

Ordinary Council Meeting

21 December 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.

A handwritten signature in blue ink, which appears to read 'Suzie Haslehurst', is positioned above the printed name and title.

Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

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

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

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

Community Values: We value highly:

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

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

Integrity: We behave honestly to the highest ethical standard.

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

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

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

Disclaimer

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

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



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Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 23 December 2021.

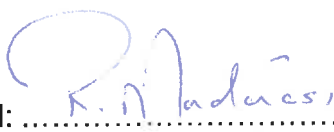


Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 23 February 2022.

Signed: 

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



1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

2. RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	
Cr P Hart	
Cr S McCormick	
Cr S Pearce	
Cr D Wrench	(arrived at 4.08pm)

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 Eberle	Museum Curator / Cultural Heritage Officer
Mrs T Prater	Planning and Compliance Officer
Mr L Couper	Ranger
Mrs M Rebane	Executive Assistant

Visitors

S Hanson	C Lavery
J Hart	R Pearce
P Ruthven	

2.1 APOLOGIES

Cr McKeown

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that 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 Shire President unless otherwise indicated)*

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 23 November 2021 the following questions were taken on notice:

L Graham

Summary of Question Two

Clause 23 of the *Fair-Trading Act 2010* stipulates that a term of a contract is void if the term is unfair. Subclause 25(k) of that same act then defines an unfair clause in a contract as “a term that limits, or has the effect of limiting, one party’s right to sue another party.” Given that the Shire of Toodyay imposed a condition that forms part of the contract for the sale of 6 Duke Street and it said:

“The buyers have made their own enquiries with the Shire of Toodyay and exercised their own Due Diligence with respect to the Zoning, Development and Heritage Regulations of the subject property and shall make no claims against the Shire of Toodyay or the selling agent in this regard.”

What action will the Council take to remove this illegal clause from the contract?

No action will be taken. The Shire acknowledges Mr Graham’s opinion but contends that s.25 of the Fair-Trading Act 2010 should be read in conjunction with s.24 which defines the meaning of “unfair”. The Shire is satisfied that the disposal of the Duke Street property was conducted in accordance with all regulations governing the sale of property within Western Australia including (but not limited to) REIWA’s Code of Conduct for Auctions and did not prejudice the rights of the purchaser.

Summary of Question Three

Given that the CEO and all Councillors at the time were informed on 16 August 2021 that the provisions of the Fair-Trading Act applied and that Point 6 of the Shire's Policy A20 Legislative Compliance Policy requires the Shire to "Review accidents, incidents and other situations where there may have been non-compliance." I ask will the Council direct its CEO to review and report to Council and ratepayers on how such an unlawful clause was imposed and if not, why not?

Again, Council acknowledges Mr Graham's opinion and given the above response, maintains that further attention to this matter is not in the interests of the broader community. Should the purchaser of the property wish to pursue the matter, it will be referred to the auctioning agent.

B Foley

Summary of Question One

At last month's OCM, I asked a question of who decided to make the CEO's performance review a confidential item. The answer given was that it was in the Local Government Act. I have reviewed the Act and am unable to find anything that requires this to be so. Where in the Act is a Clause advising that a Performance Review of a CEO be confidential? Why was the CEO performance review confidential? Who made the decision to make it a confidential item and on what grounds was this done?

Sections 5.23(2)(a) and (c) of the Local Government Act 1995 were applicable to the Performance Review item. Council made a determination to discuss the CEO Performance Review behind closed doors in accordance with Section 5.23 (2) of the Local Government Act 1995.

The Shire's Standing Orders Local Law 2008 (Section 5.15) speaks about the confidentiality of information withheld and refers to Regulation 14(2) of the Local Government (Administration) Regulations 1996.

Summary of Question Three

The cleaning costs to the Shire premises are always above \$11,000 per month. I noticed in the Councillor payments that there is an additional \$9,000 paid to remove sanitary bins. Is this cost a monthly figure?

We have had some extraordinary cleaning costs due to events and the Shire's cleaner being off for an extended period of time. Charles Service Company (CSC) has been able to step in to fill this gap.

With regards to the sanitary removal charge. This is not part of the cleaning contract with CSC and therefore the Shire has had to make alternative

arrangements with another supplier to ensure this cleaning aspect is performed.

This is an annual charge and is for servicing every four weeks for 47 units.

Summary of Question Four

In the accounts payable there was a purchase for new laptop computers for Councillors. Professional PC Support Pty Ltd was the successful supplier. Who was the other company that quoted for the supply of these?

The Shire of Toodyay engages Professional PC Support Pty Ltd for the express purpose of providing the Shire with its Information Technology requirements. The company provided quotes from two different manufacturers, HP and the Apple Store. A Shire Officer had also investigated prices available online through Officeworks, Harvey Norman and Microsoft.

Summary of Question Seven

Will the Shire clean up the trees by chain-sawing the tree trunks where the limbs have been broken off with the loader?

The Shire will procure the service of an Arborist to treat the damaged trees in a professional manner.

4.2 PUBLIC QUESTION TIME

L Graham

Summary of Question One

Last month I asked for the final cost of the Sport and Recreation Precinct, and as you are aware I was seeking to know what it cost in its entirety. I noted the answer given to my question. I also note that the Local Government Act, Section 2.7(2)(a) requires the Council to oversee the allocation of the local government's finances and resources.

Has Council directed its CEO or Administration to report on the cost of the centre? If so, when was that direction issued and how was that direction issued? When will that direction be complied with? If the Council has not directed its CEO to report, why has it not done so?

When will the Council be able to advise the cost of this project that was completed over one year ago?

The Shire President responded as follows:

Mr Graham, this question has been asked in many forms for quite a considerable amount of time; close to two years. It has been explained consistently that initially until the building was completed we did not know the cost of the build. Those costs are known and were given to the public

and they have been given to you. You asked at the last meeting the cost in the entirety. That has also been explained that we are in a process of a data conversion and although all the data is within the system until we can be 100% sure with the closure of that program that all the data is being extracted accurately; and that part is part of the testing program that we go through at completion, we cannot be 100% sure that it has retrieved every single cost that pertains to the overall expenditure from the time of the land purchase through to the build. Until we reach that point that information cannot be provided to you. It is as simple as that.

Have we directed the CEO?

No. There was no purpose because the CEO had provided the information we required for the build of what we were dealing with and she was unable to provide the information in its entirety until the system has been finalised.

Summary of Question Two

On 29 November 2021, the FOI Commissioner ruled that information I had sought access to under the FOI Act was not exempt matter as claimed by the Shire so I ask why has the Shire not forwarded me the relevant information?

The Shire President deferred the question to the CEO.

The CEO took the question on notice.

Summary of Question Three

Standing Order 5.7(7) says "A question may be taken on notice by the Council or committee for later response."

When did Council approve taking my questions from last month's Council Meeting on notice? If the Council did not approve taking my questions on notice who did? There is no provision under the Standing Orders or the law for a CEO to take a question on notice. Why has it been taken on notice?

The Shire President responded as follows:

I deferred to the CEO for an answer. She has taken it on notice simply because she does not have the information available to her. She has done that through me. Where the first part of the question why we are taking it on notice and why the Council has not approved; the Council approves in the sense that there has been no objection to the taking on notice and we have never in the entire time that I have lived in this town put it to the vote to take something on notice if a question has been raised; because taking a question on notice is subject to whether or not the information is available and should the Council not approve taking a question on notice, then the only alternative is to give inaccurate information to the public.

Cr Wrench entered Council Chambers at 4.08pm.

Summary of Question Four

I note that in Question Two last month when I asked what action the Council will take to remove this illegal clause from the contract was answered in part that no action will be taken.

The Shire President asked for clarification.

I asked what action the Council will take to remove this illegal clause from the contract and that was answered in part that no action will be taken.

When did Council make the decision that no action would be taken given that was what I asked?

If the Council did not make that decision who did?

Why did the Council not address the question that was asked of it?

What action will Council take to address the matters raised in my question last month?

[The Shire President responded as follows:](#)

Mr Graham, the question of what action Council will take to remove this illegal clause is made on the presumption that the clause is illegal. It is not the position of the Shire that the clause was illegal and had there been sufficient evidence to support that it was, that matter would have come to Council.

Summary of Question Five

Regarding that same question, the answer claimed that the Shire is satisfied that the disposal of the Duke Street property was conducted in accordance with the regulations governing the sale of property within Western Australia including (but not limited to) REIWA's Code of Conduct for Auctions and did not prejudice the rights of the purchaser which is what it says.

[The Shire President responded as follows:](#)

That question has been answered.

Summary of Question Six

I point out that the appropriate and relevant code is the Real Estate and Business and Sale Agent's Code of Conduct and that that has nothing to do with the Shire of Toodyay. My question did not relate to the rights of the purchaser. It related to the actions taken by the Shire of Toodyay and it is unanswered in that regard. What was the process by which the Shire satisfied itself that the disposal was properly conducted?

The Shire President responded as follows:

This is a repeat of a question that we have answered in various forms over a period of months and it is just a very fine variation of previous answers that have been provided Mr Graham.

Summary of Question Seven

From last month, Question 3, I note that the matters raised in that question were not addressed. What the purchaser does is their business and it was not what I asked about. The answer given said that “*Council acknowledges Mr Graham’s opinion*” and I make the point that I did not express any opinion. What I did was that I relayed advice given to me by the appropriate regulating authority and what I did do was point out what they pointed out to me; a specific legislative clause that prohibited limiting the legal rights of parties to a contract. The Shire of Toodyay required such an illegal clause to be inserted into the contract.

The Shire President responded as follows:

I wish that you would refrain from using the word illegal unless you have definite proof that you are prepared to stand upon because that is detrimental to the reputation of this staff and this Council.

It is your opinion Mr Graham that it was illegal because we have also sought advice on this matter and as said, this position that you are putting forward is your opinion. Regarding information you have received we have no way of knowing the questions and the manner by which you have provided that information that has led to this outcome so there is no way of knowing if the information that you have put forward an accurate reflection of any decision the Shire of Toodyay has made. So the word illegal is your opinion and you will refrain from using it.

Summary of Question Eight

The Shire of Toodyay required an unlawful clause to be inserted in the contract and it is clear in the section of the Act..

The Shire President cautioned Mr Graham, advising that if he could not take direction he would be asked to sit down.

Did the Council seek advice from the CCC Competition and Consumer Commission?

The Shire President responded as follows:

I am going to take this entire conversation on notice because you are leading and you are attempting in your questioning, to cast adverse dispersions upon this Council and I do not believe you have grounds to do so. I would also like to have a copy of the advice that you have been given

based on the questions that you have asked if you wish me to take this matter further and seriously.

Mr Graham sought clarification.

The Shire President responded as follows:

It means that the information that you say that you have received from credible authorities, I would like to see the information you submitted and their answer in relation to that.

Summary of Question Nine

Did the Council seek advice from the CCC Competition and Consumer Commission of Australia?

The Shire President deferred to the CEO.

The CEO could not respond to the question.

The Shire President responded as follows:

We cannot answer that question.

Summary of Question Ten

Did the Shire of Toodyay seek advice from the Ministry of Fair Trading in Western Australia?

The Shire President responded as follows:

Mr Graham, we have gone through the legislation. We will take your question on notice. This is turning into an interrogation. It is not a question. Please discontinue and sit down. You have asked your questions.

The Shire President sought questions from the gallery.

The Shire President asked Mr Graham to submit his questions in writing and advised that we would be happy to deal with them.

The Shire President advised as follows:

I want to remind people that questions to Council we are more than happy to deal with. However, I will not have Council treated in a disrespectful manner in the fact that they are set upon publicly as being derelict in their duty or Officers derelict in their duty. If you cannot frame questions in a manner that shows due respect to the Council and to the community, you will be asked to sit down or to submit your questions in writing.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 23 November 2021.

OFFICER'S NO. 257/12/21	RECOMMENDATION/COUNCIL	RESOLUTION
MOVED Cr P Hart		
That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 November 2021 be confirmed.		
MOTION CARRIED 7/0		

5.2 Agenda Briefing held on 14 December 2021.

OFFICER'S NO. 258/12/21	RECOMMENDATION/COUNCIL	RESOLUTION
MOVED Cr C Duri		
That the Notes of the Agenda Briefing held on 14 December 2021 be received.		
MOTION CARRIED 7/0		

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil

6.2 DEPUTATIONS

Nil

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Christine Lavery deferred her address to Council regarding Agenda Item 9.1.1 Finalisation of the Shire of Toodyay Draft Local Planning Scheme No. 5 until February 2022.

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

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

This is the last meeting for 2021 and I extend Council's appreciation to all in the Shire for their efforts in contenting with the difficulties that have arisen this year and to the community for their patience. The last two years have brought some

considerable pressures and changes upon Toodyay and greatly increased the workload for the staff and council. My sincere thanks to the Toodyay community for your patience and strong sense of neighbourliness that has carried us as a community through it all. Community is what makes Toodyay special and sustains us all. My heartfelt thanks on behalf of Council for the efforts of Shire Officers who have carried a heavy burden and done so willingly and well. Lastly, my deep appreciation for each councillor who never lost sight of the community we serve, the considerable time they invested and their persistence to ensure the best possible outcomes. A lot has been achieved that will serve Toodyay well. Thank you all.

Shire President's Activities to the 8 December: your

- President/CEO Operational Briefings 17/11, 23/11, 30/11, 7/12.
- Meeting - Special Council re AMCZ Representative (16/11)
- Mediation – State Administration Tribunal (16/11)
- Meeting - Council Agenda Forum and Concept Forum (16/11)
- Appointment - Planning and Development (17/11)
- Appointment – Onsite Drainage (18/11)
- Meeting - Avon Midland County Zone, Gingin (19/11)
- Appointment - Planning and Development (23/11)
- Briefing – East Link Project (Orange Route) (23/11)
- Meeting – Ordinary Council Meeting (23/11)
- Training – Mayors and Presidents, Perth (24/11)
- Induction – WALGA State Council, Perth (24/11)
- Training – Emergency Management for Local Government Leaders, Perth (25/11)
- Appointment – Post Ordinary Council Meeting with Toodyay Herald (30/11)
- Meeting – WALGA State Strategic Form, Perth (1/12)
- Meeting – WALGA State Council, Perth (1/12)
- Appointment – Regular Police Briefing (2/12)
- Community – Toodyay Community Awake and Aware (2/12)
- Appointment – Event Concept (6/12)
- Workshop – Local Government Reform (6/12)
- Meeting – Environment Advisory Committee (6/12)
- Appointment – Authorised Inquiry - finalise (7/12)
- Conference – Native Vegetation Clearing Referrals and Permits (8/12)
- Workshop – Local Government Reform (8/12)

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

A document was tabled by the Office of the CEO at 4.17pm containing questions asked by Councillors after the Agenda Briefing (with responses).

9.1 PLANNING AND REGULATORY SERVICES

9.1.1 Finalisation of the Shire of Toodyay Draft Local Planning Scheme No. 5

Date of Report:	7 December 2021
Applicant or Proponent:	Shire of Toodyay / Western Australian Planning Commission
File Reference:	PLA1/LPS5
Author:	H de Vos – Acting Manager Planning & Regulatory Services
Responsible Officer:	H de Vos – Acting Manager Planning & Regulatory Services
Previously Before Council:	Item 9.1.1 26 October 2021
Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Draft Report of Review.

At 4.22pm the Shire President advised the report has been deferred to February 2022.

9.1.2 Lot 4 Mercy Retreat Toodyay – Proposed change of use and works to O'Connor House.

Date of Report:	2 December 2021
Applicant or Proponent:	Julie – Anne Vucemillo
Owner:	The Roman Catholic Archbishop Of Perth
File Reference:	P2021-52 / A3448 / 4MERC
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Acting Manager Planning and Development
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-judicial
Attachments:	<ol style="list-style-type: none"> 1. Map – Lot 4 Mercy Retreat, Toodyay; 2. P2021-52 – Application details; 3. Heritage Council of WA submission; and 4. Toodyay Historical Society submission.

PURPOSE OF THE REPORT

To consider an application for development approval for change of use from a dormitory to a single dwelling; and restoration works to O'Connor House – located at Lot 4 Mercy Retreat in Toodyay. As this application is in the Roman Catholic Church precinct, it may only be determined by Council.

BACKGROUND

Lot 4 Mercy Retreat in Toodyay is a 1,660m² (0.1660 ha) property within the Central Toodyay Heritage Area. It is currently zoned 'Mixed Business' under the Shire of Toodyay's Local Planning Scheme No. 4 (LPS4). For more information, please refer to **Attachment 1 - Map**

The property is also within the Roman Catholic Church Group which has been included into the State Register of Heritage Places (Place No. 4125) since 2019.

Proposal

On 4 November 2021, the Shire of Toodyay received an application for a change of use to a single dwelling and development approval for the following additions and alterations to O'Connor House.

AREA	PROPOSED WORKS
The Main Hall	Construct a new kitchen and bedroom with ensuite and living area (open living) in the main hall whilst keeping the existing two bedrooms and bathroom.
Verandah	Remove cladding, aluminium windows and toilets. The two existing cupboards will be retained. A wood banister painted white will be installed, once the verandah has been opened. Similar to the banister at Mercy House Convent School
Original Features	All doors, fans, lights, flooring, signage, fireplace, cupboards, and grounds will be restored to their original condition.

For more information, please refer to the **Attachment 2: P2021-52 Application Plans**.

Timeframe to determine.

This application was received by the Shire on 4 November 2021 and required advertising. Pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days the deadline for which is 2 February 2022.

COMMENTS AND DETAILS

The applicant has referred to Avondown Centre, Conservation Plan produced by Gavan Reilly Architect and Helen Burgess Historian (May 2003) to ensure any work proposed is sympathetic to the building's heritage.

The Heritage Council of Western Australia (HCWA) was consulted. HCWA, in its submission, stated that it supports the proposed development subject to conditions of which further information will be provided in the consultative implications following this section of the report.

A change of use to a single dwelling is considered supportable in this instance as there are already examples of single dwellings in the precinct. It also ensures a constant presence onsite which will add to the liveliness and activation of the precinct.

It is recommended that Council approves this application subject to conditions.

IMPLICATIONS TO CONSIDER

Consultative:

As the development site is located within a Heritage Place and is recognised under the State Heritage Register (Place No. 4125), the development application must be formally referred to the Heritage Council of Western Australia. This was done in

accordance with the referral process under Division 2, Section 73 of the *Heritage Act 2018*.

The HCWA, in its submission, stated that it supports the proposed development subject to the following conditions:

1. The original verandah posts, battens and flooring shall be retained and/or replaced to match the original detailing.
2. The approach to reinstatement of balustrading is to match the original or where there is no evidence of the original detailing a simple balustrade design is preferred.
3. The internal additions shall be a lightweight construction that is capable of reversal.
4. A photographic archival record shall be made according to the guide

It is recommended that the HCWA conditions are applied to any development approval. For more details, please refer to **Attachment 3: HCWA Submission**

In addition, the application was also referred to the Toodyay Historical Society (THS). The THS is supportive of the development proposal. For more details, please refer to **Attachment 4: THS submission**.

Strategic:

Shire of Toodyay Strategic Community Plan - Toodyay 2028

In the built environment, the community wants to see the heritage of the town protected and restored.

Shire of Toodyay Heritage Master Plan 2015

2.2.1 Place No.11; Catholic Church Precinct

Encourage the private owners to retain and conserve the area.

Shire of Toodyay Local Planning Strategy 2018

A key objective of the LPS is to recognise and encourage the protection of places of cultural heritage value.

Policy related:

State Planning Policy 3.5 Historic heritage conservation

6.6 Development control principles

The following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.

The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social, or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

- Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure and should involve the least possible change to the significant fabric.
- Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials, and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.

Shire of Toodyay Local Planning Policy No. 20

Objectives

- To improve quality of development within the Central Toodyay Heritage Area.
- To improve the streetscape within the Central Toodyay Heritage Area.
- To ensure that development within the Central Toodyay Heritage Area occurs in a manner that complements the existing heritage buildings within Central Toodyay.
- To retain and enhance the heritage qualities within Central Toodyay.
- To facilitate quality development within the Shire of Toodyay.

The Catholic Group in Stirling Terrace comprises a group of double storey brick buildings and has cultural significance for the following reasons:

- It represents associations with the Sisters of Mercy, the Catholic Church and Catholic education in Toodyay since c.1863;
- The collective and individual landmark qualities of the buildings; and
- The cultural environment makes a significant contribution to the streetscape, townscape, and character of Toodyay representing a significant landmark at the southern entry into Stirling Terrace.

Principles of Development

5. All applications within the Central Toodyay Heritage Area shall have regard to and respect the following principles of development:
 - a) All development shall enhance and reinforce the historic character of the Central Toodyay Heritage Area.
 - f) New construction, demolition, intrusions, or other changes that would adversely affect the setting or relationships within the Central Toodyay Heritage Area are not appropriate.
 - h) Additions to heritage places must ensure that they do not visually intrude on the existing building or street context and that they are in sympathy with the character of the existing property. Additions should be distinguishable from the original building and the distinction may be subtle if desired.

Financial:

Development Application fee as per *Planning and Development Regulations 2009*.

Should Council choose to refuse this application, the applicant has the right of appeal through the State Administrative Tribunal. Were this to happen, the Shire would likely have to commit additional funds to undergo this process, and there is a potential financial implication for loss of productivity due to Officer time required in dealing with such matters.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Regulations 2009

Heritage Act 2018

Heritage Regulations 2019

Shire of Toodyay Local Planning Scheme No. 4

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

Risk related:

Should Council choose to refuse the application there is a risk of a review at the State Administrative Tribunal (SAT).

Workforce related:

Should this matter be referred to the State Administrative Tribunal, significant officer time will be required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 259/12/21

MOVED Cr B Ruthven

That Council:

1. Notes the submissions received from the Heritage Council of Western Australia and the Toodyay Historical Society regarding the proposed additions and alterations to O'Connor House.
2. Pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the application for Development Approval for additions and alterations to O'Connor House at Lot 4 Mercy Retreat, Toodyay, subject to the following conditions:

- (a) The development hereby permitted must substantially commence within two years from the date of this decision letter.
 - (b) The development hereby permitted taking place in accordance with the approved plans.
 - (c) The original verandah posts, battens and flooring shall be retained and/or replaced to match the original detailing.
 - (d) The approach to reinstatement of balustrading is to match the original or where there is no evidence of the original detailing a simple balustrade design is preferred.
 - (e) The internal additions shall be a lightweight construction that is capable of reversal.
 - (f) A photographic archival record shall be made according to the guide
3. Pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the application for Development Approval for a change of use to a single dwelling at Lot 4 Mercy Retreat, Toodyay, subject to the following conditions:
- (a) Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.
 - (b) The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.

