update and Policy Review	That Council: 1. Adopts Policy A.18 Risk Management as attached to this report. 2. Requests the Chief Executive Officer to develop a Risk Management Dashboard in consultation with Local Government Insurance Services for presentation to the Audit and Risk Committee in December 2021.	October 2021	MCCS	t.b.a.	As per minutes
14/10/2021	7.2. Budget Amendments	That Council adopts the proposed budget amendments as detailed within Attachment 1 and requests the CEO to implement the changes.	October 2021	MCCS	t.b.a.	As per minutes
14/10/2021	7.3. Datascape update	That Council notes the update on the transition of the Shire's Enterprise Resource Planning system.	October 2021	MCCS	t.b.a.	As per minutes
14/10/2021	Meetings in 2022	That Council conduct its Audit & Risk Committee quarterly on the first Tuesday every three months from March to December, commencing at 2.00pm; unless otherwise determined by the Chairperson of the Committee.	Nov 2021	MCCS	t.b.a.	As per minutes
10/06/2021	7.1 Review of Risk Management Systems and Processes	ARC RES. NO. 11/06/21 MOVED Cr Hart SECONDED Cr Madacsi The Audit Committee recommends the following to Council: That Council notes the proposed process as outlined in this report for a review of the Shire's risk management systems and processes.	August 2021	CEO	24/08/2021	Resolution No. 174/08/21

ARC STATUS REPORT
Audit & Risk Committee

Supporting Officer
 Manager Corporate & Community Services



Meeting Date	Purpose	Resolution	Target date for completion	Actioned by	Completion Date	Meeting Commentary / Comments made
12/08/2021	7.1 Risk Management Planning – Risk Tolerance	<p>ARC RES. NO. 13/08/21 MOVED Cr Hart</p> <p>The Committee recommends that Council:</p> <ol style="list-style-type: none"> Adopts the risk tables at Attachment 2 to this report as the Shire of Toodyay’s level of risk appetite and tolerance subject to the following amendments being made to the Shire of Toodyay Measures of Consequence Table: <ul style="list-style-type: none"> Minor: \$10,001-\$20,000 Moderate: \$20,001-\$150,000 Major: \$150,001-\$500,000 Catastrophic: More than \$500,000 Requests the Chief Executive Officer amend policy A.18 Risk Management to reflect the updated tables. 	August 2021	CEO	24/08/2021	Resolution No. 175/08/21

A18 Risk Management

Introduction

The Shire of Toodyay is exposed to a broad range of risks which could adversely impact the achievement of strategic community objectives.

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

Application

This Policy applies to all risk processes within the Shire and is subject to regular monitoring through the Audit and Risk Committee and Council. This policy applies to all activities undertaken by officers, volunteers, contractors and elected members.

Policy Intent

This policy intends to create an environment where Council, management and staff accept direct responsibility for risk management, through development, implementation of and maintaining effective risk management practices. Risk management is the responsibility of everyone and will be treated as an integral part of the Shire's culture, policies and procedures.

This policy aims to develop and maintain an organisational culture which shows confidence in the use of risk assessment and management tools in:

- the effective and efficient delivery of agreed levels of service
- maintaining financial sustainability
- developing and maintaining an effective and positive relationship between Council and the community
- enabling the Council in partnership with the community, to make decisions for the community's future with a high level of confidence that key risks have been taken into account and where relevant, are being, or have been, mitigated.
- to ensure that appropriate risk assessment and management provisions are in place in order to satisfy statutory requirements and identified risks mitigated.

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Principles

The Shire considers risk management to be an essential management function in its operations. The Shire is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2018.

The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

The Shire will consider the following key principles for effective risk management;

- a) Integrated - Risk management is an integral part of all organisational activities and will be considered in alignment with the Shire's strategic objectives.
- b) Structured and comprehensive - A structured and comprehensive approach to risk management contributes to consistent and comparable results.
- c) Customised - The risk management framework and process are customised and proportionate to the organisation's external and internal context related to its objectives.
- d) Inclusive - Appropriate and timely involvement of stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management.
- e) Dynamic - Risks can emerge, change or disappear as an organisation's external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner.
- f) Best available information - The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly takes into account any limitations and uncertainties associated with such information and expectations. Information should be timely, clear and available to relevant stakeholders.
- g) Culture - Human behaviour and culture significantly influence all aspects of risk management at all levels.
- h) Continual improvement - Risk management is continually improved through learning and experience.

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Framework

The Shire will develop and maintain a Risk Management Framework that underpins the principles of effective risk management and provides guidance to Council and staff. The framework will be subject to regular reviews every three years to coincide with the Reg 17 review to be undertaken in accordance the *Local Government (Audit) Regulations 1996*.

Reporting and Monitoring

The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure close out of risks and identification of ongoing issues and trends.

Risks will be reported to the Audit & Risk Committee and reviewed at least twice-yearly. Risks rated significant or extreme will be reported to the Audit and Risk Committee or Council at the earliest opportunity.

Definitions

Risk means “the effect of uncertainty on objectives.” AS/NZS ISO 31000:2018. A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

Risk Assessment means the process of applying risk management methodologies to assess the level of risk in a particular or general circumstance, activity or operation, or decision.

Risk Management means the application of coordinated activities to direct and control an organisation with regard to risk.

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Reference Information

Related Documents AS/NZS ISO 31000:2018

Related Legislation *Local Government Act 1995 (WA)*

Associated Forms and Attachments NA

Version Control Information	Version No.	Issue Date	Nature of amendment	Developed By	Approved By
	V0				

Document Control Information

Document Theme	Governance
Document Category	
Document Title	
Document ID	
Document Owner (position title)	
Author (position title)	
Date of approval	
Approving authority	
Access restrictions	
Date Published	
Date of last review	XX October 2021
Date of next review	XX XXXXXXXX XXXX
Archived antecedent documents and previous versions	25 November 2014

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POLICY MANUAL

POLICY NO	A.18
PROCEDURE SUBJECT	RISK MANAGEMENT
FILE NUMBER	
ADOPTION DATE	25 NOVEMBER 2014 (Council Resolution No. 344/11/14)
REVIEW DATE	

OBJECTIVES

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

The Risk Management Guidelines form part of this Policy.