MOTION CARRIED 7/0

9.1.3 Lot 553 Coondle Drive, Coondle – 4 Dog Application

Date of Report:	1 December 2021
Applicant or Proponent:	P Sides A664/553COO
File Reference:	Infringements: D1033 & D1034 Cautions: DCA0028, DCA0029, DCA0030, DCA0031 & DCA0032
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Acting Manager Planning & Regulatory Services
Previously Before Council:	No
Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. 3 to 6 Dog Permit Ranger Inspection

PURPOSE OF THE REPORT

To consider an application for the keeping of 4 dogs at Lot 553 Coondle Drive, Coondle.

BACKGROUND

The Applicant is seeking approval to have 4 dogs at Lot 553 (369) Coondle Drive, in the locality of Coondle:

No.	Breed	Colour	Name	Sterilised	Sex	Age
1	Irish Wolfhound	Grey	Dougal	No	M	1
2	Irish Wolfhound	Grey Brindle	Ruby	No	F	1
3	Irish Wolfhound	Brindle	Max	No	M	2
4	Irish Wolfhound	Brindle	Chops	No	M	2

Earlier Approvals

Records indicate the Shire has not approved any 3-6 Dog applications on this property.

Applicant's Justification

The Applicant's justification for keeping more than two dogs at the application address is he had an unwanted litter and when he sold the puppies, he agreed with the new owners to take back any puppies that proved unsuitable in their new home.

The Property

Lot 553 Coondle Drive, Coondle has an area of 4.4ha and is zoned 'Rural Residential' under the Shire's Local Planning Scheme No 4.

Ranger Inspection

The Shire's Ranger Services initially inspected the property on 17 September 2021.

The Rangers' findings are listed below:

Aspect	Ranger Comments
Dog(s) / Owner History	<p>01/07/2021 the dog's "Ruby" and "Chops" were involved in a dog attack on livestock.</p> <p>Mr Sides was issued with the following infringements and cautions:</p> <p>2x Dog Attack infringement(s), 2x dog confinement caution(s), 1x failure to wear rego tag caution,</p> <p>2x failure to notify Local Government/microchip database of information caution(s).</p>
Fencing	<p>1st Inspection: 5 July 2021</p> <p>The fencing around the external boundary of the property is not suitable to confine the dogs.</p> <p>The owner has been informed that the dogs must be kept in a purpose-built area to always effectively confining the dogs</p> <p>2nd Inspection - 7 July 2021</p> <p>The confinement area joined with the east side of the house has Super six fencing at the lower section dug into the ground.</p> <p>The upper section of the confinement has Galvanised star pickets fastened to the super six fencing, four unstrained single wires and chicken mesh around entire area to a height of approximately two (2) metres.</p> <p>3rd Inspection 17 Sept 2021</p> <p>The confinement area was made compliant by the four strained of wire with chicken wire attached, effectively confining the dogs.</p> <p>The owner has been reminded verbally and provided a formal Shire letter informing him that it is his responsibility to maintain this area to effectively confine the dogs as per the Shire of Toodyay Dogs Local Law/Dog Act 1976.</p>
Locking Devices on Gates	<p>2nd Inspection - 7 July 2021</p> <p>The dog confinement area has a wooden gate providing access into the remainder of the property that is secured with a standard</p>

Aspect	Ranger Comments
	pad bolt and standard doors and door locks providing access to the house.
Housing	3rd Inspection 17 Sept 2021 The dogs have beds, a trampoline, and an artificial lawn for them to lay in the confinement area. They sleep inside the house at night.
Condition of Existing Dogs	All dogs in question appear to be in good health and are well fed.
Dog(s) Temperament	All four of the dogs, including “Ruby” and “Chops” did not show any signs of aggression with the Shire of Toodyay Rangers and appeared to be of a good nature towards humans.

COMMENTS AND DETAILS

The Rangers have assessed the application and support the application for the following reasons:

1. Despite the history of the dogs on this property, the owner has worked with the Rangers in providing an effective, purpose-built confinement area suitable of confining the four (4) Irish Wolfhounds.
2. All of the dogs appeared to be in good physical condition and of a non-aggressive manner towards humans.
3. There have not been any issues with the dogs on this property since the complainant confinement area was constructed.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation was undertaken accordance with section 5 of Council's 'Keeping of 3 to 6 Dogs' Policy.

Seven (7) landowners were contacted with no submissions being received.

Strategic:

There are no adverse strategic implications envisaged from this report.

Policy related:

The application does not meet all the requirements of Council's 'Keeping of 3 to 6 Dogs' Policy and is therefore referred to Council for consideration.

Under the Policy, the maximum number of dogs that could be approved in the 'Residential' zone is 2.

Under section 4 of the Policy, an application to have more than 2 dogs on a property must, among other things, be accompanied by the reason(s) for which the applicant requires the permit. As outlined under 'Background' section of this Report, the Applicant has indicated that he wishes to have four (4) dogs at the premises, as he had an unwanted litter and when he sold the puppies, he agreed with the new owners to take back any puppies that proved unsuitable in their new home.

Financial:

There are no direct financial implications for the Shire of the recommendations of this Report.

Legal and Statutory:

Section 26 of the *Dog Act 1976* outlines the limitations on dog numbers. The Act allows for the local government to create Local Laws to control the number of dogs on a property.

Clause 3.2(3) of the Shire's Dogs Local Law establishes that Council may approve more than two dogs on a property.

Risk related:

If the dogs are properly contained in their enclosure, staff do not envisage any adverse environmental implications.

The keeping of animals which can be difficult to contain on an owner/s' property has the potential to negatively impact upon the adjoining landowners.

If Council is of a mind to refuse the application, Council is reminded that the Applicant may have a right of appeal to the State Administrative Tribunal (SAT). Should the Applicant elect to appeal Council's decision (refusal or dissatisfied with conditions of approval), the Shire may be required to assign resources to defend its position at SAT.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council permits the keeping of four (4) dogs on Lot 553 Coondle Drive, Coondle, subject to the following conditions:

1. All dogs must be confined to the property and kept under control by the following means:
 - (a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or
 - (b) an approved electronic confinement.

2. Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.
3. All dogs must be microchipped and registered. Registration must be maintained.
4. The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Dougal	Irish Wolfhound	M	L987	1 yr.	Grey
Ruby	Irish Wolfhound	F	L986	1 yr.	Grey Brindle
Max	Irish Wolfhound	M	TBA	2 yrs.	Brindle
Chops	Irish Wolfhound	M	TBA	2 yrs.	Brindle

5. Upon the death or disposal of one or more of the above dogs, the permit will cease, and the number of dogs permitted will revert to the lesser number.

Cr Pearce moved the Officer’s Recommendation as follows:

That Council permits the keeping of four (4) dogs on Lot 553 Coondle Drive, Coondle, subject to the following conditions:

1. **All dogs must be confined to the property and kept under control by the following means:**
 - (a) **Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or**
 - (b) **an approved electronic confinement.**
2. **Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.**
3. **All dogs must be microchipped and registered. Registration must be maintained.**
4. **The approval only applies to the following dogs:**

Name	Breed	Sex	Reg No	Age	Colour
Dougal	Irish Wolfhound	M	L987	1 yr.	Grey
Ruby	Irish Wolfhound	F	L986	1 yr.	Grey Brindle

Name	Breed	Sex	Reg No	Age	Colour
Max	Irish Wolfhound	M	TBA	2 yrs.	Brindle
Chops	Irish Wolfhound	M	TBA	2 yrs.	Brindle

5. **Upon the death or disposal of one or more of the above dogs, the permit will cease, and the number of dogs permitted will revert to the lesser number.**

Cr Pearce objected to the motion.

Cr Wrench seconded the motion.

Debate commenced.

Cr Madacsi foreshadowed an amendment to the motion as follows:

That before Point 1 the Officer's Recommendation be reworded to read as follows:

"That Council permits the keeping of four (4) dogs on Lot 553 Coondle Drive, Coondle, for a period of three months only, to allow time to appropriately rehome two of the dogs and the permit lapse to two dog ownership, subject to the following conditions:"

Debate recommenced.

Clarification was sought.

Cr Madacsi moved an amendment to the motion as follows:

That the words "for a period of three months until 1 April 2022" be inserted prior to the words "subject to the following conditions".

Cr Pearce accepted the amendment to the motion.

The seconder was not asked to accept the amendment.

The amendment was put.

There were no objections.

AMENDMENT/COUNCIL RESOLUTION NO. 260/12/21

MOVED Cr R Madacsi

That the words "for a period of three months until 1 April 2022" be inserted prior to the words "subject to the following conditions".

AMENDMENT CARRIED 7/0

The Shire President declared that the amendment would now form part of the substantive motion.

Debate recommenced.

Further clarification was sought.

Cr Madacsi moved an amendment to the motion as follows:

That Point 5 be removed.

Cr Pearce accepted the amendment.

The seconder was not asked to accept the amendment.

The amendment was put.

There were no objections.

AMENDMENT/COUNCIL RESOLUTION NO. 261/12/21

MOVED Cr R Madacsi

That Point 5 be removed.

AMENDMENT CARRIED 7/0

The Shire President declared that the amendment would now form part of the substantive motion.

The substantive motion was put onto the screen.

The Shire President pointed out that the two amendments that had been made meant that the Council was substantially changing the Officer's Recommendation.

Clarification was sought in relation to the amendments made to the substantive motion.

The Shire President proposed the reason why the Officer's Recommendation was substantially changed to be as follows:

The Officer's Recommendation was amended by Council because the application is not consistent with the Dog Act, the Dogs Local Law or Policy A15 and it is not in the community interest to be inconsistent with strategic direction without sound reason.

There were no objections to the proposal.

The Shire President ruled that as the substantive motion could not be amended after the right of reply had been heard the Council would be required to put the original Officer's Recommendation, without amendment, to the vote.

The Shire President foreshadowed an amendment motion as follows:

That Council permits the keeping of four (4) dogs on Lot 553 Coondle Drive, Coondle, for a period of three months until 1 April 2022, subject to the following conditions:

- 1. All dogs must be confined to the property and kept under control by the following means:**
 - (a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type,**

height and construction to prevent the dogs at all times from passing over, under or through it, or

(b) an approved electronic confinement.

2. Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.
3. All dogs must be microchipped and registered. Registration must be maintained.
4. The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Dougal	Irish Wolfhound	M	L987	1 yr.	Grey
Ruby	Irish Wolfhound	F	L986	1 yr.	Grey Brindle
Max	Irish Wolfhound	M	TBA	2 yrs.	Brindle
Chops	Irish Wolfhound	M	TBA	2 yrs.	Brindle

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 262/12/21

MOVED Cr S Pearce

SECONDED Cr D Wrench

That Council permits the keeping of four (4) dogs on Lot 553 Coondle Drive, Coondle, subject to the following conditions:

1. All dogs must be confined to the property and kept under control by the following means:
 - (a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or
 - (b) an approved electronic confinement.
2. Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.

3. All dogs must be microchipped and registered. Registration must be maintained.

4. The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Dougal	Irish Wolfhound	M	L987	1 yr.	Grey
Ruby	Irish Wolfhound	F	L986	1 yr.	Grey Brindle
Max	Irish Wolfhound	M	TBA	2 yrs.	Brindle
Chops	Irish Wolfhound	M	TBA	2 yrs.	Brindle

5. Upon the death or disposal of one or more of the above dogs, the permit will cease, and the number of dogs permitted will revert to the lesser number.

MOTION LOST 0/7

AMENDMENT MOTION / COUNCIL RESOLUTION 263/12/21

MOVED Cr R Madacsi

That Council permits the keeping of four (4) dogs for a period of three months until 1 April 2022 on Lot 553 Coondle Drive, Coondle, subject to the following conditions:

1. All dogs must be confined to the property and kept under control by the following means:
 - (a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or
 - (b) an approved electronic confinement.
2. Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.
3. All dogs must be microchipped and registered. Registration must be maintained.
4. The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Dougal	Irish Wolfhound	M	L987	1 yr.	Grey
Ruby	Irish Wolfhound	F	L986	1 yr.	Grey Brindle

Max	Irish Wolfhound	M	TBA	2 yrs.	Brindle
Chops	Irish Wolfhound	M	TBA	2 yrs.	Brindle

MOTION CARRIED 7/0

The Amendment Motion was decided by Council because the application is not consistent with the Dog Act, the Dogs Local Law or Policy A15 and it is not in the community interest to be inconsistent with strategic direction without sound reason.

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – November 2021

Date of Report:	8 December 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 November 2021.

PURPOSE OF THE REPORT

To present the cheques and electronic payments raised during the month of November 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 November 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 etc.

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 F2 Authorised Signatories Policy and F.3 Purchasing Policy.

Financial:

Payments of accounts made to the end of November 2021 are in accordance with Council's 2021/2022 Budget.

Legal and Statutory:

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

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 November 2021 as attached to this report, summarised as follows:

November 2021	
Direct Debit	22,978.23
EFT Payments	998,458.11
Direct Debits Payroll	235,244.88
<u>Municipal Cheques</u>	<u>13,275.16</u>
Total	1,269,956.38

Cr Hart moved the Officer’s Recommendation.

Clarification was sought.

The motion was put.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION NO. 264/12/21

MOVED Cr P Hart

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

November 2021	
Direct Debit	22,978.23
EFT Payments	998,458.11
Direct Debits Payroll	235,244.88
<u>Municipal Cheques</u>	<u>13,275.16</u>
Total	1,269,956.38

MOTION CARRIED 7/0

9.2.2 Monthly Financial Statements – November 2021

Date of Report:	6 December 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 November 2021

PURPOSE OF THE REPORT

This report provides Council with financial information for the period ending 30 November 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 November 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 and capital activities and provides an indication of the Shire's financial performance as the year progresses. In accordance with *FM Regulation 34(1)* this statement is to include comparisons with the annual budget and the year-to-date budget. It is noted however, that the year-to-date budget is an estimate only and many factors can affect timing for completion of projects, emphasising discrepancies between budgets and actuals.

Officers continue to work with Datacom to address transition challenges which prove to be a major contributing factor for delays to the production of standard monthly financial reports. Officers are allocating additional time and resources into the

transition. This risk-based approach has called for the re-prioritisation of other Shire projects. Officers continue to report progress to the Audit and Risk Committee and Council regularly.

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

Outstanding Rates and Services

The total outstanding rates and charges balance at the end of November was \$3,171,147 compared to the October 2021 closing balance of \$6,221,550. Rates and rubbish charges were due 17 November 2021 and, as highlighted above, almost half the outstanding rates balance due at the end of October was paid during November.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of November was \$457,885 broken down as follows;

Category	30/11/2021	31/10/2021
> 90 days and over	307,209.28	304,024.49
> 60 days and over	133,659.40	7,727.98
> 30 days and over	274.41	142,707.11
Current	16,769.26	2,569.57
TOTAL	457,885.35	457,029.15

The table above shows little change in the outstanding sundry debtors balance between October and November. As previously reported, the balance in the 90 days and over category is significant and relates to two main invoices; a disputed invoice relating to water charges at the Toodyay Recreation Centre and grant funds due from DFES for the Bushfire Risk Management Planning Coordinator (subject to finalisation of the acquittal).

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

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

Financial:

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

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 / COUNCIL RESOLUTION NO. 265/12/21

MOVED Cr P Hart

That Council receives the Monthly Financial Statements for the month ending 30 November 2021.

MOTION CARRIED 7/0

9.2.3 Timeline and Process for Adoption of the 2022/2023 Annual Budget

Date of Report:	8 December 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN8, FIN30
Author:	S Haslehurst – Chief Executive Officer T Bateman – Manager Corporate & Community Services
Responsible Officer:	T Bateman – Manager Corporate & Community Services
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. 2022-2023 Budget Timeline

PURPOSE OF THE REPORT

To seek Council's endorsement of a proposed timeline for the adoption of the 2022/2023 Annual Budget.

BACKGROUND

Under Section 6.2(1) of the *Local Government Act 1995* (the Act), each local government is required to prepare and adopt by absolute majority a budget for the following financial year. The Act prescribes that this must be done between 1 June and 31 August for the financial year ending 30 June following that August.

Regulations 22-32 of the *Local Government (Financial Management) Regulations 1996* (Regulations) outline the information required to be included in the annual budget which includes as a minimum, the following;

- An income statement
- A cash flow statement
- Rates and service charges to be imposed
- Fees and charges to be imposed

Regulation 33 of the Regulations requires that the annual budget is to be lodged with the Department of Local Government, Sport and Cultural Industries (DLGSC) within 30 days of its adoption by the local government. Regulation 33A outlines the requirements for a mid-year review of the annual budget.

COMMENTS AND DETAILS

Officers have developed a timeline for the development and adoption of the 2022/2023 Annual Budget (Attachment 1) which outlines the process to be followed and includes a number of opportunities for Council's input and direction. The timeline has been developed to achieve adoption of the budget at a Special Council Meeting proposed to be held on 20 July 2022. A summary of the proposed timeline is outlined below.

December 2021	Council receives the proposed timeline and process
January 2022	Finalisation of financials for mid-year budget review
February 2022	Officer review of mid-year financials Council inspections of roads, land and buildings Council adoption of Community Funding policy & guidelines
March 2022	Community Funding opens Council adoption of mid-year budget review Submission of mid-year budget review to DLGSC
April 2022	Council Budget Workshop 1 – community funding applications, fees and charges
May 2022	Council Budget Workshop 2 – draft budget - operating, rates Council Budget Workshop 3 – draft budget - capital, projects
June 2022	Council Workshop 4 – second draft budget, rates in the dollar for advertising Special Council Meeting to adopt rates for advertising Advertising of Differential rates
July 2022	Council Workshop 5 – final draft Budget Adoption of 2022/2023 Annual Budget
August 2022	Submission of adopted budget to DLGSC

Once Council has received the proposed timeline, officers will diarise dates for workshops. Officers will keep Councillors informed in the event of any changes or delays.

IMPLICATIONS TO CONSIDER

Consultative:

Section 6.36 of the Act requires that local public notice is provided of a local government's intention to impose differential rates.

Strategic:

Governance: The way the Shire leads and operates

- Objective 1: Provide accountable and transparent leadership to 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

Part 6 – Financial Management

Local Government (Financial Management) Regulations 1996

Regulations 22 – 33A

Risk related:

Should the budget not be adopted in accordance with the Act, special permission will need to be sought from the Minister for Local Government resulting a reputational and compliance risk. These are both rated high.

The proposed timeline and process are based on the assumption that Datascape reporting issues have been resolved. Therefore, Officers have proposed a timeline which results in the adoption of the budget by 20 July 2022. In the event of any unforeseen delay, the Shire still has over a month to adopt the budget in compliance with the Act.

Workforce related:

The mid-year budget review and the development of the annual budget requires input from officers across the organisation who are responsible for or involved in financial administration. These processes are in addition to day-to-day workloads and can potentially impact service delivery.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receives the timeline and process for the adoption of the 2022/2023 Annual Budget.

Clarification was sought.

Cr Ruthven moved the Officer's Recommendation.

Further clarification was sought.



OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 266/12/21

MOVED Cr B Ruthven

That Council receives the timeline and process for the adoption of the 2022/2023 Annual Budget.

MOTION CARRIED 7/0

9.2.4 Consider the future transfer of ownership of Syred's Cottage by Deed of Gift

Date of Report:	9 November 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG016
Author:	M Eberle – Museum Curator, Cultural Heritage Officer
Responsible Officer:	T Bateman – Manager Corporate & Community Services
Previously Before Council:	OCM 24 November 2015 Item 9.2.4 OCM 27 March 2018 Item 9.2.1
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider opening to public consultation the future transfer of ownership of Syred's Cottage, Bejoording by deed of gift to a direct descendant of William Edward & Frances Syred, the original owners of the property from 1859.

BACKGROUND

Syred's Cottage is the Shire of Toodyay's Asset No. 709 and is located at 34 Second Road (Lot 203), Bejoording. The total land area is 1.0042 hectares (slightly under 2½ acres) and includes a heritage curtilage measuring 75 x 45 metres comprising c1859 dwelling, smokehouse, blacksmith's shed and stable (relocated from the Waters property in 1977).

In 2004, this dwelling and outbuildings group became a permanent entry on the State Heritage List as the Bejoording Homestead Complex and Central Square (Place No. 02585).

As part of its Asset Rationalisation Plan, Council began a review of the property in 2015 and subsequently decided to proceed with its disposal.

In March 2018, a report was made to Council about the proposed sale process and Council's resolution (45/03/18) was as follows:

That Council, in relation to the proposed disposal of Syred's Cottage endorses the following process:

2. *That Expressions of Interest be sought from interested parties and that this be promoted widely with the help of the National Trust;*
3. *That the administration select suitable submissions from the EOI process to invite into a closed tender process;*
4. *That the Shire take all reasonable steps to keep the former owners informed during the process.*
5. *That this matter be brought back to Council for a final decision based on the suitability and merit of the tenders submitted;*
6. *If no suitable EOI's or Tenders are submitted that the process be reviewed and brought back to Council for further consideration; and*
7. *That the price is not the primary selection parameter. The proposed capacity to protect and restore the property and the proposed use are to have equal importance.*

In July/August 2018 Expressions of Interest for the purchase of Syred's Cottage were advertised in the West Australian and promoted widely with the help of the National Trust of WA. No one has come forward since then with a monetary offer for the property.

In August 2021, the Shire of Toodyay received a letter from a descendant of William Edward and Frances Syred offering to take on ownership and responsibility for this property by deed of gift.

It is proposed that in response to this offer, a period of public consultation be undertaken to inform other members of the Syred family of this proposal and to invite comment and provide opportunity for other family members to submit proposals.

A full disclosure of the obligations of owning a State Heritage listed property and the terms and conditions of the restrictive heritage covenant currently in place would be a part of the public consultation brief.

COMMENTS AND DETAILS

Shire of Toodyay's association with the site

In the 1970s & 1980s the Shire of Toodyay and the local Toodyay community took over the management and restoration of Syred's Cottage as an historic site. Plans were produced for the Toodyay Tourism Council Inc. to install toilets but this did not go ahead. By 1982 a restrictive covenant was placed on the homestead complex which was leased to the Shire at peppercorn rent.

In 2002 a Conservation Management Plan for Syred's Cottage was prepared for the Bejoording Community Group Inc. In 2004 the homestead complex became a permanent entry on the State Heritage List (compiled by the Heritage Council of WA). In 2012 a Structural Report on the homestead complex was produced for the Shire. In 2014 the Shire took ownership of the property.

Management of the property by the Shire

The ongoing challenge of meeting the Shire's obligations to care for this heritage listed property has been magnified by the Shire also being responsible for six other State

Heritage Listed buildings (all within the Toodyay township), as well as other historic sites.

The relative remoteness of Syred's Cottage, the lack of amenities present (water, toilets, phones, electricity, up to date interpretation, parking areas) and the possibility of archaeological remains (including indigenous material) being found, have presented a barrier for its reinvention as a tourist attraction or as a community activity centre - without a considerable amount of money being expended.

In 2005 the roof blew off the blacksmith's shed (built c1870) and was not reinstated. Sometime after April 2017 the roof of the smokehouse (built c1870) also came off. There has been noticeable deterioration of both these historic structures as a consequence. Structural works identified in the 2012 report, including urgent work recommended for completion within 2 years (on all of the structures including the dwelling) have not been carried out.

IMPLICATIONS TO CONSIDER

Consultative:

The public consultation period is proposed to conclude at the end of February, with a follow up report to be presented to Council in March 2022. Public awareness is to be facilitated via advertisements in the Toodyay Herald (February edition), the West Australian newspaper and Shire of Toodyay website & Facebook pages.

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community.

A key point of the Shire's Strategic Community Plan and the Shire's Corporate Business Plan is to carry out asset rationalisation and consolidation. The sale or transfer of ownership of Syred's Cottage has been identified as part of this process.

Policy related:

F.12 Disposal of Property Policy.

Financial:

There will be a cost for advertising (both within and outside of Toodyay) which can be managed within the current budget. A current market valuation will be required to be sought with an estimated cost of around \$2,000.00.

Legal and Statutory:

The proposed transfer of ownership process is required to be in accordance with the provisions of Section 3.58 of the *Local Government Act 1995* which states as follows:

Risk related:

There may be adverse feedback from the community about the Shire gifting a heritage asset. Considering the Shire's limited resources however, and the cost to effectively manage the property to an appropriate standard, may result in reputational damage as well as further deterioration of the heritage fabric at this site.

Workforce related:

There will be a cost in staff time to manage the consultation process including collating and analysing community responses and follow up reports for Council's consideration.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Requests the Chief Executive Officer to publicly advertise the Shire's intention to transfer ownership of Syred's Cottage, Bejoording by deed of gift to a direct descendant of William Edward & Frances Syred, seeking submissions from interested parties.
2. Requests that this matter be brought back to Council in March 2022 for a final decision based on the suitability and merit of the submissions received.

Clarification was sought.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 267/12/21

MOVED Cr S McCormick

That Council:

1. Requests the Chief Executive Officer to publicly advertise the Shire's intention to transfer ownership of Syred's Cottage, Bejoording by deed of gift to a direct descendant of William Edward & Frances Syred, seeking submissions from interested parties.
2. Requests that this matter be brought back to Council in March 2022 for a final decision based on the suitability and merit of the submissions received.

MOTION CARRIED 7/0

9.1 EXECUTIVE SERVICES

9.3.1 Feedback on Proposed Local Government Reforms

Date of Report:	8 December 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	GOV5
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Summary of Proposed Reforms with Comments

PURPOSE OF THE REPORT

To seek Council's endorsement of a draft submission in response to the Local Government reforms proposed by the Minister for Local Government, Hon. John Carey MLA.

BACKGROUND

Following the State election in March 2021, the Hon. John Carey MLA was appointed Minister for Local Government. The Minister has been consistent in his messaging regarding improved local government performance and on 10 November 2021, released a series of proposed reforms under the following themes:

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report.

Comments on the reforms are invited with public consultation originally closing on 4 February 2022. However, following feedback from the sector, confirmation was

received on 7 December that the consultation period has been extended until 25 February 2022.

A summary of the proposed reforms (Summary) along with comments is attached at Attachment 1 to this report. Further information including the Review Panel Report and Facts Sheets on each theme can be found on the Department of Local Government, Sport and Cultural Industries (DLGSC) website located [here](#).

The WA Local Government Association (WALGA) has compiled a response and is also seeking comment from local governments, now due to 28 January 2022. WALGA's comments are included in the summary provided at Attachment 1.

COMMENTS AND DETAILS

The proposed reforms were announced on 10 November 2021. WALGA provided its comments on 24 November which were emailed to all elected members. Workshops for elected members were held on 6 and 8 December 2021 to discuss a proposed response.

The draft response is now provided for Council's review and endorsement.

IMPLICATIONS TO CONSIDER

Consultative:

The reforms were discussed at a Council workshop on 6 December attended by six elected members and on 8 December attended by five elected members.

Strategic:

Governance: The way the Shire leads and operates

Objective 2: Consistently improve our governance practices.

Policy related:

The proposed reforms, if enacted, may result in the need for new policies to be developed or a review of existing policies undertaken.

Financial:

One of the key points discussed by elected members at the workshops was the cost of the reforms and the potential impost on ratepayers. While no clarity has been provided in this regard, it is more than likely that there will be a cost implication for local governments.

Legal and Statutory:

Any enacted reforms will result in changes to the *Local Government Act 1995* and relevant subsidiary legislation.

The reforms also propose changes to the local law process and if enacted, will result in changes to, at the very least, the *Shire of Toodyay Standing Orders Local Law 2008*.

Risk related:

Should Council choose not to submit its comments on the proposed reforms, matters specific to a small regional community may not be raised. This could result in a reputational risk which is considered moderate.

Workforce related:

The proposed reforms will require a significant amount of work to ensure compliance. Given existing challenges, this is likely to impact internal resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorses the comments on the proposed local government reforms contained in Attachment 1 to this report; and
2. Requests the CEO to submit the Shire's response to the WA Local Government Association and to the Department of Local Government, Sport and Cultural Industries.

Clarification was sought.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION NO. 268/12/21

MOVED Cr C Duri

That Council:

1. Endorses the comments on the proposed local government reforms contained in Attachment 1 to this report; and
2. Requests the CEO to submit the Shire's response to the WA Local Government Association and to the Department of Local Government, Sport and Cultural Industries.

MOTION CARRIED 7/0

9.2 ASSETS AND SERVICES

Nil.

9.3 COMMITTEE REPORTS

9.5.1 Museum Advisory Committee Recommendations

Date of Report:	8 December 2021
Applicant or Proponent:	Museum Advisory Committee
File Reference:	HER9
Author:	M Ross – Economic Development Coordinator
Responsible Officer:	T Bateman – Manager Corporate & Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Extract from the 25 November 2021 MAC Meeting Minutes including the <i>Museum update report on current activities</i>

PURPOSE OF THE REPORT

To consider a recommendation made by the Museum Advisory Committee at its meeting held on 25 November 2021.

BACKGROUND

In accordance with Council Policy A.17 – *Council Consideration of Committee Recommendations* “Recommendation from Council Committees will be considered by Council at the earliest opportunity.”

COMMENTS AND DETAILS

At the Museum Advisory Committee Meeting held on 25 November 2021 recommendations were made to Council as follows:

That Council receives the Museum update report on current activities – Shire Museum and its Collections, as contained in the Officer’s Report.

IMPLICATIONS TO CONSIDER

Consultative:

There has been no further consultation in relation to the recommendations made by the Museum Advisory Committee.

Strategic:

A key point of the *Shire's Strategic Community Plan 2018* is to ensure:

O.3: Support the development of places and spaces for recreation, learning, art and culture

Policy related:

The Mission Statement of Council Policy No. 0.4 *Museum Collection and Conservation Management* is:

The Museum conserves, interprets and promotes Toodyay's unique cultural and environmental heritage by using a range of technologies and active public programs to attract and engage visitors of all ages

Financial:

Nil

Legal and Statutory:

The Museum Advisory Committee is established under Section 5.8 of the *Local Government Act 1995* and does not have any delegated authority.

Risk related:

Nil

VOTING REQUIREMENTS

Simple Majority

MUSEUM ADVISORY COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION NO. 269/12/21
--

MOVED Cr P Hart

That Council receives the Museum update report on current activities - Shire Museum and its Collections, as contained in the Officer's Report.

MOTION CARRIED 7/0

9.5.2 Audit & Risk Committee Recommendations

Date of Report:	10 December 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 – 9 Dec 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 9 December 2021, recommendations were made to Council as follows:

Recommendation 1 – Risk Management Update

That Council notes the risk management update as provided in this report to the Audit & Risk Committee.

Recommendation 2 – Annual Financial Audit Process Update

That Council notes the annual financial audit process update as provided in this report to the Audit & Risk Committee.

COMMENTS AND DETAILS

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

Recommendation 1 – Risk Management Update

Feedback received from LGIS in relation to the Shire's previous Risk Dashboard is as follows:

Observations

- The profiles remain relevant to local government; and
- Review of Action items need to be completed to determine close out, as they are still listed as 2018;
- Some actions are noted as closed out so these need to be moved into key controls;
- Key controls require refreshing, from an adequacy perspective; and
- Based on the above two, the residual risk ratings need to be reviewed as they may/should have been reduced (subject to actions being closed out).

Recommendation:

- Run a workshop with the Shire Executive/Management team to review and refresh profiles to ensure they are relevant and up to date; and
- Consider linking the residual risk back into your risk acceptance criteria, which will inform the executive whether the risk is accepted, or what further actions are required.

Officers concur with the above recommendation and have arranged a workshop to be held with Managers and relevant officers across the organisation in early February 2022.

Recommendation 2 – Annual Financial Audit Process Update

As reported to the Audit Committee, Officers continue to work through the challenges associated with the Datascape transition with the following measures in place to achieve the requirements of the annual financial audit:

It is envisaged that the annual financial audit for 2020/21 will be finalised in February 2022. Officers will provide a report to the Committee, should further delays be anticipated.

IMPLICATIONS TO CONSIDER

Consultative:

Office of the Auditor-General

Butler Settineri

Local Government Insurance Services (LGIS)

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.
- there may be additional costs for the auditors to undertake the audit of the transition to Datascope. Officers will provide further information as it becomes available which will need to be considered as part of the mid-year Budget Review.

Legal and Statutory:

Local Government Act 1995

Local Government Act 1995, Part 7.

Local Government (Audit) Regulations 1996.

Part 5.54(1) prescribes that the annual report (including the auditor's report) should be accepted by 31 December each year. However, part 5.5.4(2) states that if the auditor's report is not ready, then the annual report should be accepted no later than 2 months after the auditor's report becomes available.

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

Recommendation 1 – Risk Management Update

That Council notes the risk management update as provided in this report to the Audit & Risk Committee.

Recommendation 2 – Annual Financial Audit Process Update

That Council notes the annual financial audit process update as provided in this report to the Audit & Risk Committee.

AUDIT & RISK COMMITTEE RECOMMENDATION 1

That Council notes the risk management update as provided in this report to the Audit & Risk Committee.

Clarification was sought in respect to the recommendations made by the Audit & Risk Committee, recognising the second recommendation had been missed from the Council Meeting Agenda.

The Shire President ruled that the second recommendation would be considered for Council to vote upon.

Cr McCormick moved the Audit & Risk Committee Recommendation No. 1 as follows:

That Council notes the risk management update as provided in this report to the Audit & Risk Committee.

Clarification was sought.

Cr Hart moved an amendment to the motion as follows:

The following the words “as provided in this report” the word “from” replace the word “to”

Cr McCormick accepted the amendment.

The motion was put.

AUDIT & RISK COMMITTEE RECOMMENDATION 1/COUNCIL RESOLUTION NO. 270/12/21

MOVED Cr S McCormick

That Council notes the risk management update as provided in this report from the Audit & Risk Committee.

MOTION CARRIED 7/0

AUDIT & RISK COMMITTEE RECOMMENDATION 2

That Council notes the annual financial audit process update as provided in this report to the Audit & Risk Committee.

Clarification was sought in respect to amending the recommendation so the word “to the Audit” would read “from the Audit”

AUDIT & RISK COMMITTEE RECOMMENDATION 2/COUNCIL RESOLUTION NO. 271/12/21

MOVED Cr B Ruthven

That Council notes the annual financial audit process update as provided in this report from the Audit & Risk Committee.

MOTION CARRIED 7/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil.

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

Nil.

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14. CONFIDENTIAL BUSINESS

14.1 Tender 03/2021: Drainage Works – Bindi-Bindi Toodyay Road

Section under the Act	<i>The grounds on which part of the Council Meeting may be closed to the public are listed in Regulation 14(2) of the Local Government (Admin) Regulations 1996 and in Section 5.23(2) of the Local Government Act 1995.</i>
Sub-clause and Reason:	<p><i>The Officer Report and attachments are confidential in accordance with section 5.23 (2) (c) and (e) of the Local Government Act 1995:</i></p> <p>(c) <i>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</i></p> <p>(e) <i>A matter that if disclosed, would reveal —</i></p> <p style="padding-left: 40px;"><i>(i) A trade secret; or</i></p> <p style="padding-left: 40px;"><i>(ii) Information that has a commercial value to a person; or</i></p> <p style="padding-left: 40px;"><i>(iii) Information about the business, professional, commercial or financial affairs of a person,</i></p> <p><i>where the trade secret or information is held by, or is about, a person other than the local government.</i></p>

For the benefit of the public gallery the Shire President read aloud the Officer's Recommendation.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 272/12/21

MOVED Cr C Duri

That Council:

1. Selects Avon Concrete as the successful tenderer for the Drainage Works at Bindi-Bindi – Toodyay Road in accordance with the recommendation contained in the Confidential Evaluation Report attached.
2. Authorises the Chief Executive Officer to:
 - (a) Enter into contract negotiations with the successful tenderer in accordance with the provisions of the submitted tender.
 - (b) Prepare and execute the necessary contract documents once negotiations have been finalised.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

15. NEXT MEETINGS

Environmental Advisory Committee (4.00pm)	2 February 2022
Bush Fire Advisory Committee (6.00pm)	2 February 2022
Local Emergency Management Committee (5.00pm)	9 February 2022
Agenda Briefing (1.00pm)	Wednesday 16 February 2022
Council Meeting (1.00pm)	Wednesday 23 February 2022

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.08pm.

TABLED ATTACHMENTS

A document was tabled by the Office of the CEO at 4.17pm containing questions asked by Councillors after the Agenda Briefing (with responses). 1

AGENDA BRIEFING NOTES

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PETITIONS

Nil

SUBMISSION

Nil

Attachments that formed part of the Meeting Agenda (page 19) separately indexed

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| 1. | 2022-2023 Budget Timeline | 57 |
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| | No attachments. | N/A |



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ASSETS AND SERVICES

No reports

COMMITTEE REPORTS

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1.	Extract from the 9 December 2021 ARC Meeting Minutes.	109

Questions & Responses – Tabled at Meeting held on 21 Dec 2021

Questions and Points raised			
Councillor	Item	Discussion	Response
<i>Ruthven IAM81687</i>	9.1.3	If the owner doesn't want litters, why aren't any of the dogs sterilised?	<i>The owner has stated that he does not believe in sterilising his dogs. "Because it changes the dogs and puts them through early menopause. They are not long lives anyways only reaching 7-10 years."</i>
<i>Ruthven IAM81687</i>	9.1.3	How long has the applicant owned Doogal and Ruby?	<i>Dougal 3-4 years & Ruby about 3 years</i>
<i>Ruthven IAM81687</i>	9.1.3	On what date were Doogal and Ruby registered and for what period?	<i>Shire records: Dougal: 1 November 2014 lifetime registration & Ruby: 1 November 2014 lifetime registration.</i>
<i>Ruthven IAM81687</i>	9.1.3	Are Doogal and Ruby related?	<i>No</i>
<i>Ruthven IAM81687</i>	9.1.3	Doogal is shown as an Irish Wolfhound and Ruby as an Irish Wolfhound cross. Does Doogal have a pedigree?	<i>Yes</i>
<i>Madacsi</i>	9.1.3	Was Ruby born in 2019 (p.37 attachment) or 2020, a pup (p.17 report)?	<i>2019</i>
<i>Madacsi</i>	9.1.3	Is Chops female (p.37 attachment) or a male (p.17 report)?	<i>Female</i>
<i>Pearce IAM81705</i>	9.1.3	Toodyay Dog local law 3.1 "Dog to be confined". From the Officers report the dogs on the property were not confined and two infringements and five cautions were issued. Considering the notices, a number of ranger visits to the property, and potential for risk, would the officer please explain, how it was determined to approve the application to keep more the two dogs?	<i>The owner has taken reasonable measures to ensure the dogs are adequately confined on the property and the owner has ultimately done everything the Rangers have requested. When researching SAT cases, the tribunal looks at reasonableness in such matters. For example, in instances where a landowner has acted upon advice from the regulator and carried out the remedial works.</i>

Questions & Responses – Tabled at Meeting held on 21 Dec 2021

Questions and Points raised			
Councillor	Item	Discussion	Response
Pearce IAM81705	9.1.3	<p>Council Policy A 15 Keeping of more than 3-6 dogs</p> <p>An owner or occupier of land within the Shire of Toodyay shall not be allowed to keep more than two (2) dogs on a property, without the prior written approval of the Council.</p> <p>Would the officer please explain, what drew attention to more than 2 dogs kept on the property, without prior approval.</p>	<i>The owner applied to keep four dogs</i>
Pearce IAM81705	9.1.3	<p>Policy Related – from the officer’s report</p> <p>Would the officer please explain the quote “<i>Under the Policy, the maximum number of dogs that could be approved in the ‘Residential’ zone is 2.</i>” As this property is zoned rural residential, why was residential quoted in the report? As the policy allows for only 3 dogs, in rural residential, would the officer please explain how it was determined to approve 4 dogs.</p>	<i>4 dogs is a variation to the Administration Policy A.15 policy and needs to be presented to Council.</i>
Pearce IAM81705	9.1.3	<p>Section 7. of the Dog Act Dogs to be registered i.e. any dog over 3 months old</p> <p>In the application there are two dogs with no listed registration. Would the officer confirm the registration status of the dogs Max and Chops DOB 15/10/2020</p>	<i>Ma & Chops are currently unregistered and can not be registered until</i>

Questions & Responses – Tabled at Meeting held on 21 Dec 2021

Questions and Points raised			
Councillor	Item	Discussion	Response

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Agenda Briefing

14 December 2021

Notes

Unconfirmed Notes

These notes were approved for distribution on 16 December 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 21 December 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 21 December 2021.

NOTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr R Madacsi, declared the meeting open at 4.07pm.

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/APOLOGIES

Members

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

Staff

Ms S Haslehurst	Chief Executive Officer
Mrs T Bateman	Manager Corporate & Community Services
Mr M Werder	Project Manager
Mr J Augustin	Manager Assets and Services
Mr H de Vos	A/Manager Planning & Regulatory Services
Mrs T Prater	Planning and Compliance Officer
Mr W MacMillan	Ranger
Mrs M Rebane	Executive Assistant

Visitors

J Vucemillo

2.1 APOLOGIES

Cr B Bell
Cr M McKeown
Cr S Pearce
Cr D Wrench

2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

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

Nil.

5. CONFIRMATION OF MINUTES

As per the Council Meeting Agenda.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

As per Council Meeting Agenda.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 PLANNING AND REGULATORY SERVICES

9.1.1 Finalisation of the Shire of Toodyay Draft Local Planning Scheme No. 5

We had arranged for representatives from the WA Planning Commission to attend the Agenda Briefing however this Item was withdrawn due to the number of apologies received from Members. The matter has been deferred to February 2022.

Questions Cr Pearce (1-12) and Cr Hart (13) raised prior to the Agenda Briefing are contained in the table below and responses will be provided within the Officer's Report for the February 2022 Ordinary Council Meeting.

No.	Question submitted
1	<p>The Officers report indicates:</p> <p><i>To assist with the compilation of this report, the Shire of Toodyay has briefed the Western Australian Planning Commission (WAPC) on the outcome of the October Ordinary Council Meeting and has been provided advice to assist with setting an appropriate course of action and a timeframe.</i></p> <p>Would the officer please provide a copy of the WAPC brief and the correspondence sent to the commission?</p>
2	<p><i>Structure plans - There are seven structure plans in the Shire. These are considered current as they are referred to LPS 5. Would the officer where indicate where these plans are referred to in the LPS5?</i></p>
3	<p>In the report, the officer has outlined 3 options. What would the effect of the following have upon the Shire Strategic planning? What is the necessity of out sourcing a targeted review? Option 4- Defer Scheme 5/targeted Strategy Review</p>
4	<p>The Strategy is consistent with strategic guidance and directions in the Shire's Strategic Community Plan (2015) and reflective of various supporting technical and background studies/investigations prepared by the Shire such as:</p> <ul style="list-style-type: none"> • Economic Development Plan (2015) • Heritage Master Plan (2015), and • Environmental Management Strategy (2015) <p>Toodyay SCP has purpose/promote of a rural lifestyle. This has been an underlining theme in all SCP's. Would the officer please explain how the LP Strategy of 2018 supports this tenant – value of a rural lifestyle of the then and now SCP?</p>

No.	Question submitted
5	<p>“The Strategy identified a comprehensive suite of issues affecting the Shire within the land use planning context and defined broad strategic directions/actions.” 5 are listed in the review report pg. 7.</p> <p>Would the officer please identify how and where these issues are addressed in the LPS 5?</p>
6	<p>Report indicates concern with LPS 5 has “introduction of urban and industrial development zones.</p> <p>To this end, the Strategy any additional land to be allocated for ‘rural living’ purposes, only to ‘normalise’ the Timberden Estate, which is subdivided and is partially developed.</p> <p>Would the officer please explain the need to “normalise” Timberden Estate?</p>
7	<p>Residential densities in the townsite have been adjusted to enable higher densities in suitable locations – would the officer please explain what affect these increased densities upon infill and probability of closely clustered properties in townsite locations have upon a rural lifestyle?</p> <p>The officer indicates <i>There is no clear reason to amend the Strategy in regard to this issue;</i> i.e. is the urbanisation . Would the officer explain how this aligns with the community aspiration of a rural lifestyle in SCP and one would think this includes the townsite?</p>
8	<p>The officer, indicates in the review report a number of amendments could be made to the strategy egg Catholic Precinct, keeping of stock on small lots. If this is the case, what is preventing Council from making these amendments before the LPS 5 is adopted?</p>
9	<p>It is recommended that the Strategy be updated via an Amendment with a limited scope. Would the officer please explain the context of this statement?</p>
10	<p>“Letters were sent to all landowners on 28 August 2020 re zoning changes.”</p> <p>Would the officers explain if landowners received letters prior to the changes entered into LPS 5? If not, and this is an industry practice, would the officer please explain how this aligns with SCP of transparency and accountability?</p>
11	<p><i>The Structure Plans and local planning policies in the Shire seem to be current. They can be updated or amended as future amendments to the Strategy and Scheme are finalised</i></p>

No.	Question submitted
	Would the officer please explain, if community/developer/ business owner, do not favour the amendments or updates, what is the position if appealed at SAT, requiring financial cost to Shire, and likely success?
12	Would the officer please direct me to the section outlining the planning controls for LPS5 regarding the Catholic Precinct? [Schedule 3 Special control areas?]
13	The Scheme has the zone name "Rural Residential" as covering lot sizes of 1 hectare to 4 hectares. A look at the Morangup area of Map 3 (Toodyay South) appears to show that the majority of properties are larger than twice the upper size for Rural Residential, and would ordinarily be classified as "Rural Smallholding" (pages 12 and 13 of the draft LPS5). What is the rationale for zoning the larger properties as smaller properties?