POLICY STATEMENT

1. Definition of Risk

- 1.1 AS/NZS ISO 31000:2009 defines risk as *'the effect of uncertainty on objectives.'*
- 1.2 A risk is often specified in terms of an event or circumstances and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected. An objective may be financial, related to health and safety or defined in other terms.

2. Definition of Risk Management

- 2.1 Risk Management is the application of coordinated activities to direct and control the organisation with regard to risk.

3. Principles – Framework - Process

- 3.1 The Shire considers risk management to be an essential management function in its operations. The responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.
- 3.2 The Shire is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009.
- 3.3 The Shire will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all

levels of the organisation in relation to planning or executing any function, service or activity.

3.4 In particular, it will be applied to:

- (a) Strategic planning;
- (b) Expenditure of large amounts of money;
- (c) New strategies and procedures;
- (d) Management of projects, tenders & proposals;
- (e) Introducing significant change; and
- (f) The management of sensitive issues.

3.5 The objectives of Risk Management are:

- (a) The achievement of organisational goals and objectives;
- (b) The ongoing health and safety of all employees at the workplace;
- (c) Ensuring public safety within the Shire's jurisdiction is not compromised;
- (d) Limited loss or damage to property and other assets;
- (e) Limited interruption to business continuity;
- (f) Positive public perception of Council and the Shire; and
- (g) Application of Equal Opportunity Principles in the workforce and the community.

4. Responsibilities

- 4.1 The CEO, Managers and Supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
- 4.2 All Managers will encourage openness and honesty in the reporting and escalation of risks.
- 4.3 All staff will be encouraged to alert Management to the risks that exist within their area without fear of recrimination.
- 4.4 All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- 4.5 All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- 4.6 The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.

4.7 Failure by staff to observe reasonable directions from supervisors regarding the management of risk and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.

4.8 The Shire is committed to the concept and resourcing of Risk Management.

5. Monitor & Review

5.1 The Shire will implement a robust reporting and recording system that will be regularly monitored to ensure close out of risks and identification of ongoing issues and trends.

5.2 Significant or extreme risks will be reported to the Audit & Risk Committee and reviewed to determine appropriate treatments or whether to continue with the activity or service from which the risk arises.

Adopted by Council Ordinary Meeting of Council 25 November 2014

RISK MANAGEMENT GUIDELINES

OBJECTIVES

1. To note Council Policy A.18 Risk Management and develop systems and processes required by that Policy in order to implement, review and assess organisational risk management;
2. To adopt and implement a risk management framework that integrates risk management into the organisation and provides the mandate, resources and management systems;
3. To foster and develop a risk management culture that influences all activities and decision making; and
4. To improve the way assets, functions and services are managed and delivered to achieve objectives and reduce potential harm to the Shire.

NOTE: *This document is not intended to be a procedure so much as a guideline to operate by. It provides an overall framework for risk management and will also enable an assessment of the appropriateness and effectiveness of systems and procedures in relation to internal control, which regulation 17 of the Local Government (Audit) Regulations 1996 requires to be carried out at least once every two calendar years.*

INTRODUCTION

In February 2013, a new regulation (Section 17) of the *Local Government (Audit) Regulations 1996* was declared. This Regulation requires a review of the appropriateness and effectiveness of systems and procedures in relation to risk management (together with internal control and legislative compliance) at least once every two calendar years and to report to the Audit Committee the results of that review.

Australian Standard AS/NZS ISO 31000:2009 defines risk as 'the effect of uncertainty on objectives.' A primary objective of risk management is to identify and to manage (take preventive steps) to handle these uncertainties and thereby reduce potential harm to the Shire.

Local governments are being required to formalise their risk management processes, including the identification and treatment of risks and the establishment of a risk register. A risk tolerance table is also required which will reflect the Shire's tolerance for various risks.

Sound risk management not only contributes to good governance but also provides some degree of protection for Elected Members and Officers in the event of adverse outcomes.

This document outlines the Shire's risk management framework and risk appetite. It also describes the systematic method used to identify, analyse, evaluate, treat, monitor and communicate key risks in order to minimise unexpected losses and maximise opportunities.

RISK MANAGEMENT GUIDELINES

The Shire recognises that to be effective, risk management must become part of the Shire's culture, integrated into the Shire's corporate and business plans and everyday activities. Further, risk management must become the responsibility of every employee, contractor, volunteer and elected member of the Council.

This framework has, to some extent, been implemented at the Shire of Toodyay in an informal manner. Formal Occupational Health and Safety systems have been introduced over the last 10 or so years. However, the implementation of a formal and documented framework for other risk areas will take some time to embed within the organisation.

COUNCIL POLICY

At its meeting held 25 November 2014, Council adopted Policy A.18 - Risk Management as follows:

OBJECTIVES

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

POLICY STATEMENT

1. Definition Of Risk

- 1.1 *AS/NZS ISO 31000:2009 defines risk as 'the effect of uncertainty on objectives.'*
- 1.2 *A risk is often specified in terms of an event or circumstances and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected. An objective may be financial, related to health and safety or defined in other terms.*

2. Definition Of Risk Management

- 2.1 *The application of coordinated activities to direct and control an organisation with regard to risk.*

3. Principles – Framework - Process

- 3.1 *The Organisation considers risk management to be an essential management function in its operations. The responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.*
- 3.2 *The Organisation is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009.*

RISK MANAGEMENT GUIDELINES

3.3 *The Organisation will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.*

3.4 *In particular, it will be applied to:*

- (a) Strategic planning;*
- (b) Expenditure of large amounts of money;*
- (c) New strategies and procedures;*
- (d) Management of projects, tenders & proposals;*
- (e) Introducing significant change; and*
- (f) The management of sensitive issues.*