9.1.2 Lot 4 Mercy Retreat Toodyay – Proposed change of use and works to O’Connor House.

Questions and Points raised		
Councillor	Discussion	Response
Ruthven	In the Applicant/Proponent section is the name Julie-Anne Vucemillo the purchaser?	<u>Manager Planning and Regulatory Services responded as follows:</u> <i>Yes she is.</i>

9.1.3 Lot 553 Coondle Drive, Coondle – 4 Dog Application

Questions and Points raised		
Councillor	Discussion	Response
Ruthven	Which pups did the applicant take back?	<u>Planning & Compliance Officer response as follows:</u> <i>The younger dogs (1 year old)</i>
Ruthven	Why are the younger dogs registered rather than the older dogs?	<u>Planning & Compliance Officer response as follows:</u> <i>There was not a reason given.</i> Response after Agenda Briefing The officer’s report was incorrect. It is the older dogs that are registered.

Questions and Points raised		
Councillor	Discussion	Response
Ruthven	How long has the applicant had all four dogs?	<p><u>Planning & Compliance Officer response as follows:</u></p> <p><i>We will take that question on notice.</i></p> <p>Response after Agenda Briefing</p> <p>Approx. 6 months</p>
Ruthven	What is the relationship between these dogs? Are they siblings? How are they related?	<p><u>Planning & Compliance Officer response as follows:</u></p> <p><i>We will take that question on notice.</i></p> <p>Response after Agenda Briefing</p> <p>The pups are siblings and the older dogs are parents of the puppies.</p>
	Here are the dogs exercised? Is it the 50 square metre yard only? Very active dogs needing exercise each day. Aren't they taken outside.	<p><u>Ranger response as follows:</u></p> <p><i>They are taken out of the confinement area and placed back in. (Wade).</i></p>
Ruthven	In relation to the taking back of the two pups if the dogs are only 2 year old and one year old is one of the two year old the sire of the pups or doesn't the owner have the parent of the pups anymore?	<p><u>CEO response as follows:</u></p> <p><i>This question will be taken on notice.</i></p> <p>Response after Agenda Briefing</p> <p>The owner has both parents Ruby & Dougal.</p>
Ruthven	How will the owner keep further litters from happening on the property with some of the dogs being unsterilized?	<p><u>CEO response as follows:</u></p> <p><i>This question will be taken on notice.</i></p> <p>Response after Agenda Briefing</p> <p>The owner separates the dogs via a balcony at his property and has another property in Dianella where the dogs are separated when required.</p>
Duri	<p><u>Question after Agenda Briefing</u></p> <p>Why in the Agenda the application being made by the proponent says he has 3 males and 1 female but the</p>	<p>Response after Agenda Briefing</p> <p>The ranger report is correct. 2 females & two males.</p>

Questions and Points raised		
Councillor	Discussion	Response
	Ranger Report is for 2 males and 2 females.	

9.2 CORPORATE & COMMUNITY SERVICES

9.2.1 List of Payments – November 2021

Questions and Points raised		
Councillor	Discussion	Response
Pearce	178 25/11/2021 Club links Management Pty Ltd FY22_Q2 - TRC Management 117,608.78 Would the officer explain this period of payment?	<u>Manager Corporate & Community Services response as follows:</u> <i>This invoice covers the total budgeted operating loss for the period October – December 2021 (being quarter 2 of the current financial year).</i>
Pearce	Would the officer please provide the annual management remuneration package and any other associated payments for CL?	<u>Manager Corporate & Community Services response as follows:</u> <i>Documents relating to the Rec Centre Management can be found on the Council Hub. The estimated subsidy is \$411,000, calculated for 2021/22 Year to date payments for the Recreation Centre Management Fees are \$230,906 (incl GST). The first quarter invoice was paid 15 September 2021 for \$113,297.29.</i>
Pearce	214 30/11/2021 Dept Of Local Govt Sport & Cultural Industries LGSP Fees For 2020-21 6,355.47. What do these fees refer?	<u>Manager Corporate & Community Services response as follows:</u> <i>This charge represents the Shire of Toodyay's share for fees paid to the Local Government Standards Panel in 2020/21.</i>
Pearce	193 30/11/2021 Bitumen Surfacing Chitty Road Reseal - SLK 0.00 To 1.15 37,180.13	<u>Manager Assets & Services response as follows:</u>

Questions and Points raised		
Councillor	Discussion	Response
	194. Is this shire funded or from the road Contribution fund	<i>The sealing works on Chitty Road have been funded from the Road Contribution Reserve.</i>
<i>Ruthven</i>	Page 41 (Item 115 under the CC payment) referring to HR Policy 13. I cannot find that policy on the website.	<u><i>CEO response as follows:</i></u> <i>That is because HR policies are internal policies and not council adopted policies.</i>

9.2.2 Monthly Financial Statements – November 2021

Questions and Points raised		
Councillor	Discussion	Response
<i>Nil</i>		

9.2.3 Timeline and Process for Adoption of the 2022/2023 Annual Budget

Questions and Points raised		
Councillor	Discussion	Response
<i>Nil</i>		

9.2.4 Consider the future transfer of ownership of Syred's Cottage by Deed of Gift

Questions and Points raised		
Councillor	Discussion	Response
<i>Pearce</i>	Legal and Statutory: The proposed transfer of ownership process is required to be in accordance with the provisions of Section 3.58 of the <i>Local Government Act 1995</i> which states as follows: The Section 3.58 is missing. Would the officer please	<u><i>Manager Corporate & Community Services response as follows:</i></u> <i>One of the recommendations of the Governance Review undertaken this year was not to copy and paste large sections of legislation in Council reports but to provide reference to the relevant sections only.</i>

Questions and Points raised		
Councillor	Discussion	Response
	provide Councillors with the information?	
<i>Madacsi</i>	<i>Indicated that she had questions to ask</i>	<i>To be advised.</i>

9.3 EXECUTIVE SERVICES

9.3.1 Feedback on Proposed Local Government Reforms

Questions and Points raised		
Councillor	Discussion	Response
<i>Nil</i>		

9.4 ASSETS AND SERVICES

No reports

9.5 COMMITTEES

9.5.1 MAC Recommendations

Questions and Points raised		
Councillor	Discussion	Response
<i>Nil</i>		

9.5.2 ARC Recommendations

Questions and Points raised		
Councillor	Discussion	Response
<i>Nil</i>		

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

14.1 Tender 03/2021

Questions and Points raised		
Councillor	Discussion	Response
Duri	<p><u>Question after Agenda Briefing</u></p> <p>I have read the Confidential Agenda for the above road works and would like to be able to better understand Table 3: Numerical Assessment.</p> <ul style="list-style-type: none"> In the weighing up of the considerations for Eval. Criteria / Weightage could you please explain what the S and WS stand for when allocating a score for each contractor Quality Premium – this price is deducted from the overall total tender price – I do not understand the purpose for this. Is it 	<p><u>Manager Assets & Services response after Agenda Briefing:</u></p> <p><i>S = Score (Evaluation panel agreed score); WS = Weighted Score</i></p> <p><u>PQM Formulas:</u></p> <p><i>Weightage Score (WS) = Weightage x Score;</i></p> <p><i>Price Score = Lowest bid price / Bid price x Weightage</i></p> <p><i>Non-price attribute weighted sum margin = deduct the lowest non-price attribute weighted sum from each of the non-price attribute weighted sums</i></p> <p><i>Supplier quality premium = Estimated Budget (e.g. \$450,000) x non-price attribute weighted sum margin / price weighting (e.g. 50%)</i></p>

Questions and Points raised		
Councillor	Discussion	Response
	<p>TCA as described in the PQM guidelines?</p> <p>I have read the PQM guidelines, a lot of acronyms with no explanation to their meaning.</p>	<p><i>Adjusted evaluation price = Tender price – Quality premium</i></p> <p><i>*Note: The Adjusted Evaluation Price is just a theoretical value under the Value for Money Assessment (price Quality Method) and is not an adjustment to the submitted tender price.</i></p>

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 4.22pm.



Shire of Toodyay Report of Review

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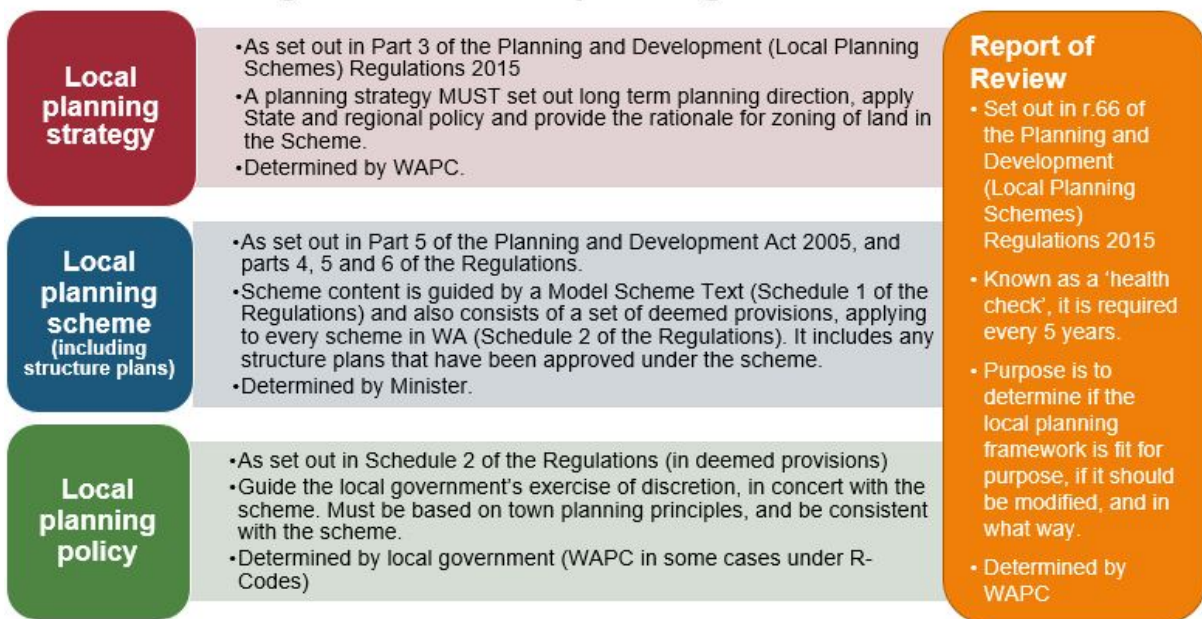
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Section 1 - Background

About the WA planning system

The Western Australian Planning system is centralised in nature, with the Minister for Planning, Western Australian Planning Commission and local governments having a range of responsibilities. These roles and responsibilities are also set out in legislation and regulation, principally the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015. As shown in **Figure 1**, the local planning framework consists of three key components; a local planning strategy and scheme, and a suite of local planning policies that guide local government discretion in decision-making. Central to the operation of the local planning framework is a Report of Review.

Figure 1 - the local planning framework



What is a Report of Review?

A Report of Review is a health-check for the local planning framework, which is required to be prepared every 5 years to assess how the framework is operating, and if adjustments need to be made. A Report of Review is required to consider whether a local government's local planning strategy and scheme, and any structure plans adopted under the scheme are:

1. satisfactory in their existing form; or
2. should be amended; or
3. should be revoked and/or have a new one prepared.

It is also recommended that local planning policies be considered as part of this review, but it is at the local government's discretion.

Following the recommendation from the local government, the Commission is to decide whether the Commission agrees or disagrees with the Report of Review, and notify the local government of its decision. The local government is then required to publish the Report of Review and notice of the Commission's decision. The reason for this is to increase transparency in the planning system, and provide stakeholders and community members with a 'road map' of future changes (or not) to the local framework.

This Report of Review will examine the Shire of Toodyay's local planning framework, and make recommendations to the Commission.

What forms part of Toodyay's local planning framework?

The Shire of Toodyay's local planning framework consists of:

1. Local Planning Strategy No. 2 (endorsed in 2018);
2. Local Planning Scheme No. 4 (gazetted in 2008);
3. draft Scheme No. 5 (close to finalisation and 'seriously entertained');
4. Structure Plans endorsed under the scheme
5. Local Planning Policies – [25 in place](#)

About the Shire of Toodyay

The Shire of Toodyay is located approximately 80 kilometres from Perth and covers an area of approximately 1.34 million km². The Shire is one of 42 local governments located in the State's Wheatbelt planning region.

Population

The Shire's Estimated Resident Population was 4,461 persons in 2020 (ABS, 2021) and accounts for 6% of the Wheatbelt's population. Aboriginal and Torres Strait Islander persons account for 3.6% of the Shire's population, which is higher than the State's average of 3.1%.

According to the 2016 Census of Population and Households (2016 Census), the main population centre (by population) was Toodyay with 1,408 people in the extended townsite area. (approx. 30% of the population).

Between 2001 and 2020, the population of the Shire increased by approximately 300 people (or by 0.48% per annum) (refer to **Figure 2**). This compares to the average annual growth rate for the State, which was 1.8%.

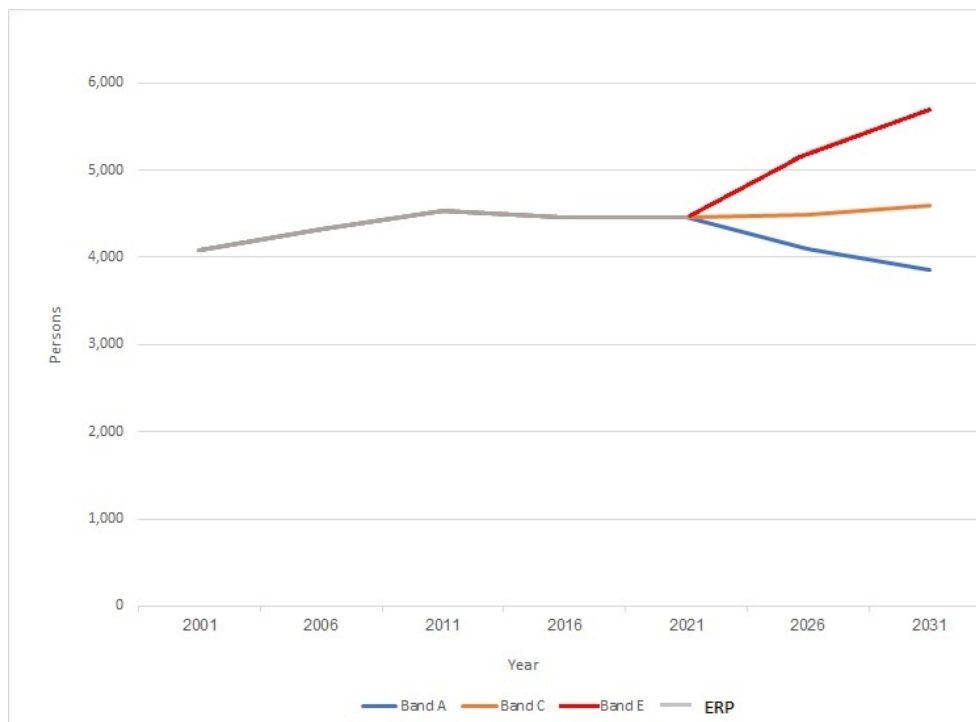


Figure 2:
Shire of Toodyay - Estimated resident population and WAPC population forecasts (2001-2020)

Age cohorts

- children aged 0 to 14 constitute approximately 14.7 per cent of the Shire's population which is slightly below the WA average (19.2%);
- approximately 23.3 per cent of the population is aged 65 years old or over which is considerably higher than the WA average (16%); and
- median age of the Shire is 51 which is considerably higher than the WA average (36).

Dwellings/household composition

- separate houses accounted for 96% of the Shire's dwelling stock;
- approximately 80% of dwellings were occupied;
- average household size within the Shire is 2.5, which is comparable to the State average; and
- approximately 57.3% of the families in the Shire are categorised as 'Couples with no Children'.

Natural environment

The Shire is within the Southwest Australia Eco region, a biodiversity hotspot, with approximately 48% of the Shire's area covered by relatively intact remnant vegetation. The Shire's landscape features include: prominent ridges and hills centred on the Avon River and its tributaries; steep slopes, rock outcrops and pools along the river; and woodland vegetation amongst agricultural uses. These areas are experiencing pressure due to clearing for agricultural activities, mining, rural living and rural residential development, subdivision and other developmental activities.

Economy

The Shire contributed \$172m (2.6%) of the Wheatbelt region's Gross Regional Product in 2020. The key sectors were 'Agriculture, Forestry and Fishing', 'Construction' and Rental, and 'Hiring and Real Estate Services'. Commercial activities, including retail, services and other businesses/administration functions are generally located within the Toodyay Town Centre.

Of the 814 persons employed in the Shire, 'Agriculture, Forestry and Fishing' employs the most people followed by 'Construction' and 'Rental, Hiring and Real Estate Services'. Due to the Shire's location and the relatively high mobility of the work force it is not uncommon for people employed in the Shire to reside in surrounding local government areas.

The agricultural sector is expected to remain as a key economic driver and generator of employment. Other opportunities include tourism related to the Shire's Aboriginal and historic heritage in key settlements such as Toodyay and its natural environment. Commercially deposits of basic raw materials are also present throughout the Shire and these may also provide economic opportunities.

DRAFT – FOR REVIEW OF SHIRE OF TOODYAY

Land Supply and Lot Activity

Table 1 provides a breakdown of land area (ha) by zone within the Shire and identifies amount of land that is developed or undeveloped/unrated.

Table 1: Breakdown of land area by zone (developed v undeveloped/unrated)			
Zone	Area (ha)	Developed (ha)	Undeveloped (ha)
Residential	95	75	20
Special Residential	255	84	172
Residential Development	226	-	226
Rural Residential	6,850	4,100	2,768
Rural Smallholdings	5,847	135	5,712
Industrial	11	1	10
Mixed Business	6	3	3
Town Centre	12	12	0.5
Rural / Conservation	254, 698		
<i>Source: Shire of Toodyay (2021)</i>			

Since gazettal of the Scheme 4 (in 2008), 1,158 lots have received conditional approval across the Shire. Of these, 84% were for Residential purposes with 10% for Rural Living (9 p.a.) and 6% for Commercial, Industrial and Rural.

Table 2: Preliminary and final approvals (no. of lots) by zone (2001-2021)							
	Res	Rural	Ind	Com	Other	Rural Living	Total
Preliminary	984	27	3	13	10	121	1,158
Final	162	43	0	2	13	59	279
<i>Source: DPLH (2021)</i>							

Development activity

Table 3 outlines building commencements in each year since the Scheme was gazetted. [\(Shire to complete\)](#)

Table 3: Building Commencements					
Year	No. building commencements	Type of development			
		Dwellings	Outbuildings	Commercial & Industrial	Community Facilities
20/21	180	47	52		
19/20	140	20	40		
18/19	152	26	42		
17/18	169	37	37		
16/17	118	24	31		
15/16	140	23	39		
14/15	152	28	42		
13/14	155	30	54		

Table 3: Building Commencements					
Year	No. building commencements	Type of development			
		Dwellings	Outbuildings	Commercial & Industrial	Community Facilities
12/13					
11/12					

Source: Shire of Toodyay (2021)

No development in the Shire has been approved by Development Assessment Panels (DAP) since they were introduced in 2011.

Based on historical population trends/forecasts and past lot consumption trends, there is an adequate supply of land zoned for Residential and Rural Living purposes across the Shire for the next 10-15 years (and beyond this time). It should also be noted, that the 2016 Census indicated that 20% of constructed dwellings across the Shire were vacant.

Section 2 – the Existing Planning Framework

Overview

The local planning framework addresses **population drivers** by:

- seeking for focus a variety of residential development in and around the Toodyay townsite;
- providing for a range of residential densities in the Toodyay townsite to facilitate development of a variety of housing types.
- using appropriate dual density coding, particularly in the Toodyay townsite to promote infill development and to maximise use of existing and future infrastructure.
- investigating the land use needs to accommodate additional aged care and retirement village developments

The local planning framework manages important **biodiversity assets** of the Shire by:

- ensuring development adequately considers and addresses natural constraints including bushfire and flooding while protecting landscapes and biodiversity.
- protecting areas of environmental significance through the local planning scheme, such as inclusion of the Environmental Conservation zone;
- protecting visually sensitive locations from changes that would detract from valued landscape character through guidelines
- protecting public drinking water sources area and water resources through Special Control Areas
- balancing opportunities for rural living proposals against biodiversity, conservation, and environmental impacts by

The local planning framework facilitates key **economic drivers** by:

- protecting rural land from fragmentation and land use conflict.
- encouraging flexibility and diversity in the Commercial and Rural zones as a way of promoting tourism;
- incorporating the Urban Development and Industrial Development zones to identify opportunities for larger-scale development

- facilitating opportunities to generate employment opportunities by introducing the Rural Enterprise zone to provide for light industrial blocks with a housing component; and
- representing strategic geological resources in the Strategy and providing guidance on extraction of basic raw materials and management of impacts of these activities have on sensitive land uses.