3.5 *The objectives of Risk Management are:*

- (a) The achievement of organisational goals and objectives;*
- (b) The ongoing health and safety of all employees at the workplace;*
- (c) Ensuring public safety within the Organisation's jurisdiction is not compromised;*
- (d) Limited loss or damage to property and other assets;*
- (e) Limited interruption to business continuity;*
- (f) Positive public perception of Council and the Shire; and*
- (g) Application of Equal Opportunity Principles in the workforce and the community.*

4. Responsibilities

4.1 *The CEO, Managers and Supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.*

4.2 *All Managers will encourage openness and honesty in the reporting and escalation of risks.*

4.3 *All staff will be encouraged to alert Management to the risks that exist within their area without fear of recrimination.*

4.4 *All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.*

4.5 *All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.*

4.6 *The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.*

RISK MANAGEMENT GUIDELINES

- 4.7 *Failure by staff to observe reasonable directions from supervisors regarding the management of risk and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.*
- 4.8 *The Organisation is committed to the concept and resourcing of Risk Management.*

5. Monitor & Review

- 5.1 *The Organisation will implement a robust reporting and recording system that will be regularly monitored to ensure close out of risks and identification of ongoing issues and trends.*
- 5.2 *Significant or extreme risks will be reported to the Audit & Risk Committee and reviewed to determine appropriate treatments or whether to continue with the activity or service from which the risk arises.*

DEFINITIONS

Acceptable Risk: A risk where current controls minimise risk sufficiently so that the Shire deems that mitigating actions are not required.

Consequence: The outcome of an event expressed by qualitative and/or quantitative criteria.

Corporate Risk: Those risks that are holistic in nature, spread across the organisation and are more appropriately managed at the executive level.

Event: An incident or situation which occurs in a particular place at a particular time.

Hazard: The source of potential harm or loss.

Inherent Risk: The potential consequence and likelihood of a risk occurring in an environment without controls.

Likelihood: The chance, probability and/or frequency of an event occurring.

Operational Risk: Those risks that occur at the operational level and can be sufficiently or appropriately managed within the Shire management and staff structure.

Risk: The effect of uncertainty on objectives.

OSH: Occupational Safety and Health.

Project Risk: Risks associated with specific projects or undertakings made by the Council. Any project will go through a lifecycle incorporating conception, planning, scoping, contracting, design, construction, testing/commissioning, handover and operation. Project risks exist at every stage and they should be identified and managed.

RISK MANAGEMENT GUIDELINES

Residual Risk: The remaining level of risk after risk treatment.

Risk Analysis: A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences.

Risk Appetite: The amount and type of risk an organisation is prepared to pursue or take. This is usually defined as either a formal statement, or within the parameters of your Risk Appetite Table (Consequences and Likelihood Matrix)

Risk Control: Involves the provision of policies, standards and procedures or actions to eliminate or minimise adverse risks.

Risk Management: Coordinated activities that direct and control an organisation in relation to risk.

Risk Criteria: The threshold or other decision rule by which the significance of risk is assessed to determine whether risk treatment actions are recommended.

Risk Tolerance: The level of risk/residual risk that the Shire is willing to accept for every day work, projects or events.

Risk Treatment: Involves the provision of policies, standards and procedures or actions to eliminate or minimise adverse risks.

Strategic Risk: Risks that may result in the non-achievement of strategic goals and objectives, or where decisions may potentially result in harm or loss to the Shire.

RISK APPETITE

Risk appetite relates the Council's willingness to accept risk in pursuit of its objectives. The establishment of a statement on risk appetite is intended to guide employees in their actions and ability to accept and manage risks.

The risk appetite of the Council is reflected by the combination of the severity ratings within the Consequence table and the Likelihood table, which provides an inherent risk rating.

The key determinants of risk appetite include, but are not limited to:

- Council and community expectations;
- The income potential from accepting risks relative to income from risk-free activities (the risk/reward trade off);
- Capital availability; and
- Adequacy of risk management systems.

RISK MANAGEMENT GUIDELINES

RISK APPETITE DEFINITIONS

No Appetite: Council has no desire to be involved in such risk/s – risk involved is considered unacceptable – risk predominantly within Shire’s control;

Low Appetite: Council has no desire to be involved in such risk/s but whilst risk is considered unacceptable the Shire is aware that some factors are beyond the Shire’s control - the Shire is fully informed of possible associated risks and comfortable that best risk management practices have been put in place to eliminate/reduce risk;

Medium Appetite: Council is willing to be involved in such risk/s which are considered acceptable and predominantly within the Shire’s control and that the Shire is fully informed of possible associated risks and comfortable that best risk management practices have been put in place to eliminate/reduce risk; and

Considerable Appetite: Council is willing to be involved in such risk/s which are considered acceptable and predominantly within the Shire’s control - the Shire is fully informed of possible associated risks and comfortable that best risk management practices have been put in place to eliminate/reduce risk. The benefits of the outcome of the risk have been considered and are warranted.

RISK APPETITE STATEMENT

Financial

The Council has a low appetite for decisions that have a significant negative impact on Council’s long term financial sustainability.

The Council has a medium appetite for the implementation of key projects that meet the needs of the community.

Legal and Regulatory

The Council has no appetite for non-compliance with legal, professional and regulatory requirements.

Human Resources

The Council has no appetite for compromising staff safety and welfare.

The Council has a low appetite for risks arising from inadequately trained staff or failed internal processes.

Operational

The Council has a low appetite for system failures or information and data security breaches.

The Council has a medium appetite in terms of the operational risk associated with the implementation of change and key strategic plans.

The Council has no appetite for internal fraud, collusion, theft and associated reputational risk.

The Council has a low appetite for operational risks arising from failure to meet customer commitments and/or suitability of advice.

RISK MANAGEMENT GUIDELINES

The Council has a low appetite for third party partner (contractors) failure.

The Council has considerable appetite for improvements to service delivery; and

The Council has considerable appetite for improved efficiency of Council operations.

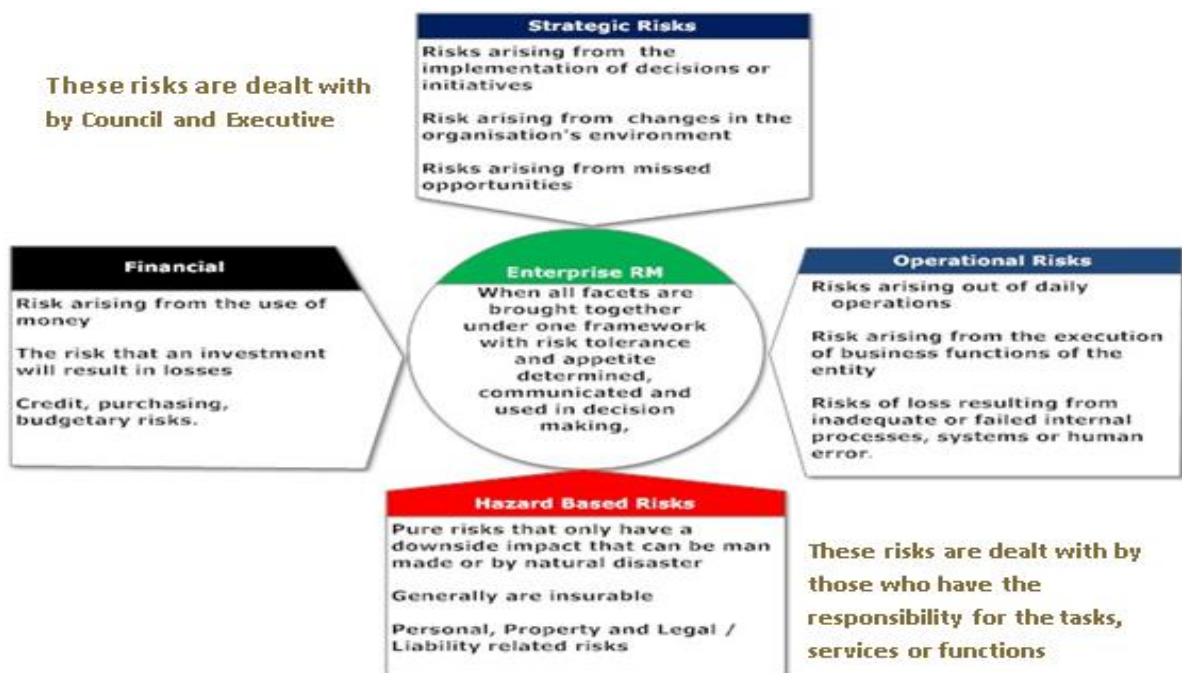
Environmental

The Council has considerable appetite for decisions that promote ecologically sustainable development.

SCOPE

These guidelines apply to all Shire staff, operations and activities. The management of risk is an essential element of good management and impacts on every facet of Council activity.

Outlined below are four distinct areas of risk, with the strategic and financial mainly being the realm of the strategic risk deliberations. The operational and hazard based risks are predominantly managed operationally with delegated authority or as part of staff members' duties.



The Risk Management Guidelines shall cover, but not be limited to, the following areas of Council activity:

Asset Risks

- Theft, vandalism, fire, water or vehicle damage.
- Computer virus, power or water outage.
- Footpath and road hazards.
- Failure to adequately insure buildings, property and contents.
- Failure to plan and manage the financial lifecycle of the asset.

RISK MANAGEMENT GUIDELINES

Community Health, Safety and Wellbeing Risks

- Natural disaster or terrorist attack
- Fire, criminal activity, civil unrest
- Fuel crisis
- Injuries to public on/in public buildings/equipment
- Transmission of airborne contaminants hazardous to health

Financial Management Risks

- Inappropriate use of resources
- Budget blow-out or overpayments
- Fraud or theft

Corporate Governance Risks

- Not providing lawful services or functions
- Not fulfilling strategic/ operational goals
- Electoral campaign breaches
- Failure to uphold local laws
- Corruption and bribery
- Misuse of confidential information
- Non-compliance with lawful orders
- Failure to declare interests

Human Resources Risks

- Inappropriate/difficult human behaviour
- Inadequate staffing levels/retention of staff
- Alcohol, drug, tobacco use
- Skills and knowledge management
- Industrial Action
- Poor performance or productivity
- OSH act breaches/Worker injury
- Sexual harassment/discrimination/ bullying
- Professional indemnity

Knowledge Management Risks

- Misuse of public data/privacy issues
- Internet/e-mail/social media misuse
- Loss of corporate knowledge ie staff turnover
- Misuse of council information
- Archiving practices
- Non-compliance with record act

Legal Compliance Risks

- Statutory law breaches
- Copyright or trade practice breaches
- Trade practice breaches
- Wages, benefits, working hours not regulated
- Potential public liability claims eg. Public access, egress and safety.
- General litigation

Business Continuity Risks

- Disruption to operations
- Inability to conduct 'business as normal'

RISK MANAGEMENT GUIDELINES

- Staff absenteeism
- Changes to staff roles and responsibilities
- Continuity of essential operations, functions, internal support services or vital community services