Local Planning Strategy

As mentioned, the [Shire of Toodyay Local Planning Strategy](#) was endorsed in 2018, and replaced the previous strategy of 2007. Through its endorsement, it has been demonstrated to:

- be reflective of public submissions;
- set out the long-term planning directions for the Shire;
- apply State and regional planning policy; and
- providing the rationale for any zoning or classification of land under the local planning scheme.

The Strategy is consistent with strategic guidance and directions in the Shire's Strategic Community Plan (2015) and reflective of various supporting technical and background studies/investigations prepared by the Shire such as:

- Economic Development Plan (2015)
- Heritage Master Plan (2015), and
- Environmental Management Strategy (2015).

The Strategy identified a comprehensive suite of issues affecting the Shire within the land use planning context and defined broad strategic directions/actions, such as:

- managing growth of settlements across the Shire focussing development on Toodyay;
- facilitating opportunities in key economic sectors, such as: agriculture, tourism and extraction of basic raw materials;
- addressing key land use planning issues such as:
 - management of bushfire risk;
 - protection of rural land;
 - protection of water sources; biodiversity assets and landscapes.
 - extraction of basic raw materials
- identification and protection of the Shire's Aboriginal and historic heritage;
- ensuring the capacity of movement, community and utility infrastructure is sufficient to accommodate future demand.

The Strategy identified various actions relevant to the local planning scheme, including to alignment of the Scheme with the Regulations and other key initiatives relating to ongoing reforms to the WA Planning system.

Local Planning Scheme

Regulation 66(2) requires a Report of Review to include a range of information about the operation of the existing planning scheme, and amendments to it. As Scheme 4 has already been reviewed, and the introduction of Scheme 5 is imminent, some of this information is not required.

However, it can be said that Scheme 4 is partially compliant with the Regulations and State Planning Policy, where Scheme 5 is fully compliant.

Local Planning Scheme No. 4

Local Planning Scheme 4 (gazetted on 13 February 2008) is the current Scheme. It covers the whole of the Shire of Toodyay's municipal area. In addition, Scheme 4 does not adequately deal with matters such as:

- Low impact tourism, such as nature-based camping;
- Density of residential development;
- Outbuildings (sheds);
- Protection of heritage assets in general;
- Protection of the Catholic Precinct;
- Landscape protection; and
- Compliance with the Regulations.

Local Planning Scheme No. 5 (draft)

Following finalisation of the Strategy, the Shire commenced a comprehensive review of Scheme 4 in 2017, which has resulted in the preparation of a new Scheme 5 that is a contemporary and fit-for-purpose statutory instrument and not consistent with the Regulations. Key features of draft Scheme 5 include:

- expansion of land uses in the zoning table and the land use definitions in Part 6 to provide better guidance for applicants and landowners;
- application of density codes to all Residential zoned land
- introduction of provisions to modify the R-Codes relating to dual density zones and construction of outbuildings;
- review of the development standards for non-residential areas, including setbacks;
- introduce a new Special Control Area for the Town Centre to better protect the commercial and heritage significance supported by a new local planning policy;
- introduce a new Special Use Zone to protect the heritage significance of the Catholic Precinct to facilitate future sustainable development of the precinct;
- updates to scheme provisions to reflect policy guidance and directions;
- introduction of urban and industrial development zones (and structure planning requirements) to identify suitable development land to cater for future population and employment needs; and
- introduction of new landscape protection provisions to protect the important viewsheds of Toodyay.
- conversion of zones to accord with the model provisions;
- introduction of new zones, including the Rural Enterprise and Environmental Conservation zones.

Issue arising on adoption of Scheme 5

Following consideration of submissions, the scheme was presented to Council on 26 October 2021 recommending that Council determine the submissions; modify and adopt Scheme 5 for final approval. In discussion on finalisation of the Scheme, a number of deputations were made, and a number of other issues were discussed by Council. These are briefly summarised as:

- a) purpose and intent of Scheme 5 leads to the Shire becoming more urbanised and less rural in nature;
- b) Council needs more time to consider the implications of Scheme 5;

DRAFT – FOR REVIEW OF SHIRE OF TOODYAY

- c) consultation undertaken during public advertising of the Scheme was not sufficiently targeted to alert land owners to potential implications of changes proposed;
- d) changes to the number of land uses contemplated and development standards within the Catholic Precinct may compromise the historical and cultural significance of the Precinct for the community; and
- e) changes to development standards within the Rural Residential zone may have implications for amenity and bushfire risks and implications for keeping of animals where land is being changed for Special Residential to Residential R2.5).

Structure Plans and Local Planning Policies

The Regulations prescribe that a Report of Review also identify and determine the status of structure plans (and related instruments) and whether each plan can remain in its existing form; should be amended; or should have its approval revoked. The structure plans active in the Shire are summarised in **Table 4**.

WAPC Ref	Address	Plan type	Date endorsed
SPN/0073	Lot 61 Goomalling Toodyay Rd Toodyay	Structure Plan	2010
SPN/0139	Nottingham Rd, Charles St, Folewood Rd and Newmark Rd Toodyay	Structure Plan	2010
SPN/0397	Salt Valley Road and Toodyay Road, Hoddys Well	Structure Plan	2012
801/4/28/0004P	Dumbarton Road	Structure Plan	2009
801/4/28/0002P	Drummond Street, Nunile	Structure Plan (3)	2016

Source: WAPC 2021

Both the Strategy and Scheme 5 identify the need to review the Shire's existing framework of local planning policies as these were prepared under Scheme 4. Council currently has [25 Local Planning Policies](#).

Section 3 – suitability of the Existing Planning Framework

Overview

As mentioned, a Report of Review needs to consider whether the Local Planning Strategy, Scheme and Structure Plans are:

1. satisfactory in their existing form; or
2. should be amended; or
3. should be revoked and/or have a new one prepared.

This section of the report considers these matters in response to the existing planning framework.

Local Planning Strategy

On the face of it, the Strategy is a relatively new strategic planning framework for the Shire of Toodyay, and meets all the known land use planning issues affecting the Shire. However, in its consideration of Scheme 5, members of community and Councillors have identified issues that would benefit from further examination. This includes whether:

- a) the purpose and intent of the Strategy leads to increased urbanisation, at the expense of the rural nature of the Shire;
- b) the strategic intent for the Catholic precinct was adequately represented;
- c) the strategic intent for keeping of stock on small properties is sufficiently clear; and
- d) advertising and community engagement on the Strategy was sufficient to provide a basis for Scheme 5.

Response to (a) - As mentioned previously, approximately 30% of the Shire's population lives in the extended Toodyay townsite, which includes a number of rural residential estates. That means that 70% of the Shire's population lives in the Shire's rural hinterland. Reasons such as environmental protection, bushfire risk, access to services and protection of rural land mean that new opportunities for 'rural living' are limited, and the Strategy seeks to consolidate growth in and around Toodyay, where there remains considerable capacity, while still achieving the same level of amenity and character. To this end, the Strategy does not provide for any additional land to be allocated for 'rural living' purposes, only to 'normalise' the Timberden Estate, which is subdivided and is partially developed.

Residential densities in the townsite have been adjusted to enable higher densities in suitable locations, which is in direct response to the needs of an aging population where smaller lots are required.

There is no clear reason to amend the Strategy in regard to this issue, but there is no harm in seeking community opinion on housing diversity and location.

Response to (b) – At the time of preparing the Strategy, the proposed sale and/or redevelopment of the Catholic Precinct on Avon Terrace had not commenced its planning process. Now that the matter has advanced, there would be benefit in amending the Strategy to reflect Council's strategic intent for the precinct.

Response to (c) – the Strategy does not provide guidance on the keeping of stock on small lots, either in identifying suitable locations, or strategic intent. This could be addressed via an amendment to the Strategy.

Response to (d) – while the advertising of the Strategy met legislative standards, if it fails to meet the 'pub test', that the community feel engaged and support the intent of the Strategy, this is probably good cause to investigate whether the strategic intent of the Strategy meets community expectations. This would need to be considered in context of the Shire's Strategic Community Plan, prepared under the auspices of the *Local Government Act 1995*, as the two documents should be generally in alliance.

It is recommended that the Strategy be updated via an Amendment with a limited scope, that seeks community and stakeholder input on housing location and diversity, the strategic intent for heritage areas, including the Catholic Precinct, keeping of stock; and alignment with the Shire's strategic community plan.

Local Planning Scheme

Scheme 4 was gazetted in 2008 and is very out of date. As mentioned previously, it does not deal with a range of issues relevant to the Shire, and is also non-compliant with the Regulations. Finalisation of a new scheme is urgent.

Scheme 5 has been in preparation for 3 years, and has been subject to public advertising and consideration of submissions.

As mentioned, in considering Scheme 5 for final approval, a number of issues were raised that were relevant to the Scheme, including:

- a) whether the purpose and intent of Scheme 5 leads to the Shire becoming more urbanised and less rural in nature;
- b) Council needs more time to consider the implications of Scheme 5;
- c) consultation undertaken during public advertising of the Scheme was not sufficiently targeted to alert land owners to potential implications of changes proposed;
- d) changes to the number of land uses contemplated and development standards within the Catholic Precinct may compromise the historical and cultural significance of the Precinct for the community; and
- e) changes to development standards within the Rural Residential zone may have implications for amenity and bushfire risks and implications for keeping of animals where land is being changed for Special Residential to Residential R2.5.

Response to (a) – as discussion in the previous section, there is no evidence that this is the case, as the Scheme has taken a conservative approach to identifying new areas for residential development. This is because there is existing capacity in rural residential and residential areas throughout the Shire. However, as mentioned in the previous section, this matter could be canvassed with the community should there be an appetite to revisit the Strategy

Response to (b) – Duly noted – suggest that Council be offered briefing sessions on the Scheme and also allow for responses on detailed questions.

Response to (c) – Consultation on the Scheme met the legislative requirements, and under s83 of the Planning and Development Act, affected landowners are to be notified if a zoning change is proposed. Letters were sent to all landowners on 28 August 2020.

Response to (d) – The Scheme requirements for the Catholic precinct represented Council's wishes at the time, and if the situation has altered, there is scope to change that before the Scheme is adopted and presented to the Commission. Suggest Council outline concerns, and staff can suggest redrafted Scheme text. The provisions in Scheme 5 are a vast improvement over Scheme 4, so any delays to bringing in the new scheme will pose a greater level of risk in regard to this area.

Response to (e) – Agree that this area needs more work and should be addressed via an amendment to the Strategy (in the first instance) and following that process, consider whether changes to the Scheme are warranted. It seems the case that the current scheme provisions have simply been carried over from Scheme 4. However, there is still opportunity to amend these provisions before the Scheme is adopted and presented to the Commission. Suggest Council outline concerns, and staff can suggest redrafted Scheme text.

DRAFT – FOR REVIEW OF SHIRE OF TOODYAY

It is recommended that Scheme 5 be finalised as soon as possible, as the matters raised in consideration of the Scheme are not substantial. Following the amendment to the Strategy, the Scheme can be updated via an amendment, as required.

Structure Plans and Local Planning Policies

The Structure Plans and local planning policies in the Shire seem to be current. They can be updated or amended as future amendments to the Strategy and Scheme are finalised.

For administrative purposes, it is recommended that Council resolve to carry over the local planning policies from Scheme 4 to Scheme 5 in making its final resolution on the Scheme.

Conclusion and recommendations

It is worth considering the range of options open to Council in respect to finalisation of Scheme 5 and a review of the Strategy and Scheme. The pros and cons of each option are presented in **Table 5** below:

Option 1 - Defer Scheme 5 / Comprehensive Strategy Review		Option 2 - Finalise Scheme 5 / comprehensive Strategy Review		Option 3 - Finalise Scheme 5 / targeted Strategy review	
Pros	Cons	Pros	Cons	Pros	Cons
<ul style="list-style-type: none"> • Issues raised about consultation and engagement can be addressed prior to finalising the Scheme • In keeping with Council's resolution. 	<ul style="list-style-type: none"> • Significant delay in finalising scheme. • Existing scheme 4 is 13 years old, no longer fit-for-purpose and is not consistent with regulation • Continuation of Scheme 4 means current planning controls in Scheme 5 (for example those for Catholic Precinct are delayed • Resources needed to run a fresh consultation exercise 	<ul style="list-style-type: none"> • Scheme is finalised and up to date as soon as possible. • Scheme can be amended to deal with issues raised in submissions. • The Scheme can always be amended to deal with the issues raised in the Strategy review. 	<ul style="list-style-type: none"> • Full review of the Strategy would be costly and time consuming, for a relatively new Strategy • Undertaking a comprehensive review is likely to be costly and have implications for the Shire resources. 	<ul style="list-style-type: none"> • Scheme is finalised and up to date. • Limit the scope of the review to identified issues given that the document is three years old. • Cost savings. • Still open to Council to expand the scope if other issues arise. • Scheme can be amended at a later date to deal with issues from the Strategy amendment that require statutory implementation. 	<ul style="list-style-type: none"> •

Option 1 represents Council's resolution of 26 October 2021. It responds well to Council's discomfort in adopting the Scheme, but it has unintended consequences, foremost of which is

exposing Council to an extended period of risk operating with existing Scheme 4 (which is 13 years old). This option is not recommended, as adoption of a contemporary Scheme is required urgently.

Option 2 provides for Scheme 5 to be finalised ‘as is’ (including any modifications recommended by Council), and for a review of the Strategy to be undertaken as a separate exercise. Following the review of the Strategy, which would take at least 18 months, Scheme 5 could be amended to implement any issues that require a statutory response. Due to the additional time and expense involved in reviewing a Strategy that is only 3 years old, this option is not recommended. However, it also achieves the intent of Council’s resolution.

Option 3 provides for Scheme 5 to be finalised ‘as is’ (including any modifications recommended by Council), and for a limited review of the Strategy to be undertaken via an amendment to the Strategy. This would limit the scope of the review initially (but it could be altered depending on feedback from the community). Following the amendment to the Strategy, Scheme 5 could be amended to implement any issues that require a statutory response. This option is recommended, as it achieves the intent of Council’s resolution, while also providing a clear, timely and less expensive way of dealing with the unresolved issues of community and stakeholder input on housing location and diversity; strategic intent for heritage areas, including the Catholic Precinct; keeping of stock; and alignment with the Shire’s strategic community plan.

Recommendation

That Council, pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that:

1. The local planning strategy is generally satisfactory in its existing form, but in keeping with Council’s resolution of 26 October 2021, an amendment to the strategy be initiated, in keeping with r.17 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in regard to the following matters:
 - a. community and stakeholder input on housing location and diversity;
 - b. strategic intent for heritage areas, including the Catholic Precinct;
 - c. keeping of stock; and
 - d. alignment with the Shire’s strategic community plan.
2. Following the amendment to the Strategy being finalised, Council may resolve to amend the Scheme to implement any matters that require statutory implementation;
3. Scheme 5 is satisfactory in its existing form (including any Council modifications recommended on adoption) and should be finalised as soon as possible; and
4. Structure plans approved under the scheme are satisfactory in their existing form.

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Lot 4 (No. 3) Mercy Retreat, Toodyay



1: 1,960



Date produced: 08-Dec-2021

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Cadastre
- Main Roads**
 - Main, Sealed
- Minor Roads**
 - Minor, Sealed
- Cadastre (No Attributes) (LGATE-001)

Notes

P2021-52 Proposed change of use to Single Dwelling and restoration alterations and additions.

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15th October 2021

Proposal for O'Connor House Lot 4 Mercy Retreat, Toodyay, WA.

We wish to apply for approval to occupy O'Connor House as a single home. I have included Table 1, 2 and 3 Current Land Use Permissibility.

I have included an attended floor plan of our proposal.

We intend to live in the house as residential, keeping the two existing bedrooms and bathroom (restoring to 1924 era). The main hall room will be our living area including a kitchen and a bedroom with ensuite. (Open living)

I have also attached O'Connor House existing floor plan. The cells on the verandah have been removed and the dormitories in the main hall area have all been removed.

We wish to apply for approval to remove the cladding and aluminum windows and the toilets on the verandah. To open up the verandah. The two cupboards will be retained.

We will put a banister in place, similar to the building "Mercy House Convent School", all restoration will be to the era of O'Connor House. The banister will be made from wood and painted white (Photo attached).

We intend to retain O'Connor House with its original features (all the doors, windows, fans and lights, flooring, signage, fireplace, building, cupboards and grounds) and restore to its original glory.

Please find attached photos and documentation to support our application.

Thank you for your consideration.

Julie-Anne Vucemillo & Lance Ducret

Email: Julie-anneoz@hotmail.com

Mobile: 0422 498 276



2 November 2021

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

Dear Ms Haslehurst

Mercy Retreat, Toodyay – Former O'Connor House
Change of Use

Please be advised, The Roman Catholic Archbishop of Perth is the registered owner of Lot 4 (3) Mercy Retreat Toodyay, contained in Certificate of Title volume 4001 folio 913.

This property is currently under offer of sale to Ms Julie-Anne Vucemillo and Mr Lance Eric Ducret.

It is my understanding that Ms Vucemillo and Mr Ducret wish to use the building for residential purposes.

To achieve this outcome, various works to the fabric of the building, including the removal of the verandah cladding and verandah toilets, are being proposed.

Please accept this letter as my written support and approval for these proposed changes to occur in order for the property to be used for residential purposes.

Yours sincerely

Timothy Costelloe SAB

Most Reverend T Costelloe
The Roman Catholic Archbishop of Perth

Table 1: Current Land Use Permissibility (Local Planning Scheme No. 4)

'P' Permissible	'D' Discretionary	'A' Discretionary subject to advertising
Convenience Store Exhibition Centre Home Office Showroom	Accommodation for Temporary Workers Arts and Crafts Centre Betting Agency Carpark Child Care Premises Cinema/Theatre Civic Use Club Premises Community Purpose Consulting Rooms Display Home Centre Emergency Services Family Day Care Fuel Depot Funeral Parlour Home Business Home Occupation Home Store Industry - Cottage Industry - Rural Industry -- Service Lunch Bar Medical Centre Motor Vehicle, Machinery and/or Marine Repair Motor Vehicle, Machinery and/or Marine Sales & Hire Motor Vehicle Wash Office Place of Worship Reception Centre Recreation - Private Recreation - Public Research Centre Residential Building Restaurant / Café Service Station Shop Single House Storage facility Telecommunication Infrastructure Trade Display Transportable Structure Warehouse	Aged/Dependent Persons Dwelling/s or Establishment Amusement Parlour Ancillary Dwelling Caravan Park Educational Establishment Factory Unit Fast Food Outlet Grouped Dwelling Holiday Accommodation Hospital Hotel Industry - Light Market Motel Night Club Nursing Home Park Home Park Small Bar Tavern Tourist Development Transport Depot Veterinary Centre

O'Connor House

- As aforementioned : Gutters and downpipes
Roof sheeting, cappings as associated timber work
Fretted brickwork

8.8.2 Medium term action [within 5 years]

O'Connor House

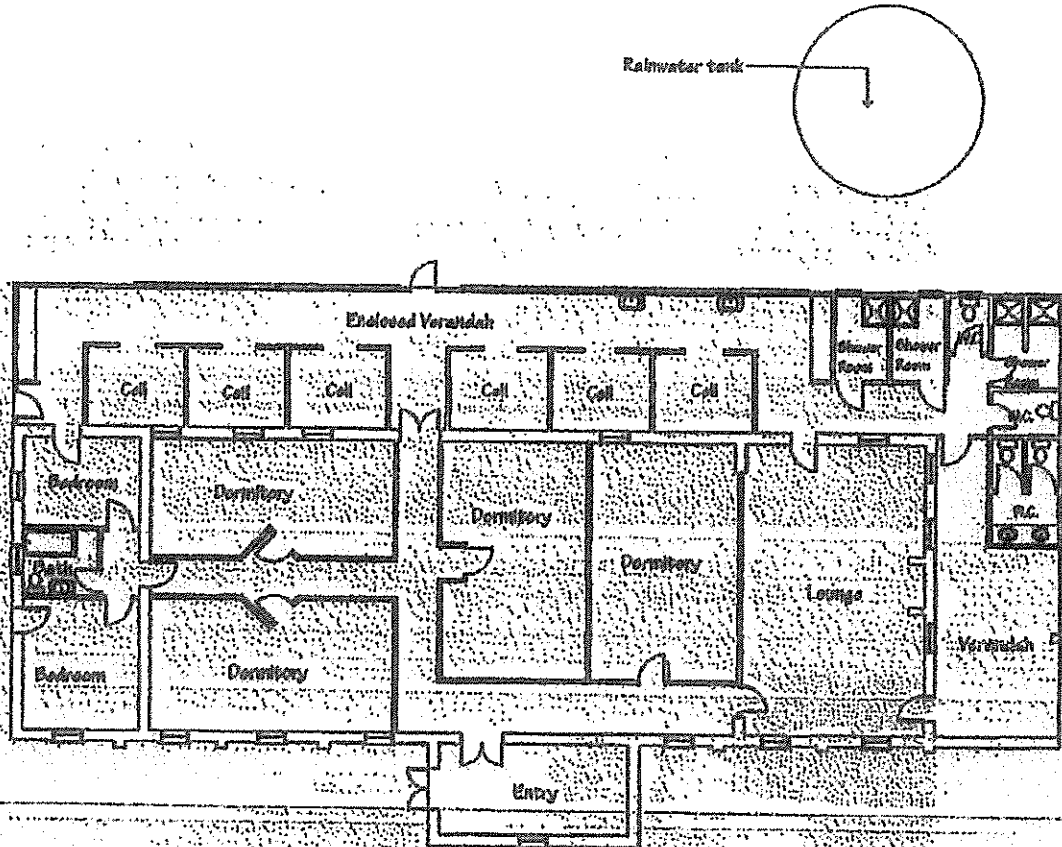
- Reconstruct missing ceiling panels to dormitory ceiling.
- Remove existing asbestos fibro-cement cladding from the outside of the enclosed verandahs and replace with suitable cladding. Take opportunities to investigate the original cladding materials.
- Undertake paint scrapes to determine the original colour scheme throughout. Prepare ceiling, walls and timber details for painting.
- Select a colour scheme with reference to the original colours, in consultation with a conservation professional.
- Restore and paint the interior of the place.
- Restore and paint the external timber elements and lined stud framed walls.
- Make good timber floors, punch down nails and apply suitable new floor finish.
- Consider the removal of the introduced low level partitioning to the dormitory and enclosed verandahs and restore affected existing fabric.