Damage to Reputation Risks

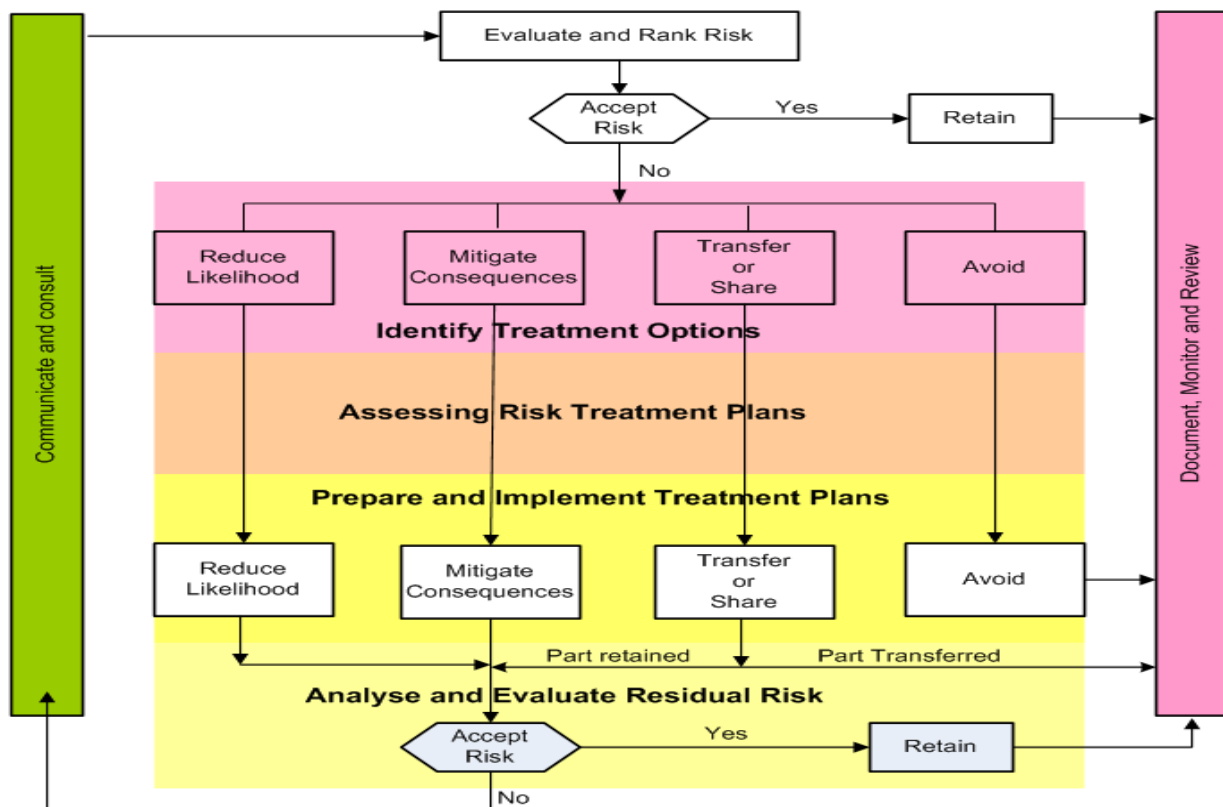
- Adverse publicity or Shire media attention
- Loss of community support
- Managing public complaints
- Very high level of public embarrassment
- Breakdown in communication/ consultation with community.

It should be noted that the Shire has developed procedures in regard to occupational health and safety, including an active OSH Committee. Guidelines and procedures have also been developed in regard to Internal Controls and Legislative Compliance. Those existing systems can be considered to form part of the overall risk management framework.

SHIRE APPROACH TO RISK MANAGEMENT

The Shire and Senior Management will apply the risk management principles to the Governance of the Shire and ensure the relevant information is available to minimise risks in all decision making and planning.

Effective risk management is based on a structured approach to the management of risk that emphasises a proactive rather than a reactive response. Operational risks must be managed during day to day operations to ensure objectives are achieved and unnecessary exposure to risk is minimised.



RISK MANAGEMENT GUIDELINES

Management of risk will be addressed in the following order:

- Eliminate the risk wherever possible. For example, avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk or removing the source of the risk;
- Transfer the risk, in full or in part, by changing the nature and magnitude of likelihood or the consequences. For example, ensuring that contractors carrying out work for the Shire carry the appropriate public liability insurance;
- Reduce the risk by undertaking hazard analysis, process improvement and risk audits, and developing procedures relating to all the Shire's activities;
- Ensure the Shire carries adequate insurance for the risks remaining; and If significant risk cannot be reduced or eliminated, consider avoiding the activity.
- Guided by Council's defined Risk Appetite, Council may choose to accept the risk.

A risk register will be developed and maintained for strategic, project and operational risks.

Strategic Risks

The Management Team will meet quarterly to determine and assess strategic risks and their treatments.

Operational Risks

A Risk Assessment form will be completed for any risk where a risk assessment is deemed appropriate by the Chief Executive Officer or a Manager.

Major Projects

All capital works projects greater than \$500,000 in value will, on assessment, have a specific risk assessment undertaken.

New Services and Community Events

All proposals for new services or major community events will have a specific risk assessment undertaken.

Council Reports

There is no requirement for risk assessment details to be reported to the Council for operational matters. A separate 'Risk Assessment' heading will be used where it is deemed appropriate to include in relevant reports to the Council for major projects or events.

ROLES & RESPONSIBILITIES

Managing risk is not the responsibility of just one person within the organisation. Managers responsible for areas have the most influence over implementing controls to manage risk, but responsibility also lies with employees who operate within the area.

Risk assessment is a core element of strategic and business planning, and a precursor to specific outcomes such as major procurement, major projects and change programs.

RISK MANAGEMENT GUIDELINES

Operational risks will be identified, analysed and managed by the responsible managers in each of the operational areas of Council, however some major projects or activities may require the allocation of specific resources to the risk management process. Budget considerations will necessitate the allocation of funds in order of risk priority. Key responsibilities are as follows:

Council

- Adopt a Risk Management Policy that complies with the requirements of AS/NZS ISO 31000:2009 and to review and amend the Policy in a timely manner and/or as required.
- Be satisfied that risks are identified, managed and controlled appropriately to achieve the Council's Strategic Objectives.
- Appoint the Audit and Risk Management Committee.
- Provide adequate budgetary provision for the financing of risk management including approved risk mitigation activities.

Audit and Risk Management Committee

- Review adequacy and effectiveness of the Risk Management Framework.
- Review risk management policy.
- Receive reports regarding identified risks/mitigation and their effectiveness from Risk Management and Audit.
- Monitor changes to the Shire's risk profile and highlight material changes to the Council.
- Review risk management strategies for key risks.

Elected Members

- Recognise their responsibilities for making informed decisions that take into consideration the associated risks and opportunities.
- Recognise the need to manage risks in order to achieve Council strategic objectives.
- Support the adoption of the Risk Management Policy and Plan by the consideration and allocation of appropriate resources for the implementation and maintenance of the plan.
- Demonstrate a commitment to supporting the Council's management team managing a safe workplace.