8.8.3 Long term action [within 10 years]

- Replicate the original doors when reinstating doors throughout the building.
- Take opportunities to upgrade the shower and toilet facilities.
- Take opportunities to investigate the reconstruction of the external staircase to the verandah.
- Consider the removal of the introduced toilet facilities to the verandah when looking at the long term use of the building. *
- Take opportunities to interpret the history of the different people associated with the building.

AVONDOWN CENTRE, TODAYAY Conservation Plan
Gavan Reilly Architect with Helen Burgess Historian

May 2003



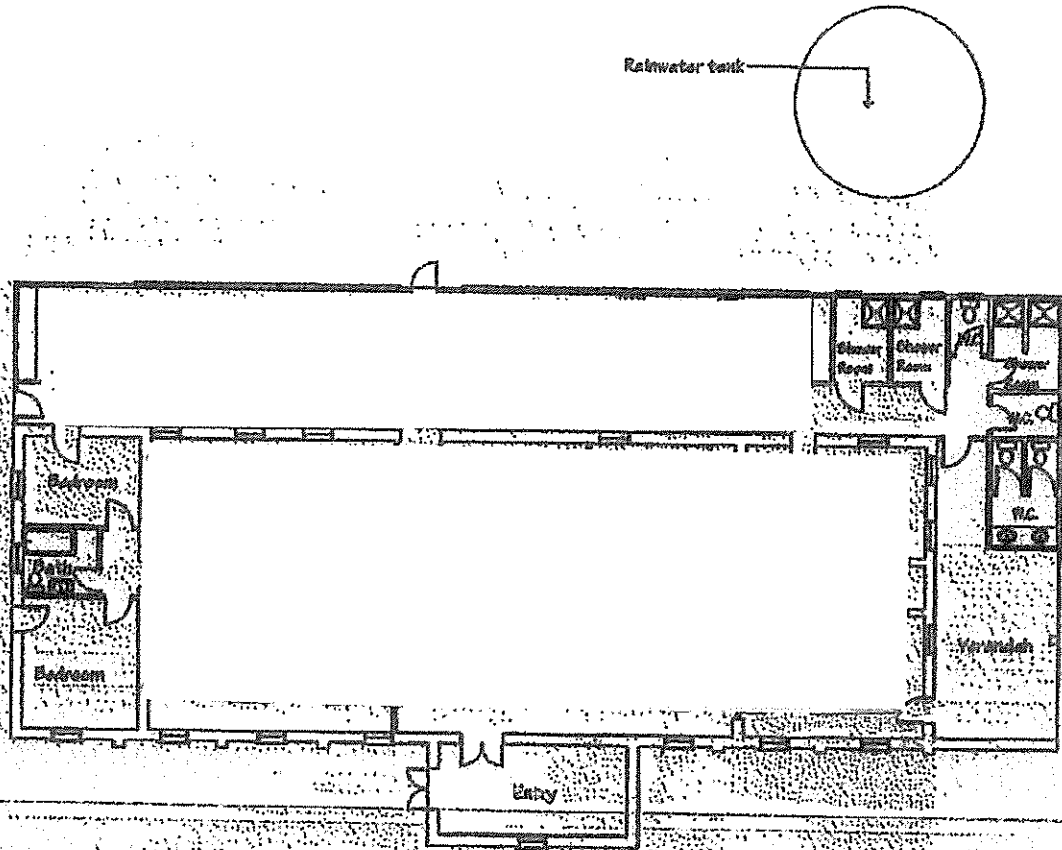
Ground Floor Level

BUILDING AREA	
BUILDING	484 m ²
FRONT PORCH	22 m ²
TOTAL	483 m ²

FIGURE 12

O'Connor House Existing Floor Plan

- Previous Floor Plan.
- Cell + Dormitory's Removed refer Present Floor Plan.



Ground Floor Level

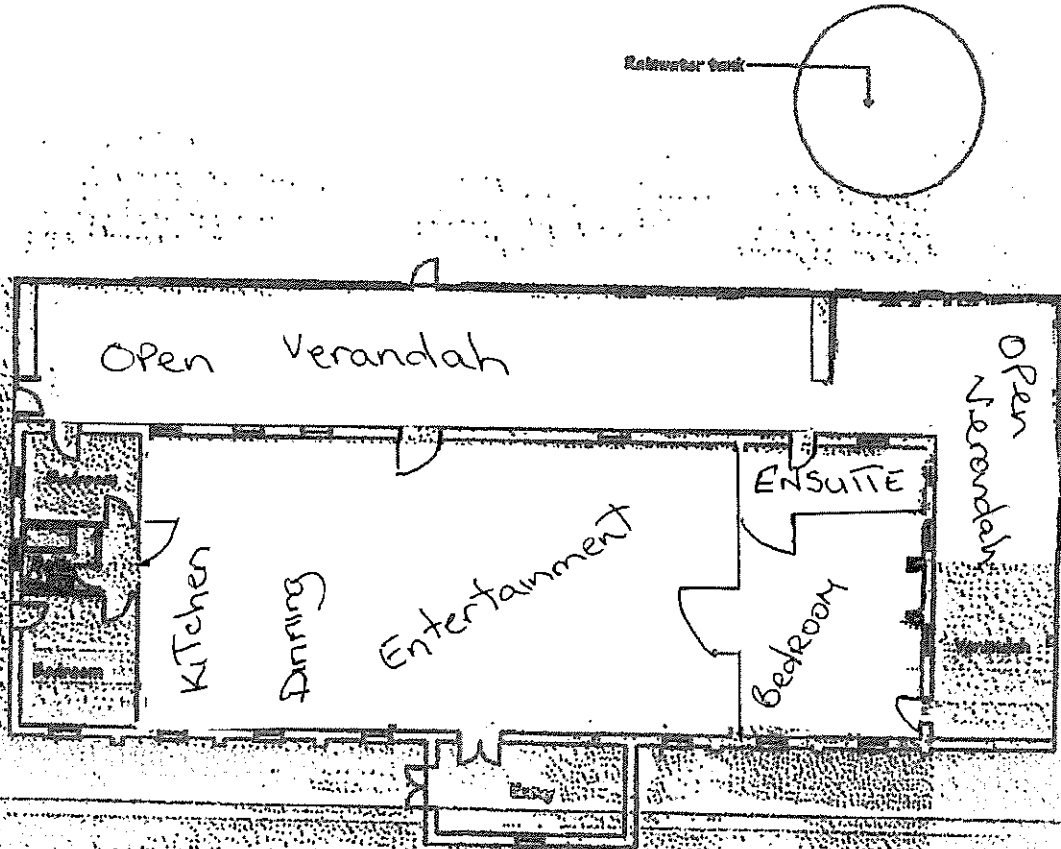
BUILDING AREA	
BUILDING	464 m ²
FRONT PORCH	22 m ²
TOTAL	486 m ²

FIGURE 12

O'Connor House Existing Floor Plan

Present Floor Plan.

As AT 15th October 2021



Ground Floor Level

FIGURE 12

O'Connor House Existing Floor Plan

BUILDING AREA	
BUILDING	464 m ²
FRONT PORCH	22 m ²
TOTAL	486 m ²

Proposal - 15th October 2021.

Banister for Verandah - Wood and painted white

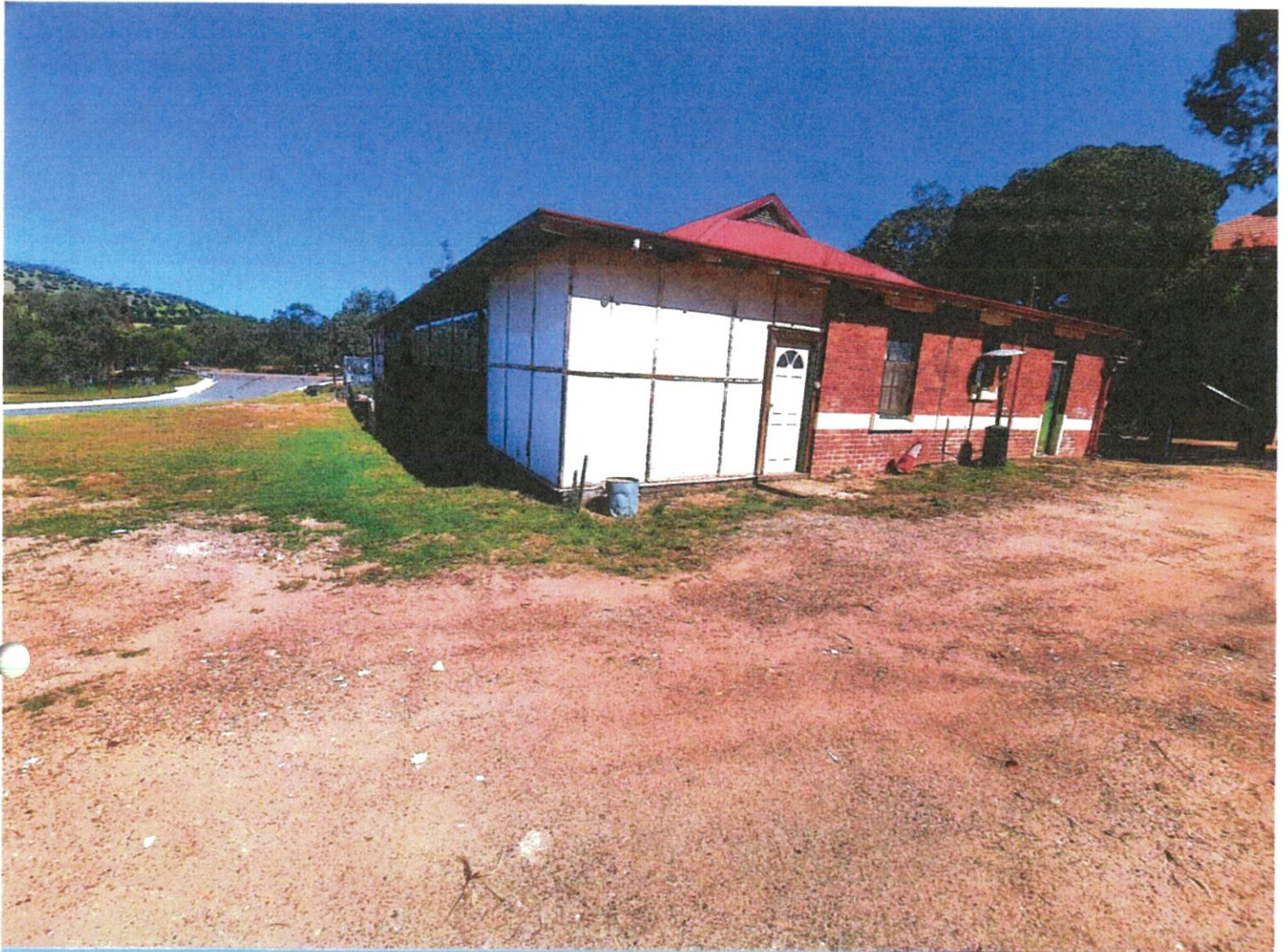
Mercy House Convent School



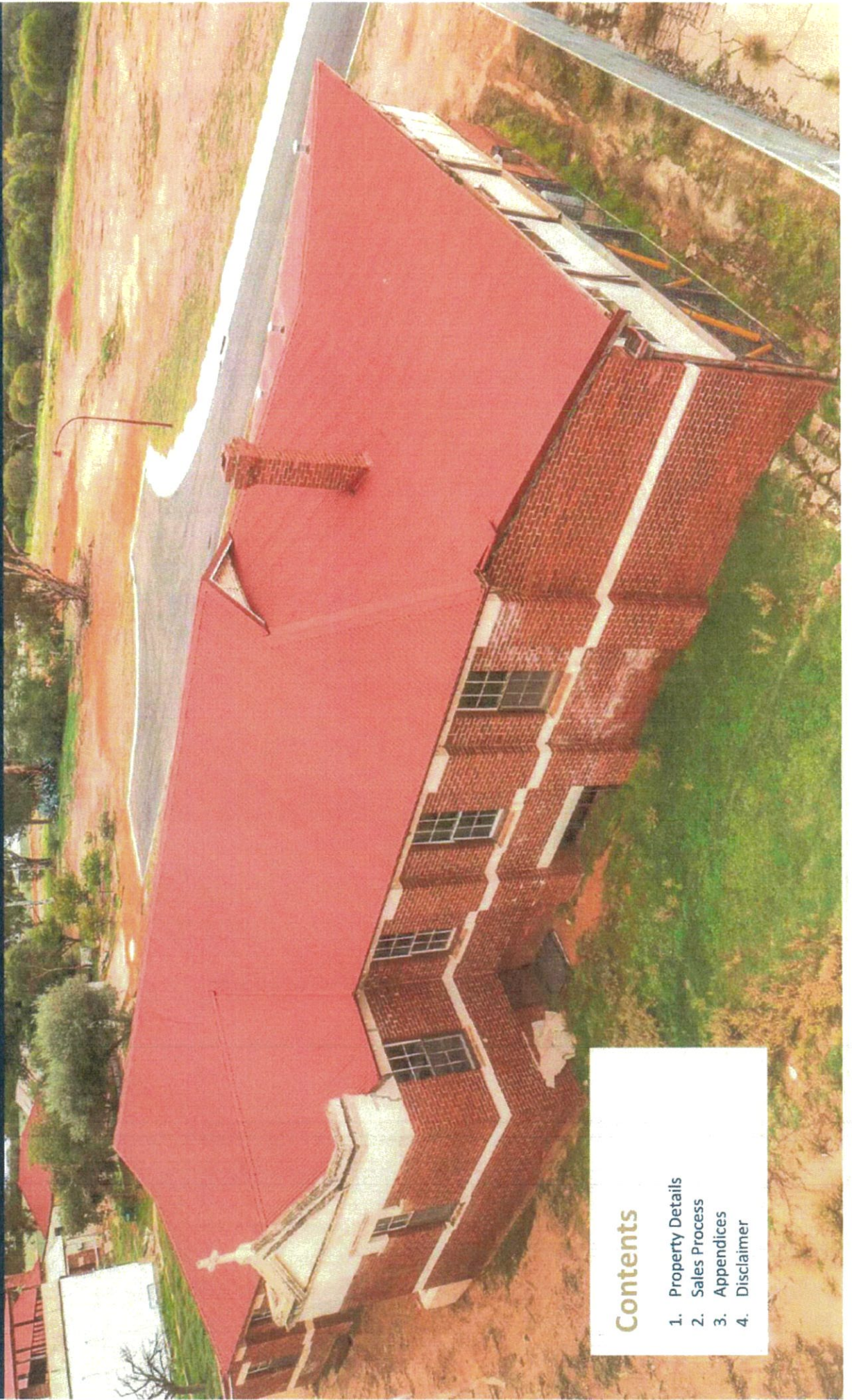
* Example of banistar for Narandah.











Contents

1. Property Details
2. Sales Process
3. Appendices
4. Disclaimer

ZONING

The land is currently zoned "Mixed Business" in the Shire of Toodyay Local Planning Scheme No. 4.

There is a proposal under the Shire's draft Local Planning Scheme No.5 to apply a "Special Use" zone to the land. This proposed change has been advertised, and is due to be considered by the Shire, with likely approval in June 2021.

Uses permitted under the current Scheme, and likely to be permitted under the new Scheme, are contained in the Information Package.

BUILDING

The building erected on the land is known as O'Connor House.

It is a single storey structure with a main building area of 464m², and a front porch of 22m².

Construction is of cavity brick walls, with a colourbond roof, and internal linings comprise timber floors, with lath and plaster and plasterboard walls and ceilings.

A plan of the accommodation provided is included in the Information Package.

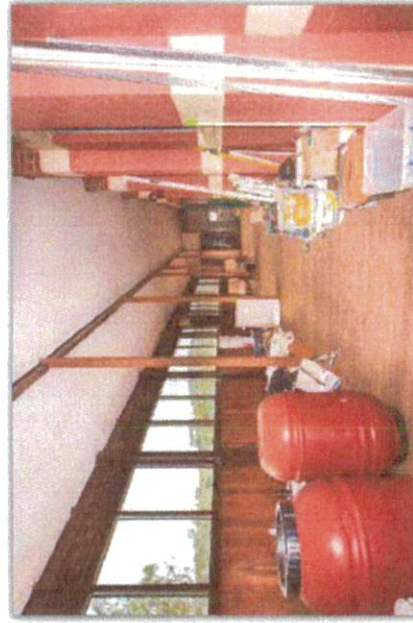
JOINT EXCLUSIVE SELLING AGENTS

John Butler
LJ Hooker
Mob. 0429 964 060

David Barnao
Barnao Property
Mob. 0419 838 610



BARNAO



Property Details

ADDRESS

3 (Lot 4) Mercy Retreat, Toodyay

TITLE

The land is described as Lot 4 on Deposited Plan 415396 contained in Certificate of Title Volume 4001 Folio 913.

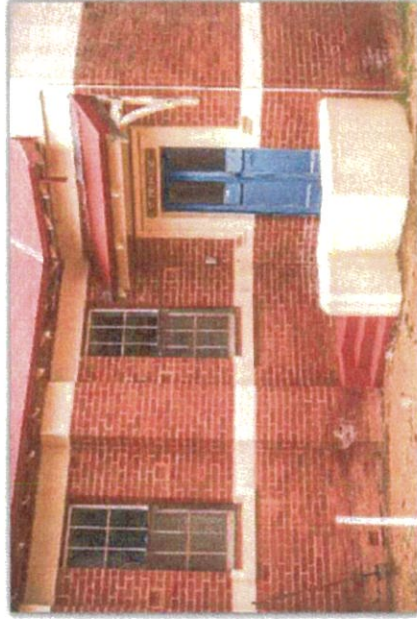
The following encumbrances are endorsed on the Title.

1. O687046 Notification, Heritage Act 2018. As to portion only – See Deposited Plan 415396. Lodged 30/03/2021.
2. Easement burden created under Section 167 P. & D. Act for sewerage purposes to Water Corporation – See Deposited Plan 415396.

The easement for sewerage purposes runs along the rear boundary of Lot 2, and is for a width of 2.5m inside the boundary of the lot. The diagram of the easement is attached to the Certificate of Title in the Information Package.

LAND DESCRIPTION

Lot 4 is almost rectangular in shape with a frontage of 61.604m, depths of 29.9/20.26m, and an area of 1660m². The lot rises slightly above Mercy Retreat.



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Department of Planning,
Lands and Heritage

Your ref: P2021-52
Our ref: P4125-49131
Enquiries: Karen Jackson(08) 6552 4150

Chief Executive Officer
Shire of Toodyay
planner@toodyay.wa.gov.au

Attention: Hugo de Vos

Dear Madam

ROMAN CATHOLIC CHURCH GROUP, TOODYAY

Under the provisions of Section 73 of the *Heritage Act 2018*, the proposal as described below has been referred to the Heritage Council for its advice.

Place Number	P4125
Place Name	Roman Catholic Church Group, Toodyay
Street Address	32-34 Stirling Terrace, Toodyay
Referral date	17 November 2021
Proposal Description	Proposed Change of Use and Works, O'Connor House

We received the following drawings:

O'Connor House Existing Floor Plan (previous floor plan)
O'Connor House Existing Floor Plan (present floor plan)
O'Connor House Existing Floor plan (proposal)

The proposal has been considered in the context of the identified cultural heritage significance of *Roman Catholic Church Group, Toodyay* and the following advice is given:

Findings

- The proposal is for residential use and associated works to O'Connor House, which is part of *Roman Catholic Church Group, Toodyay*. The works comprise removal of verandah infill and bathroom facilities, and new bedroom and ensuite to main floor area. It is proposed to reinstate the verandah with detailing similar to St Aloysius House (built 1921).
- O'Connor House is a single storey building originally incorporating a large dormitory and study, built in 1929. A new balcony was erected in 1939 and enclosed with asbestos lining and timber-framed windows for accommodation and bathrooms.
- The Conservation Plan (2003) identifies O'Connor House as considerable significance. The ground floor verandah, windows and doors are some significance.

- Policy for zones of some significance state that fabric and elements should be preserved, restored or reconstructed as appropriate. The medium term actions for O'Connor House include a recommendation to remove the asbestos and replace with suitable cladding to the verandah, and consider the removal of partitioning to the dormitory and verandah. Long term actions include the removal of toilet facilities to the verandah.
- The proposal to remove the verandah infill and bathroom facilities will not have an adverse impact on the cultural heritage significance of *Roman Catholic Church Group, Toodyay*. Overall the proposed residential use and works will be a positive outcome for the cultural heritage significance.

Advice

The proposal, in accordance with the plans submitted, is supported subject to the following conditions:

1. The original verandah posts, battens and flooring shall be retained and/or replaced to match the original detailing.
2. The approach to reinstatement of balustrading is to match the original, or where there is no evidence of the original detailing a simple balustrade design is preferred.
3. The internal additions shall be a lightweight construction that are capable of reversal.
4. A photographic archival record shall be made according to the [Guide to preparing an archival record \(www.wa.gov.au\)](#) prior to works occurring.

Please be reminded that you are required under r.42(3) of the *Heritage Regulations 2019* to provide us with a copy of the Council determination within 10 days after making the decision.

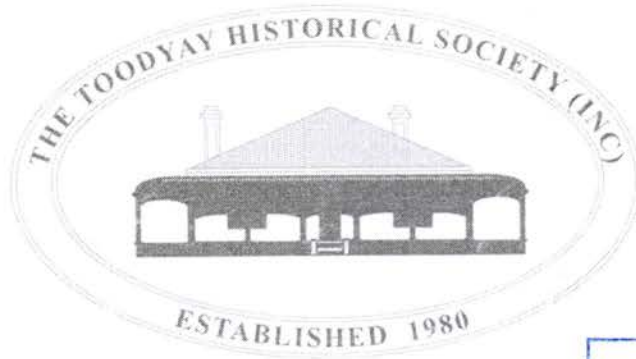
Should you have any queries regarding this advice please contact Karen Jackson at karen.jackson@dplh.wa.gov.au or on 6552 4150.

Yours faithfully


Adelyn Siew
Director Heritage Development

22 November 2021

cc: Julie-Anne Vucemillo, julie-anneoz@hotmail.com



SHIRE OF TOODYAY
Record Number: <i>ICR 81398</i>
<i>RS</i> 06 DEC 2021
Officer / Dept: <i>DSO / EXECSEC</i>
File Number: <i>A2120 / 44511</i>

5 December 2021

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

Dear Ms Haslehurst,

Submission on proposed works, former O'Connor House, Mercy Retreat, Toodyay

Thank you for inviting our Society to comment on the proposed restoration and adaption of O'Connor House which is currently under offer of sale.

The Society is delighted to learn this heritage listed building may be purchased for use as a residential home. The plans the new owners have proposed are suitable for the ongoing maintenance of the building, and its continued use as a significant part of the heritage precinct.

There appears to be very little alteration to the building's exterior appearance other than the removal of later additions, possibly due to the need to accommodate more pupils. These include unsympathetic cladding and enclosure of the verandah, partitions, and extra toilets, that have detracted from the appearance of this Interwar Georgian Revival building.

The reinstatement of the wooden verandah bannisters will certainly improve its appearance. It may be useful for the new owners to establish if the original bannisters, or some remnants of these have been retained to provide a template for future restoration.

The proposed open planning for the interior of the large hall will retain its original spaciousness.

Overall, this promises to be a happy outcome for O'Connor House.

Yours sincerely,

Dr Robyn Taylor
Vice-President

3-6 DOG PERMIT RANGER INSPECTION

Date of Inspection: Friday 17 September 2021

Property Address: 369 Coondle Drive, Coondle WA 6566

Name of Owner: Peter John Sides

Phone Number(s): [REDACTED]

Email(s): [REDACTED]

Date of Application: Wednesday 26 May 2021

Ranger(s): Couper & McMillan

No. Dogs	Breed	Colour	Name	Sex	DOB	Sterilised
1	Irish Wolfhound	Grey	Doogal	M	19/04/19	No
	Microchip No.	941000023818791	Rego No.	L0927		
2	Irish Wolfhound X	Grey Brindle	Ruby	F	01/05/19	No
	Microchip No.	953010003758927	Rego No.	L0928		
3	Irish Wolfhound	Brindle	Max	M	15/10/20	No
	Microchip No.	953010004740307	Rego No.			
4	Irish Wolfhound	Brindle	Chops	F	15/10/20	No
	Microchip No.	953010004740371	Rego No.			
5						
	Microchip No.		Rego No.			
6						
	Microchip No.		Rego No.			

Dog/s Microchip database & Local Government information is current? Yes

Date the owner was notified/requested to update microchip database company:

03/06/2021 Method: Via Email.

07/07/2021 – 10/07/2021 Method: In Person and then via email

17/09/2021 Method: Provided a formal letter in person.

Are the fences and gates capable of confining the dog? No or,

Is there an area built to effectively confine the dog (other than tethering) Yes

Is the outside area clean and tidy? Yes

Is there evidence of dog refuse in the yard? No

Are there dog odours in the yard? No

Approximate size outside dog space?

Does the applicant demonstrate an ability to control the dogs?"

Materials/type and Height of Fencing:

The fencing around the external boundary of the property are not suitable to confine the dogs and Peter Sides has been informed that the dogs must be kept in the area built to confine the dogs at all times.

The confinement area joined with the east side of the house has Hardie board at the lower section dug in to the ground. The upper section of the confinement has Galvanised star pickets fastened to the Hardie board, four single wires and chicken mesh around entire area to a height of approximately two (2) metres. The confinement area is suitable to effectively confine the dogs.

Modifications required?

Mr Sides was directed to modify the confinement area for the dogs on two occasions and it was found suitable upon the third inspection:

- 5 July 2021 Mr Sides was directed to upgrade the confinement area suitable to contain the dogs.
- 7 July 2021 the confinement area was inspected and further modifications were directed to Mr Sides.
- 17 September 2021 the 3-6 dog permit Ranger inspection was undertaken and the containment area was found to be compliant with the Dog Act 1976 / Shire of Toodyay Dogs Local Laws.

The confinement area is suitable to confine the dogs. No modifications required.

Mr Sides has been verbally reminded and provided a formal Shire letter informing him that it is his responsibility to maintain this area to effectively confine the dogs as per the Dog Act 1976 / Shire of Toodyay Dogs Local Laws.

Locking Devices on Gates:

The dog confinement area has a wooden gate providing access into the remainder of the property that is secured with a standard padbolt and standard doors and door locks providing access to the house.

Modifications required?

No modifications required. Mr Sides has been verbally reminded and provided a Shire letter informing him that it is his responsibility to maintain this area to effectively confine the dogs as per the *Shire of Toodyay Dogs Local Law/Dog Act 1976*.

Housing:

The dogs have beds, a trampoline and an artificial lawn for them to lay in the confinement area. They reportedly sleep inside the house at night.

Water Supply:

The dogs had a bucket of clean water at the time of inspection that is reportedly replenished on a daily basis.

Condition of Existing Dogs:

All of the dogs appeared to be in good physical condition and of a non-aggressive manner towards humans.

Dog(s)/Owners History:

01/07/2021 the dogs "Ruby" and "Chops" were involved in a dog attack on livestock. Mr Sides was issued with the following infringements and cautions:
2x Dog Attack infringement(s), 2x dog confinement caution(s), 1x failure to wear rego tag caution, 2x failure to notify Local Government/microchip database of information caution(s).
Mr Sides then followed Ranger directions to provide an effective confinement area.
Mr Sides reimbursed the owner of the livestock for the losses occurred due to the dog attack.

All four of the dogs, including "Ruby" and "Chops" did not show any signs of aggression with the Shire of Toodyay Rangers and appeared to be of a good nature towards humans.

Application supported by the ranger?

Yes

Recommendations:

All of the dogs must remain effectively confined/controlled at all times and if a 3-6 dog permit is granted then it may be revoked at any time.

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Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
12894	18/11/2021	Department Of Transport	12 Months Vehicle Registration 1TJR184	24.40
12894	18/11/2021	Department Of Transport	12 Months Vehicle Registration T0003	397.40
12894	18/11/2021	Department Of Transport	12 Months Vehicle Registration T020	397.40
12895	18/11/2021	Old Gaol Museum	Old Gaol Honorariums - Dec 2021	300.00
12896	18/11/2021	Shire Of Toodyay	VC Petty Cash Recoup - Nov 2021	193.50
12897	18/11/2021	Telstra Corporation Ltd	Mobile & Data Accounts - October 2021	1,660.39
12897	18/11/2021	Telstra Corporation Ltd	Telstra Account 7852285500 - Oct 2021	130.09
12897	18/11/2021	Telstra Corporation Ltd	Telstra Account 0293288400 - October 2021	6,932.36
12898	18/11/2021	Water Corporation	Service Charge - Toodyay Showgrounds 01/09/2021 - 31/10/2021	49.50
12898	18/11/2021	Water Corporation	Water Account - Northam Toodyay Rd Standpipe 01/09/2021 To 01/11/2021	517.53
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration - 1GEE285	257.70
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration T0013	397.40
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration T4574	24.40
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration T0024	397.40
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration T0014	397.40
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration 1EPF060	397.40
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration T0015	397.40
12899	30/11/2021	Department Of Transport	12 Months Vehicle Registration T4087	24.40
12900	30/11/2021	Water Corporation	Water Account - Toodyay Showgrounds 13/08/2021 To 19/10/2021	379.09
1	1/11/2021	Bendigo & Adelaide Bank Ltd	Monthly Service Fee	15.00
2	1/11/2021	Bendigo & Adelaide Bank Ltd	Transfer Fees	10.00
3	1/11/2021	Bendigo & Adelaide Bank Ltd	Overdraft Fee	15.00
4	1/11/2021	Bendigo & Adelaide Bank Ltd	Bank Fees	3.11
5	1/11/2021	Bendigo & Adelaide Bank Ltd	Bpay Biller Fee	635.80
6	1/11/2021	Paymate	Community Standpipe Controller	0.03
7	3/11/2021	Commonwealth Bank Of Australia	Merchant Fee	169.04
8	3/11/2021	Commonwealth Bank Of Australia	Merchant Fee	664.00
9	3/11/2021	Commonwealth Bank Of Australia	Merchant Fee	81.34
10	3/11/2021	Commonwealth Bank Of Australia	Merchant Fee	707.33
11	4/11/2021	Paymate	Community Standpipe Controller	0.34
12	9/11/2021	Paymate	Community Standpipe Controller	0.66
13	10/11/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	7.70
14	12/11/2021	CNH Industrial Capital Aust Pty Ltd	Iveco Truck Lease	3,207.70
15	14/11/2021	Credit Card MAS	Credit Card - MAS	1,129.66
			<i>Form Approvals - Supports BFS PPE Request workflow</i>	117.17
			<i>International transaction fee</i>	3.52
			<i>Toodyay LPO - Leaving gift as per policy HR.13 for A Bernasconi and L Edgar</i>	585.00
			<i>DWER - Clearing Permit</i>	400.00
			<i>Spot Device service</i>	19.39
			<i>International transaction fee</i>	0.58
			<i>Monthly card fee</i>	4.00
16	14/11/2021	Credit Card CEO	Credit Card - CEO	2,042.84

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount	
			Victoria Hotel - Purchase of wine and beer the reception to say good bye to Cr Rayner and Chitty		160.93
			Booking CEO into LG Pro Conference 3 & 4 November 2021		1,390.00
			Adobe - Monthly adobe subscription		487.91
			Monthly card fee		4.00
17	14/11/2021	Credit Card M CCS	Credit Card - M CCS	981.42	
			PLWA Membership 2021/22 Public Libraries WA		170.00
			Office works - 3x pin up boards		710.90
			DPIRD - Registration renewal - Non farming property identification code - Toodyay showgrounds		76.50
			Coles Express - Fuel - T0003		20.02
			Monthly card fee		4.00
18	14/11/2021	Credit Card CESM	Credit Card - CESM	4.00	
			Monthly Card fee		4.00
19	15/11/2021	Commonwealth Bank Of Australia	Bpoint Monthly Fee	50.97	
20	15/11/2021	Toyota Finance	BRPC Vehicle Lease	1,381.45	
21	15/11/2021	Paymate	Community Standpipe Controller	0.34	
22	16/11/2021	Komatsu Australia Corporate Finance Pty Ltd	Front Wheel Loader Lease	4,901.37	
23	18/11/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	11.11	
24	18/11/2021	Gear Select	Drum Roller Lease	2,296.91	
25	18/11/2021	6Five Double6	VC Consignment Sales - Oct 2021	11.53	
26	18/11/2021	Advanced Autologic	Supply Grease Tubs And Cartages For Stores.	900.00	
27	18/11/2021	AFGRI Equipment Australia Pty Ltd	Service Kit For T0007 - John Deere Grader	1,035.44	
28	18/11/2021	AFGRI Equipment Australia Pty Ltd	John Deere Mower Blades	355.81	
29	18/11/2021	Allington Agri	Verge Spraying Of Road Network Within Shire Boundaries As Per Shire Specifications And Spraying Guidelines.	26,950.00	
30	18/11/2021	Allmark & Associates	Honour Board Name Plates For Toodyay Shire Honour Board	225.50	
31	18/11/2021	Altus Planning & Appeals	5 Single Dwelling Assessments For Lot 246 (No. 41) Rayner Loop, Nunile Lot 252 (No. 29) Rayner Loop, Nunile Lot 254 (No. 25) Rayner Loop, Nunile Lot 333 Rayner Loop, Nunile Lot 450 (No. 30) Drummond Street, Nunile	1,980.00	
32	18/11/2021	Applied Industrial Technologies Pty Ltd	Supply 4 Legged Lifting Chains	1,257.30	
33	18/11/2021	Applied Industrial Technologies Pty Ltd	Supply New Tow Hitch For T0002	152.21	
34	18/11/2021	Applied Industrial Technologies Pty Ltd	Supply New Lifting Chains	445.09	
35	18/11/2021	Applied Industrial Technologies Pty Ltd	Supply Locking Pin For T0002 Tow Bar	189.64	
36	18/11/2021	Aqua Pump & Irrigation	Inspection And Replacement Of Irrigation Bore Pump At Duidgee Park	2,921.95	
37	18/11/2021	Australia Post	Postage Charges For October 2021	4,229.77	
38	18/11/2021	Autopro Northam	Supply Filters For Tow Behind Broom	50.16	
39	18/11/2021	AV Truck Services Pty Ltd	Supply New Air Bag For Truck 12.	765.19	
40	18/11/2021	AV Truck Services Pty Ltd	Supply New Tail Light And Expansion Tank - Iveco Prime Mover	643.50	
41	18/11/2021	Avon Waste - Stondon Pty Ltd	Supply Waste Bins For Toodyay Agricultural Show 2021	1,280.00	
42	18/11/2021	Avon Yard & Maintenance Services	Slashing And Line Trimming Of Pelham Reserve Fire Break And Buff From Henry St West To Goddard Street.	1,100.00	

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
43	18/11/2021	Avon Yard & Maintenance Services	Fabrication And Installation Of Sign Board For Interpretive Signage At Pelham Lookout.	750.00
44	18/11/2021	Avon Yard & Maintenance Services	Nottingham Road Emergency Access Fire Mitigation/Line Trimming.	200.00
45	18/11/2021	Avon Yard & Maintenance Services	Pelham Lookout Area Tidy Up/Line Trim Etc.	200.00
46	18/11/2021	Avon-Midland Country Zone WALGA	Avon Midland Country Zone Subscription Membership 2021/2022	1,650.00
47	18/11/2021	Barry Graham Keens	VC Consignment Sales - Oct 2021	50.00
48	18/11/2021	Bartco Traffic Equipment	Annual License Fee Web Studio Fire Danger Rating Sign	726.00
49	18/11/2021	Blackwell Plumbing	Repairs To Kitchen And Staffroom Sinks Medical Centre	324.40
50	18/11/2021	Blackwell Plumbing	Investigate Blockage Of Drains At Parkers Cottage	538.45
51	18/11/2021	Boral Construction Materials (Boral Resources WA Ltd)	10 X 205 Ltr Drums Of Emulsion	3,300.00
52	18/11/2021	Bradley Peter Glyde	Reimbursement Of Pre-Employment Medical	167.00
53	18/11/2021	Broderick Waste Solutions	Cartage Of E-Waste To Perth - 07/10/2021	660.00
54	18/11/2021	Broderick Waste Solutions	Cartage Of Waste To Northam - October 2021	6,103.68
55	18/11/2021	Broderick Waste Solutions	Management Of Waste Transfer Station For The Fortnight Ending 02/11/2021	5,500.00
56	18/11/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC	198.00
57	18/11/2021	Capture The Light Photographic Tours	VC Consignment Sales - Sept & Oct 2021	14.24
58	18/11/2021	Charles Service Company	Extra Cleaning Of The Pavilion Toilets For The Long Weekend. Friday 24, Sunday 26 & Monday 27 Sept	266.20
59	18/11/2021	Charles Service Company	Consumables 06/10/2021 - Toilet Tissue, Hand Towel	467.32
60	18/11/2021	Charles Service Company	Additional Services - Admin Building & Youth Hall 20/09/2021 To 22/10/2021	2,178.00
61	18/11/2021	Classic Hire	Water Filled Barriers For Bridge 4081 - Sept 2021	1,363.15
62	18/11/2021	Classic Hire	Water Barrier Hire For Bridge 4081 - October 2021	1,363.15
63	18/11/2021	Conan Brasher	Reimbursement Maximum Contribution To Crossover Construction At 25 Harcourt St	1,000.00
64	18/11/2021	CTI Security	Alarm System Monitoring - Community Centre Oct To Dec 2021	192.40
65	18/11/2021	Deborah Termann	VC Consignment Sales - Oct 2021	66.00
66	18/11/2021	Driver Risk Management Pty Ltd	30/31 Oct - 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
67	18/11/2021	Driver Risk Management Pty Ltd	06 Nov - Operate & Maintain 4Wd Training Course (Tlic2025 / Riiveh305F)	2,310.00
68	18/11/2021	Dunning Investments Pty Ltd	Purchase Of Diesel & Unleaded Fuels	25,713.75
69	18/11/2021	Dunning Investments Pty Ltd	4 X 12Lt Water Bottles For Water Cooler At Library	51.20
70	18/11/2021	E & M J Rosher Pty Ltd	Supply New Shut Down Solenoid And Throttle Solenoid - Karcher Road Broom	668.38
71	18/11/2021	Equipax	Fit 2 Work Integrity Checks - October 2021	72.27
72	18/11/2021	Esslemont Estate	VC Consignment Sales - Oct 2021	45.23
73	18/11/2021	Fire & Safety WA	Training Blankets & Drager In Cab Air Training Units	10,240.73
74	18/11/2021	Fire Mitigation Services Pty Ltd	MAF 21/22 - As Per Ten02/2021 Inv00000595 T IDs: 8096 8099 8100 8102 8124 8130 8134 8135	50,675.61
75	18/11/2021	Fujifilm Business Innovation Australia Pty Ltd	Admin Photocopier Readings - Oct 2021	1,464.44
76	18/11/2021	Fullpower Electrics	Data Point Toodyay Fire Station	290.14
77	18/11/2021	G & C Steytler	VC Consignment Sales - Sept & Oct 2021	20.00
78	18/11/2021	Gemma Ringa Civil	Hire Of 20T Excavator For Clearing Works - Bindoon Dewars Pool Road	12,012.00
79	18/11/2021	Glenoran Leather	VC Consignment Sales - Oct 2021	82.30
80	18/11/2021	Hills Concrete Products	Septic Tank And Leach Drains For Parkers Cottage	2,315.00
81	18/11/2021	IT Vision	SQL Replication And Annual License Fee - Part Payment	5,500.36
82	18/11/2021	Jamie Lloyd	Overpayment of Rates - Refund	700.00

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
83	18/11/2021	Jason Signmakers	100 x Traffic Cones	1,540.00
84	18/11/2021	Jaybro	10 x White & 10 x Orange Trafrix 2000 M Water Filled Barriers	8,075.10
85	18/11/2021	John Butler	VC Consignment Sales - Oct 2021	30.80
86	18/11/2021	Jomar (WA) Pty Ltd	Provision To Conduct Bridge Maintenance, Dumbarton Bridge. Bot Tightening And Rubber Expansion Joint Replacement	22,770.00
87	18/11/2021	Kevrek (Australia) Pty Ltd	Hydraulic Pump For P&G Truck	975.00
88	18/11/2021	Kleen West Distributers	Morangup Hall Cleaning Products	235.40
89	18/11/2021	Kleenheat Gas	LPG 45kg Gas Bottle Rental x 2 - 5 Piesse St	85.80
90	18/11/2021	Landgate	Consultancy Services - Senior Valuer	34.35
91	18/11/2021	Landgate	Rural UV Interim Valuations - Schedule R2021/9	912.87
92	18/11/2021	Leah Carvell	VC Consignment Sales - Oct 2021	23.00
93	18/11/2021	Major Motors Pty Ltd	Supply New Spare Tire Hanger For Central 1.4	116.31
94	18/11/2021	Margaret Bradford Seeley	VC Consignment Sales - Sept & Oct 2021	20.78
95	18/11/2021	Margaret Lesham, John Taylor	Reimbursement Of Crossover - 2 Wilson Street	1,000.00
96	18/11/2021	Mayday Earthmoving	Water Truck Hire - Bindoon Dewars Pool Road - October 2021	7,507.50
97	18/11/2021	Michelle Duke	Reimbursement Of Pre-Employment Medical Costs	182.35
98	18/11/2021	MM Electrical Merchandising	Supply Down Lights For Community Centre.	660.00
99	18/11/2021	Moore Australia	Completion Of Lease Note For 2020/2021 Annual Report	990.00
100	18/11/2021	Multicon Commercial Constructions (Stallion Homes)	Julimar Fire Station Construction - October Claim	124,154.25
101	18/11/2021	One Music Australia - Australasian Performing Right Assoc Ltd	Music For Councils - October To December 2021	128.56
102	18/11/2021	Parker Black & Forrest Pty Ltd	Supply New Master Keys For Rec-Centre.	132.00
103	18/11/2021	Price Consulting Group	Assist With The CEO's Annual Performance Review For 2021	3,729.94
104	18/11/2021	Professional PC Support Pty Ltd	Billable Hours For On Site Visit - Ticket 95987 28/10/2021	275.00
105	18/11/2021	Professional PC Support Pty Ltd	Billable Hours For On Site Visit - Ticket 95999 01/11/2021	481.80
106	18/11/2021	Public Transport Authority Of WA	TransWA Ticket Sales - October 2021	391.66
107	18/11/2021	Quality Publishing Australia	Visitor Centre Stock - Regional Map books	215.20
108	18/11/2021	Quantified Tree Risk Assessment	Qtra User Registration Renewal From 5/11/21 To 05/11/22 For Greg Warburton	181.50
109	18/11/2021	Quilts By Robyn	VC Consignment Sales - Oct 2021	247.00
110	18/11/2021	Roads2000 Pty Ltd	Profiling Works On Julimar Rd	3,484.80
111	18/11/2021	Robert Van Oosten	VC Consignment Sales - Oct 2021	15.00
112	18/11/2021	Sandys Outback Pottery	VC Consignment Sales - Oct 2021	9.00
113	18/11/2021	Sepmar Pty Ltd	Half Yearly Service Of Eye Wash Station And Shower At Depot & Waste Transfer Station As Per Osh Standard As1940-2017	1,065.13
114	18/11/2021	Sharon's Outback Pottery	VC Consignment Sales - Oct 2021	20.00
115	18/11/2021	Shearers & Pastoral Workers Social Club Inc	VC Consignment Sales - Oct 2021	14.00
116	18/11/2021	Shire Of Northam	Waste Tipping Fees October 2021 (Approx. 190 Tonnes)	14,095.18
117	18/11/2021	South West Fire Unit Fabrications	PTO Repair Toodyay 12.2	484.39
118	18/11/2021	Southern Sharpening Services	VC Consignment Sales - Oct 2021	56.92
119	18/11/2021	Spacetoco Pty Ltd	Host Parterpro Bundle - Online Facility Bookings - October 2021	165.00
120	18/11/2021	Synergy	Electricity Account - Streetlights 25/09/2021 To 24/10/2021	3,777.13
121	18/11/2021	Synergy	Electricity - Group Account 802970900	453.74
122	18/11/2021	Synergy	Synergy Account - Railway Road Depot 13/10/2021 To 09/11/2021	356.84
123	18/11/2021	Tammar Publications	VC Consignment Sales - Oct 2021	25.00