Chief Executive Officer

- Is responsible for the establishment of the Risk Management system throughout the organisation.
- Assigns appropriate responsibilities and accountabilities to the Directors.
- Drive the organisations' Risk Management objectives
- Lead by example in demonstrating a diligent approach to the management of risk.

Management Team

- Drive the implementation of Council's Risk Management Framework and associated documents.
- Monitor the implementation of the Risk Management Framework and make recommendations for continuous improvement.
- Review the Risk Register on a quarterly basis.
- Ensure the Risk Management Framework objectives align with the organisation's objectives and values.

RISK MANAGEMENT GUIDELINES

- Continually monitor the Risk Management Framework and associated document for improvement.
- Make recommendations to the Council and provide advice and assistance to all departments on issues related to the Risk Management program implementation, compliance and performance.
- To make recommendation to Council for recurrent and discretionary allocation of funding for the purpose of managing risks identified as priority in accordance with the Risk Management Framework.

Department Managers

- Are responsible for the effective implementation of the Risk Management Framework within their respective departments.
- Assign appropriate responsibilities and accountabilities to Supervisors and individual positions within their department and monitor individual performance against the Risk Management objectives.
- Continuously encourage and develop a culture where identifying and treating risks is seen as a significant benefit to the organisation and a measure of good performance.
- Ensure that significant risks identified are reported to the appropriate Management level in accordance with the Council's Reporting Strategy
- Create an environment where managing risk is an accepted and expected part of the day-to-day operations.

Supervisors

- Are accountable for managing risk and safety within their area of responsibility.
- Ensure that staff are applying the appropriate risk and safety management tools, procedures and templates in the correct manner.
- Are responsible for providing assistance and advice to staff in relation to the management of risks but not to take on the responsibility of another individual.
- Monitor the respective operational risk profile assessments, determine control measures for risks identified and escalate any significant risks up to management in accordance with the risk matrix guidelines.

Staff and Volunteers

- Workers and volunteers are responsible for managing risk and a safe workplace within their area of responsibility.
- Are responsible to ensure that documentation is completed correctly, risk assessments are conducted and appropriate control measures implemented to minimise risk.
- Are to ensure that identified high level risks are escalated as required to Managers and/or Supervisors.
-

Contractors

- Contractors are responsible for managing risk within their contract boundaries.
- Contractors are to provide risk and safety management documentation to the respective responsible Council Contract/Project Manager including identified control measures.
- The Council Project Manager is to ensure risks associated with the engagement of contractors are appropriately identified and managed.
- The Council Project Manager is to ensure the responsibilities and accountabilities vested in the contractor are clearly documented and communicated to the Contractor.

RISK MANAGEMENT GUIDELINES

- Identified significant risks are to be reported to the Council Contract/Project Manager.

-

Administration Assistant

- Responsible for maintenance and upkeep of these Guidelines and other associated Risk Management Program documentation.

-

RISK MANAGEMENT CONTEXT

Areas of Risk Exposure

Strategic Risks

Strategic risks for the Shire are those that:

- Are significant risks that affect the longer term interests of the Shire and the community;
- Are of a higher level, possibly affecting the future service delivery; and
- May have an organisational wide focus or impact.

Strategic risks can also be defined as the by-product of strategic procedures, such as the Strategic Community Plan and often involves the 'unknown'. Strategic risks can result not only in financial loss or penalty but also in loss of reputation or major political loss.

Examples of Strategic Risks include the following:

- An ageing community and the challenges of healthy ageing;
- Climate change issues (increasing bushfires);
- Waste management;
- Fire safety, vegetation management;
- Internal controls or 'control culture';
- Managing stakeholder expectations;
- Customer service delivery; and
- Asset and resource management.

Project Risks

A project may be undertaken by the Shire, such the construction of a major community facility or a potential project may be considered. A project risk may also involve the works of a third party, not for or on behalf of the Shire, but simply an impact on the environment within which the Shire operates; an example of this may be a major subdivision.

In each case, there may be risk exposures that the Council should be aware of and be prepared to either tolerate, transfer, terminate or treat.

The Capital Works Evaluation Process recognises the importance of mitigating risk, in that a project proposed to address a particular risk exposure is given a 'bonus' rating because it is seeking to address a risk exposure.

The Capital Works Construction Program should have a risk assessment undertaken for works being undertaken by contractors.

RISK MANAGEMENT GUIDELINES

The take-over of subdivisional assets should have a those assets subject to a risk assessment prior to the future care and maintenance being taken over by the Shire.

Operational Risks

Operational risks for the Shire are those that:

- Relate directly to the delivery of services, including the quality and appropriateness of services;
- Relate to the effective and efficient use of the Shire's resources; and
- Can have a day to day impact on specific Shire operations.

Examples

Public and Property

- Footpath maintenance – footpaths lifting and causing a tripping hazard;
- Road maintenance – pot holes and road shoulder wearing and causing potential traffic hazards;
- Tree management – general exposure through limbs dropping;
- Playground management;
- Recreation Reserve management and facility allocations;
- Property maintenance;
- Professional advice/approvals;
- Project design and construction;
- Food safety procedures;
- Working with Children;
- Waste Transfer Stations; and
- Community events.

Corporate

- Inability to fund the maintenance replacement and renewal of infrastructure assets;
- Escalating costs of service delivery;
- Reductions in investment and deterioration of working capital ratios;
- Failure to comply with legislative and regulatory provision such as unsafe or inappropriate work practices;
- Corporate governance;
- Community engagement;
- Employee training, education and competency testings;
- Managing community services;
- Managing human resources;
- Information management and technology; and
- Contracting and purchasing.

OSH Risks

- Heavy plant operations;
- Staff working in isolation;
- Chemicals used in operating environments;
- Manual handling techniques.

While there will be a range of general OSH risk issues reflected in the Operational (and/or Strategic) Risk Register, OSH processes are dealt with in detail separately and a separate Incident/Accident Register is maintained.

RISK MANAGEMENT GUIDELINES

Compliance Risks

Risks that relate to the resources used to meet the requirements of relevant legislation and regulations. The Shire is subjected to a myriad of legislation and regulations. This is dealt with by the Legislative Compliance Policy and Procedures.

THE RISK MANAGEMENT PROCESS

The process adopted by the Shire to manage risks is in accordance with the International Standard for Risk Management, AS/NZS ISO 31000:2009. Risk Management – Principles and guidelines.

The Risk Management process is the 'how to' element of the Risk Management Framework and is defined in the Standard as 'the systematic application of management policies, procedures and practices to the task of communicating, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk'.

The process includes the following elements:

Establish the Context

Establishing context is about setting the parameters or boundaries around the organisations risk appetite and risk management activities. This involves establishing the strategic, organisational and risk management context in which the rest of the process will take place.

It requires consideration of the external factors such as social, cultural, political and economy, and the alignment with internal factors such as strategy, resources and capabilities. Criteria against which risk will be evaluated should be established and the structure of the analysis defined.

Risk Assessment

Identify Risk

By a well structured systematic process, identify what, why and how adverse things can arise as the basis for future analysis. Identify sources of risk, areas of impacts, events (including changes in circumstances) and their causes and potential consequences.

The aim of this step is to generate a comprehensive list of risks based on those events that might create, enhance, prevent, degrade, accelerate or delay the achievement of objectives.

Analyse Risk

Risk analysis involves developing an understanding of the risk. Risk analysis provides an input to risk evaluation and to decisions on whether risks need to be treated and on the most appropriate risk treatment strategies and methods. Risk analysis involves consideration of the causes and sources of risk, their positive and negative consequences and the likelihood that those consequences can occur. Factors that affect consequences and likelihood should be identified.

Consequence and likelihood may be combined to produce an estimated level of risk.

RISK MANAGEMENT GUIDELINES

Evaluate Risk

Compare estimated levels of risk against the pre-established criteria. This enables risks to be ranked so as to identify management priorities. If the levels of risk are low, then risk may fall in to an acceptable category and treatment may not be required. The purpose of risk evaluation is to assist in making decisions, based on the outcomes or risk analysis, about which risks need treatment and the priority for treatment implementation.

Risk Treatment

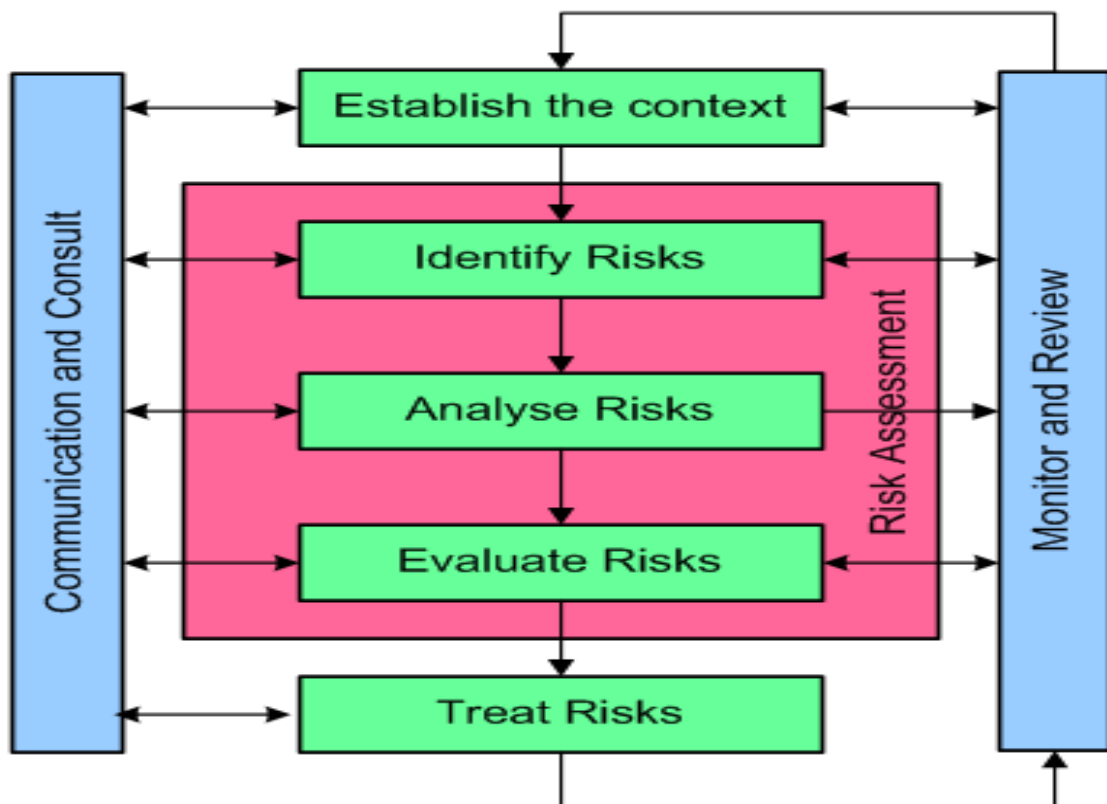
Risk treatment involves selecting one or more options for modifying risks and implementing those options. Once implemented, treatments provide or modify the controls. Accept and monitor low priority risks. For other risks, develop and implement a specific management plan, which includes consideration of funding.

Monitoring and Review

Monitor and review the performance of the risk management system and changes that might affect it. Both monitoring and review should be a planned part of the risk management process and involve regular checking. Responsibilities for monitoring and review should be clearly defined. The results of monitoring and review should be recorded and reported as appropriate.

Consultation and Communication

Communicate and consult with staff and external authorities as appropriate at each stage of the risk management process.



RISK MANAGEMENT GUIDELINES

RISK DOCUMENTATION

Risk Register

The risk factors identified and managed for the Shire will be monitored in a risk register. This register will be reviewed by management on an annual basis. The following information will be recorded in the risk register.

- Risk identification and description;
- Risk classification;
- Risk likelihood;
- Risk consequence;
- Risk treatment and date for completion;
- Risk owner (staff member assigned risk/action officer); and
- Outstanding actions.

Monitoring and Review

Monitoring of risk management for each area of risk is the responsibility of each Manager. Monitoring of risk management will include:

- Reviewing documentation developed under this framework;
- Ensuring inspections are undertaken as outlined; and
- Ensuring the risk treatment plans are undertaken.

On an 'as needed' basis and at least twice annually, the Management Team will review its Operational and Strategic Risks to review the existing risks and their controls and identify budget proposals for the treatment of risk.

Closing Out Risks

A risk item can be considered closed when it meets the following criteria:

- It no longer exists; or
- The risk rating is determined to be low to medium and has appropriate controls in place that are regularly reviewed for effectiveness.

The risk is accepted and formal monitoring and assessment is in place. The action officer assigned the risk is responsible for executing the risk mitigation plan and its associated activities, and for ensuring the activities are continued until the risk is closed out.

RISK MANAGEMENT GUIDELINES

Shire Appetite and Risk Tolerance Table

This table is to be used when assessing the potential impact of an activity, issue or strategy. A further risk assessment that may include specialist consultation or research should be conducted in a more formal manner for any element of the above that is perceived to be Major – Extreme.

DESCRIPTION	FINANCIAL	HEALTH	REPUTATION	OPERATION	ENVIRONMENT	COMPLIANCE	PROJECT
Insignificant	<Less than \$20,000	No injuries or illness	Unsubstantiated, low impact, low profile or "no news" item	Little impact	Little impact	Minor breach of policy, or process requiring approval or variance	Small variation to cost , timelines, scope or quality of objectives and required outcomes
Minor	\$20,000 – 100,000	First Aid treatment	Substantiated, low impact, low news item	Inconvenient delays	Minor damage or contamination	Breach of policy, process or legislative requirement requiring attention of minimal damage control	5-10% increase in time or cost or variation to scope or objective requiring managers approval
Major	\$100,000- \$500,000	Medical treatment	Substantiated, public embarrassment, moderate impact, moderate news profile	Significant delays to major deliverables	Environmental damage requiring restitution or internal cleanup	Breach requiring internal investigation, treatment or moderate damage control	10 -20 % increase in time or cost or variation to scope or objective requiring Senior Management approval
Critical	\$500,000 - \$1,000,000	Extensive injuries or disabilities	Substantiated, organisational embarrassment, high impact news profile, third party actions	Non-achievement of major deliverables	Minor Breach of legislation/significant contamination or damage requiring third party assistance	Breach resulting in external investigation or third party actions resulting in tangible loss and some damage to reputation	20 — 50 % increase in time or cost or significant variation to scope or objective requiring restructure of project and Senior Management or Council approval

RISK MANAGEMENT GUIDELINES

DESCRIPTION	FINANCIAL	HEALTH	REPUTATION	OPERATION	ENVIRONMENT	COMPLIANCE	PROJECT
Extreme	More than \$1,000,000	Death or permanent disabilities	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Non-achievement of major deliverables	Major breach of legislation or extensive contamination and environmental damage requiring third party intervention	Breach resulting in external investigation or third party actions resulting in significant tangible loss and damage to reputation	>50% increase in cost or timeline, or inability to meet project objectives requiring the project to be abandoned or redeveloped.

RISK MANAGEMENT GUIDELINES

Likelihood

The following likelihood table assists you to prioritise risk management activities and should be used in conjunction with this risk tolerance table.

RISK LEVEL	DESCRIPTION	PRESUMPTIONS	FREQUENCY
A	Almost Certain	Expected to occur in most circumstances	More than once per year
B	Likely	Will probably occur in most circumstances	At least once per year
C	Possible	Should occur at some time	At least once in three years.
D	Unlikely	Could occur at some time	At least once in ten years
E	Rare	May occur, only in exceptional circumstances	Less than once in fifteen years.

RISK MANAGEMENT GUIDELINES

Analysis Matrix

This table takes the findings from the Likelihood and Consequences tables and allows you to calculate a potential risk rating. Once treatments are in place, the same process takes place taking into account those treatments being in place. This gives you the residual risk that goes into a risk register, and assists in determining priorities and informs decision making.

Consequence		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood						
Almost Certain	A	H	H	E	E	E
Likely	B	M	H	H	E	E
Possible	C	L	M	H	E	E
Unlikely	D	L	L	M	H	E
Rare	E	L	L	M	H	H

Responsibility Legend

- E** **Extreme Risk – Audit and Risk Committee (ARC) Attention**
- H -** **High risk – Senior management attention ARC awareness**
- M -** **Moderate Risk – Management responsibility must be specified**
- L -** **Low Risk - Manage by routine procedures at operational level**

RISK MANAGEMENT GUIDELINES

Risk Assessment Form

FUNCTION/ACTIVITY

DEPARTMENT

DATE OF REVIEW

THE RISK: WHAT CAN HAPPEN AND HOW IT CAN HAPPEN	THE CONSEQUENCES OF AN EVENT HAPPENING		LEVEL OF Risk	EXISTING CONTROLS	TREATMENT Yes/No
	CONSEQUENCES	LIKELIHOOD			



SHIRE OF TOODYAY
SUMMARY OF BUDGET AMENDMENTS
For the period ending 30 September 2021

Proposed amendments to original budget. Surplus/(Deficit)						
GL Account Code	Description	Comments	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
			\$	\$	\$	\$
	Budget Adoption 29 September 2021	Opening surplus				10,000
113.248.10	Water Expenses - Toodyay Recreation Centre	The budget was adopted with an allocation of \$70,000 for water usage at the Toodyay Recreation Centre. In accordance with the management contract, Clublinks are responsible for water usage charges.		70,000		80,000
199.754.10	Capital Plant and Equipment	T0014 was initially budgeted for replacement at a cost of \$45,000. Officers are proposing to replace the existing 4X4 utility with a small truck in order to undertake road patching works and to tow the road broom. The advantages include safety, increased height (clearance) and a higher towing capacity. The expected cost of the replacement is approximately \$62,000.			(17,000)	63,000
			0	70,000	(17,000)	63,000