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
124	18/11/2021	Tanya Stuart	VC Consignment Sales - Oct 2021	67.33
125	18/11/2021	The Cola Cafe	Catering - Farewell Sundowner - Ness & Hoff	165.00
126	18/11/2021	The Toodyay Historical Society Inc	VC Consignment Sales - Oct 2021	30.00
127	18/11/2021	Toodyay Bakery & Cafe	Refreshments For Meeting With Dlgsc	115.50
128	18/11/2021	Toodyay District High School	Year 6 Academic Achievement Scholarship Award 2021	250.00
129	18/11/2021	Toodyay Hardware & Farm	150mm x 6m PVC Stormwater Pipe	87.03
130	18/11/2021	Toodyay Hardware & Farm	150mm x 45D PVC Stormwater Pipe X 3	69.93
131	18/11/2021	Toodyay Hardware & Farm	90 Degree 150mm PVC Stormwater Tee & Solvent Cement	21.86
132	18/11/2021	Toodyay Hardware & Farm	105mm PVC Stormwater Junction, 910mm Aluminium Flywire, Anti Rust Spray Paint	48.90
133	18/11/2021	Toodyay Hardware & Farm	10 Amp Double Powerpoint, Mounting Block	13.58
134	18/11/2021	Toodyay Hardware & Farm	Fluidmaster Valve - Tank Repair	22.75
135	18/11/2021	Toodyay Hardware & Farm	Fluidmaster Valve - Tank Repair, Yale Passage Set Door Handle	57.70
136	18/11/2021	Toodyay Hardware & Farm	Fluidmaster Valve - Tank Repair x 2	45.51
137	18/11/2021	Toodyay Hardware & Farm	Ratchet 5m x 400kg x 25mm	15.75
138	18/11/2021	Toodyay Hardware & Farm	Hose Connectors And Taps - Drinking Water	74.31
139	18/11/2021	Toodyay Hardware & Farm	1 Box Disposable Gloves 100Pack	17.95
140	18/11/2021	Toodyay Hardware & Farm	Reticulation Parts - Recreation Centre	38.05
141	18/11/2021	Toodyay Hardware & Farm	1 X 3.5 Metre Farm Gate, Post/Brace/Clamp Assembly, 20 X Gal. Star Pickets.	1,086.28
142	18/11/2021	Toodyay Herald	Monthly Shire News - November 2021	705.00
143	18/11/2021	Toodyay Music Festival	VC Consignment Sales - Oct 2021	46.20
144	18/11/2021	Toodyay Pizza Shack	6 X Family Sized Pizzas - FCO Pre Season Briefing	156.00
145	18/11/2021	Toodyay Traders	Lockwood - Door Lock	56.00
146	18/11/2021	Toodyay Traders	750ml RTU Slasher Weedkiller	14.00
147	18/11/2021	Toodyay Traders	1 Powerboard - Depot	11.25
148	18/11/2021	Toodyay Tyre & Exhaust	Site Service For Tyre Inflation On Loader	152.80
149	18/11/2021	Total Eden - Midland	Supply Pipe Connector For Showground Retic System.	119.79
150	18/11/2021	Transwest WA	Supply Of 12-14mm Cracked Gravel For Ground Cover Over New Leach Drains At Toodyay Oval Pavilion.	1,547.70
151	18/11/2021	URL Networks Pty Ltd	SIP Trunks - PAYG , Landlines & Mobiles For October 2011	320.29
152	18/11/2021	Vanguard Press	Info Bay Business Panels x 3: Serenity Cottages, Heavenly Waters, Toodyay Manor	165.00
153	18/11/2021	WA Police Department	National Police Check - Volunteer	16.70
154	18/11/2021	WALGA	Emergency Management For Local Government Leaders For The Shire President	295.00
155	18/11/2021	WALGA	CEO Attendance At WALGA Local Government Convention	1,200.00
156	18/11/2021	WALGA	Local Government Convention (Cr Madacsi & Cr Ruthven)	2,815.00
157	18/11/2021	West Wide Auto Electrics	Julimar 1.4 - 2 x Gel Batteries Installed	1,140.00
158	18/11/2021	West Wide Auto Electrics	Morangup 1.4 - 2 x Gel Batteries Installed	1,140.00
159	18/11/2021	West Wide Auto Electrics	Morangup 1.4 - 2 x Gel Batteries Installed	1,140.00
160	18/11/2021	West Wide Auto Electrics	Coondle 3.4 - 2 x Gel Batteries Installed	1,140.00
161	18/11/2021	West Wide Auto Electrics	Central 4.4 - 2 x Gel Batteries Installed	1,140.00
162	18/11/2021	West Wide Auto Electrics	Morangup 2.4 - 2 x Gel Batteries Installed	1,140.00
163	18/11/2021	Winc Australia P/L	Admin Stationery & Bulk Copy Paper - Part Order	28.31
164	18/11/2021	Winc Australia P/L	Admin Stationery - Part Order	299.00
165	18/11/2021	Winc Australia P/L	Admin Stationery - Part Order	24.19

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
166	18/11/2021	Winc Australia P/L	Admin Stationery - Part Order	83.47
167	18/11/2021	Winc Australia P/L	Admin Stationery - Part Order	329.45
168	18/11/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier Readings - Depot 15/10/2021 To 08/11/2021	232.04
169	18/11/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier Readings - Library 15/10/2021 To 08/11/2021	103.99
170	18/11/2021	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier Readings - VC 15/10/2021 To 08/11/2021	772.54
171	18/11/2021	Wright Express Aust Pty Ltd	SES Fuel Card Fees - Oct 2021	20.64
172	18/11/2021	Wurth Australia P/Ty Ltd	Workshop Consumables	523.06
173	23/11/2021	Paymate	Community Standpipe Controller - Usage Fee	0.33
174	24/11/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	7.92
175	24/11/2021	Komatsu Australia Corporate Finance Pty Ltd	Grader Lease	4,560.99
176	24/11/2021	Paymate	Community Standpipe Controller - Usage Fee	0.01
177	25/11/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	0.11
178	25/11/2021	Clublinks Management Pty Ltd	FY22_Q2 - TRC Management	117,608.78
179	29/11/2021	Paymate	Community Standpipe Controller - Monthly Fee	82.50
180	30/11/2021	Bendigo & Adelaide Bank Ltd	Bank Fee	6.93
181	30/11/2021	Paymate	Community Standpipe Controller - Usage Fee	2.32
182	30/11/2021	Applied Industrial Technologies Pty Ltd	2 x Bearings Karcher Road Broom	21.36
183	30/11/2021	Australian Taxation Office - Albury	BAS - Sept To Oct 2021	178,029.59
184	30/11/2021	Automatic Gate Solutions	Fit Extra Camera To Front Gate At Depot	2,990.00
185	30/11/2021	Autopro Northam	Supply Service Kit For T6177	79.83
186	30/11/2021	AV Sec Security Services	Call Outs To Community Centre 13/10/2021 & 18/10/2021	130.00
187	30/11/2021	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection Charges Fortnight Commencing 25/10/2021	15,409.94
188	30/11/2021	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection Charges Fortnight Ending 19/11/2021	15,479.49
189	30/11/2021	Avon Yard & Maintenance Services	Hazard Reduction Slashing Lot 3/3 Henry St, Lot 41 Goddard St., Reserve 43412 , Reserve 35280, Reserve 4669.	2,875.00
190	30/11/2021	Benjamin Bell	Members Monthly Attendance Allowance - November 2021	1,022.92
191	30/11/2021	Beth Ruthven	Members Monthly Attendance Allowance - November 2021	1,484.92
192	30/11/2021	Bigstep Holdings Pty Ltd T/As Pacific Safety Wear	Safety Work Boots - A Watson & M Stevens	305.47
193	30/11/2021	Bitumen Surfacing	Chitty Road Reseal - SLK 0.00 To 1.15	37,180.13
194	30/11/2021	Blackwell Plumbing	Replace Urinals In Male Toilet At Duke Street.	5,918.00
195	30/11/2021	Blackwell Plumbing	Plumbing Issues At Aquatic Centre - Drains And Urinal	1,224.70
196	30/11/2021	Borrell Rafferty Associates Pty Ltd	Prof Quantity Surveying - Final Certification Of TRC	4,895.00
197	30/11/2021	Broderick Waste Solutions	Management Of Waste Transfer Station Fortnight Ending 16/11/2021	5,500.00
198	30/11/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC x 1	132.00
199	30/11/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC x 2	407.00
200	30/11/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC x 1	132.00
201	30/11/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC x 1	132.00
202	30/11/2021	C & F Building Approvals	NCC Compliance & Issue Of CDC x 2	264.00
203	30/11/2021	Cadds Fashions Sportfirst Northam	Depot Staff Uniforms 21/22	4,712.90
204	30/11/2021	Charles Service Company	Extra Cleaning 07/10/2021 For Readiness For Toodyay Show	96.80
205	30/11/2021	Charles Service Company	Cleaning Services - Toodyay Ag Show 09/10/2021	689.70
206	30/11/2021	Charmeine Duri	Members Monthly Attendance Allowance - November 2021	1,022.92
207	30/11/2021	D Clements Smash Repairs	Motor Vehicle Excess 1HDE040	300.00

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
208	30/11/2021	Danielle Wrench	Members Monthly Attendance Allowance - November 2021	1,022.92
209	30/11/2021	Datacom Solutions (Au) Pty Ltd	Datapay & Direct Access For The Month Of Oct 2021	287.65
210	30/11/2021	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS Fee - October 2021	3,300.00
211	30/11/2021	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS Fee (November 2021) & AvePoint Annual Fee	5,067.57
212	30/11/2021	David Simpson	Client Paid Rates Twice In Error	1,529.00
213	30/11/2021	Dept Of Fire & Emergency Services	2021/2022 Esl Qtr. 2 In Accordance With Dept Of Fire & Emergency Services Of WA Act 1998 Part 6A	86,024.70
214	30/11/2021	Dept Of Local Govt Sport & Cultural Industries	LGSP Fees For 2020-21	6,355.47
215	30/11/2021	Easifleet	Payroll Salary Sacrifice PPE 09/11/2021	852.19
216	30/11/2021	Easifleet	Payroll Salary Sacrifice PPE 23/11/2021	852.19
217	30/11/2021	Fire Mitigation Services Pty Ltd	Sand Pads For Tanks - Julimar, Coondle	3,180.00
218	30/11/2021	Gemma Ringa Civil	Supply And Delivery Of Yellow Sand To Toodyay Shire Depot	2,244.01
219	30/11/2021	George Johnson	Environmental Health Officer Consultancy Services - 29th Oct, 1st, 5th & 8th Nov 2021	3,168.00
220	30/11/2021	Jason Signmakers	Parking Area & Horizontal Arrow Signs	152.45
221	30/11/2021	Jason Signmakers	Signs - Trucks Use Low Gear & W5-12 W/ Agf 600 X 600	180.66
222	30/11/2021	Jason Signmakers	Various Truck Signs & Concealed Driveway Sign	230.96
223	30/11/2021	Jomar (WA) Pty Ltd	Emergency Propping Of Bridge 4081 Telegraph Road	847.00
224	30/11/2021	Kevrek (Australia) Pty Ltd	Correction To Invoice 27405 - To Include GST - Hydraulic Pump For P&G	97.50
225	30/11/2021	Kleen West Distributers	Paper Towel Rolls For Workshop	108.35
226	30/11/2021	Landgate	Rural UV Valuations - Schedule's R2021/10 & R2021/11	434.70
227	30/11/2021	Lupton's Liquid Waste	Toodyay Agricultural Society - Order Of Items x 1 Portable 3 Door Toilet, x 2 Single Toilets - For Toodyay Agricultural Show 2021	1,045.00
228	30/11/2021	Malcolm Smith	Reimbursement Of Police Check For New Employee	99.00
229	30/11/2021	Metropolitan Cash Register Company	VC Software - Idealpos - 12 Months Support Extension	495.00
230	30/11/2021	Michael McKeown	Members Monthly Attendance Allowance - November 2021	1,022.92
231	30/11/2021	Officeworks	Admin Stationery - Part Order	278.12
232	30/11/2021	Officeworks	Admin Stationery - Final	399.00
233	30/11/2021	Philip Hart	Members Monthly Attendance Allowance - November 2021	1,022.92
234	30/11/2021	Professional Lockservice	Supply New Lock For BMO Shed	117.70
235	30/11/2021	Professional PC Support Pty Ltd	HP Elite Dragonfly Laptop For CEO	3,471.60
236	30/11/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - December 2021 Billing	9,357.02
237	30/11/2021	Professional PC Support Pty Ltd	Managed Phone Services - December 2021 Billing	1,121.14
238	30/11/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Site Visits 18/11/2021	2,288.00
239	30/11/2021	Professional PC Support Pty Ltd	Managed ITC Agreement - Onsite Visit 04/11/2021	495.00
240	30/11/2021	Rosemary Madacsi	Members Monthly Attendance Allowance - November 2021	3,114.92
241	30/11/2021	Rural Water Council Of WA Inc	Rural Water Council Membership Subscription 2021/2022	300.00
242	30/11/2021	Shire Of Northam	Waste Tipping Fees - September 2021	13,994.63
243	30/11/2021	Stephen Carrick Architects Pty Ltd	Heritage Advice On Lot 137 Bowers Road, Coondle - Vetter Cottage & Winery	143.00
244	30/11/2021	Steven McCormick	Members Monthly Attendance Allowance - November 2021	1,022.92
245	30/11/2021	Stewart & Heaton Clothing Co Pty Ltd	Part Order - BFB PPE	20.31
246	30/11/2021	Stewart & Heaton Clothing Co Pty Ltd	Part Order - BFB PPE	54.52
247	30/11/2021	Stewart & Heaton Clothing Co Pty Ltd	Part Order - BFB PPE	177.13
248	30/11/2021	Stewart & Heaton Clothing Co Pty Ltd	Part Order - BFB PPE	5,164.85

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount	
249	30/11/2021	Stewart & Heaton Clothing Co Pty Ltd	Part Order - BFB PPE	1,198.05	
250	30/11/2021	Stewart & Heaton Clothing Co Pty Ltd	Part Order - BFB PPE	6,652.95	
251	30/11/2021	Susan Caroline Pearce	Members Monthly Attendance Allowance - November 2021	1,022.92	
252	30/11/2021	Suzanne Haslehurst	Relocation Costs As Agreed During Performance Review October 2021 In Accordance With Contract Of Employment	2,769.47	
253	30/11/2021	The Cola Cafe	Catering BFS Training 11 & 12 September 2021	342.00	
254	30/11/2021	The Cola Cafe	BFS Catering Training 16 & 17 October 2021	658.00	
255	30/11/2021	The Cola Cafe	48 Meals - BFS Course 20 & 21 November 2021	962.00	
256	30/11/2021	Toll	Freight Charges To 19/09/2021	72.14	
257	30/11/2021	Toll	Freight Charges To 10/10/2021	44.63	
258	30/11/2021	Toll	Freight Charges To 24/10/2021	37.18	
259	30/11/2021	Toll	Freight Charges To 31/10/2021	37.52	
260	30/11/2021	Toll	Freight Charges To 08/11/2021	29.21	
261	30/11/2021	Toll	Freight Charges To 15/11/2021	76.19	
262	30/11/2021	Toll	Freight Charges To 21/11/2021	728.87	
263	30/11/2021	Toodyay Bakery & Cafe	WALGA Meeting Refreshments	129.70	
264	30/11/2021	Toodyay Express	12 X Boxes Of Books Delivered From Toodyay Library To State Library WA	150.00	
265	30/11/2021	Toodyay Hardware & Farm	50m Roll Of Black Plastic - 4m Width	122.55	
266	30/11/2021	Toodyay Hardware & Farm	Chemical Spray Gun & Lance (Telescopic)	55.00	
267	30/11/2021	Toodyay Hardware & Farm	Solenoid Cable Connectors x 10	12.50	
268	30/11/2021	Toodyay Hardware & Farm	Chemical Spray Gun & Lance (Telescopic)	55.00	
269	30/11/2021	Toodyay Hardware & Farm	Cistern Cock - Mini & Spray Paint	23.52	
270	30/11/2021	Toodyay Hardware & Farm	20 x 1350mm 6in Galvanised Starposts	187.80	
271	30/11/2021	Toodyay IGA	Staff Amenities October 2021	867.52	
			<i>Admin - Newspapers, Milk, Tea, Coffee, Sugar, Cleaning products, Refreshments - Rates</i>		194.09
			<i>Council - Refreshments for Meetings</i>		76.95
			<i>VC - Milk, Cleaning Products, Butter</i>		56.10
			<i>Library - Newspapers, Milk, Biscuits, Coffee</i>		92.97
			<i>BFB Catering - Refreshments for BFB Training & Cleaning Products</i>		110.27
			<i>Ranger - Refreshments for Community Firebreak Information session</i>		224.72
			<i>Depot - Milk, Coffee, Sugar, Tea, USB, Batteries, Refreshments - Lenny farewell</i>		112.42
272	30/11/2021	Toodyay Traders	1 x Storage Container 78L	35.75	
273	30/11/2021	Toodyay Traders	2 x Storage Container 78L	71.50	
274	30/11/2021	Toodyay Tyre & Exhaust	Replace 4 Tyres & Wheel Alignment T0026 & 2 Tyres On SES Ute	1,932.00	
275	30/11/2021	Toodyay Tyre & Exhaust	Labour To Rr Loader Tyre - On Site - Bindoon Dewars Pool	251.60	
276	30/11/2021	Toodyay Tyre & Exhaust	Tyre Replacement - T0012	914.00	
277	30/11/2021	Toodyay Tyre & Exhaust	Tyres - T0011	1,566.00	
278	30/11/2021	Total Green Recycling	E-waste Recycling 07/10/2021	904.65	
279	30/11/2021	Total Green Recycling	E-waste Recycling 09/11/2021	916.04	
280	30/11/2021	Vernice Pty Ltd	Hire Of Dozer To Push Up Gravel For Bindoon Dewars Pool Road Widening Capital Works Project Plus Mobilisation & Demobilisation	8,470.00	
281	30/11/2021	WA Police Department	Volunteer National Police Clearance - Museum Volunteer	16.70	
282	30/11/2021	West Wide Auto Electrics	Plant Repairs - T7168	167.50	
283	30/11/2021	West Wide Auto Electrics	Repairs To T0001	640.00	

Shire of Toodyay

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

Pay Type	Date	Name	Description	Amount
284	30/11/2021	West Wide Auto Electrics	UHF Repairs To T0026	300.00
285	30/11/2021	Winc Australia P/L	Admin Stationery - Part Order	32.67
286	30/11/2021	Winc Australia P/L	Admin Stationery - Part Order	127.37
287	30/11/2021	Wren Oil	Collection Of Waste Oil And Used Filters From Shire Of Toodyay Works Depot And Toodyay Waste Transfer Station 29/10/2021	16.50
	10/11/2021	Payroll PPE 09/11/2021	Payroll PPE 09/11/2021	95,838.20
	10/11/2021	Aware Super		19,795.80
	24/11/2021	Payroll PPE 23/11/2021	Payroll PPE 23/11/2021	99,114.57
	24/11/2021	Aware Super		20,496.31
				1,269,956.38

Direct Debit	22,978.23
Trust Chqs	0.00
EFT	998,458.11
DD Payroll	235,244.88
DD Loans	0.00
Muni Chqs	13,275.16
TOTAL	1,269,956.38

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



	2021/2022 Budget	YTD Budget Nov 2021	YTD Actual Nov 2021	Var. \$	Var. %
		\$	\$	\$	%
Operating Revenues					
Governance	128,950	39,660	110,349	70,689	178.24%
General Purpose Funding	7,706,009	7,269,387	7,279,484	10,097	0.14%
Law, Order, Public Safety	1,222,643	593,117	641,106	47,989	8.09%
Health	80,500	22,818	9,039	(13,779)	(60.38%)
Housing	13,780	4,591	3,273	(1,318)	(28.71%)
Community Amenities	945,011	228,703	822,656	593,953	259.70%
Recreation and Culture	254,570	69,174	55,324	(13,850)	(20.02%)
Transport and Infrastructure	579,832	469,464	159,817	(309,647)	(65.96%)
Economic Services	309,740	91,757	92,067	310	0.34%
Other Property and Services	129,041	28,817	24,622	(4,195)	(14.56%)
Total Operating Revenue	11,370,076	8,817,488	9,197,737	380,249	13.80%
Operating Expense					
Governance	(574,779)	(523,064)	(945,476)	(422,412)	80.76%
General Purpose Funding	(348,773)	(90,301)	(38,175)	52,126	(57.72%)
Law, Order, Public Safety	(2,178,243)	(740,526)	(758,031)	(17,505)	2.36%
Health	(241,016)	(63,852)	(29,913)	33,939	(53.15%)
Education & Welfare	(39,713)	(8,869)	(245)	8,624	(97.24%)
Housing	(34,503)	(12,487)	0	12,487	(100.00%)
Community Amenities	(1,665,311)	(617,551)	(639,787)	(22,236)	3.60%
Recreation and Culture	(1,980,471)	(785,496)	(544,142)	241,354	(30.73%)
Transport and Infrastructure	(3,873,047)	(1,531,131)	(358,111)	1,173,020	(76.61%)
Economic Services	(1,281,297)	(421,530)	(286,879)	134,651	(31.94%)
Other Property and Services	(1,231,790)	(882,810)	(841,988)	40,822	(4.62%)
Total Operating Expenditure	(13,448,943)	(5,677,617)	(4,442,746)	1,234,871	(8.93%)
Funding Balance Adjustments					
Add back Depreciation	3,907,920	1,628,302	0	(1,628,302)	(100.00%)
Adjust (Profit)/Loss on Asset Disposal	(4,000)	0	0	0	
Net Cash from Operations	1,825,053	4,768,173	4,754,990	(13,183)	5.52%
Capital Revenues					
Grants, Subsidies and Contributions	3,301,633	1,039,743	1,220,131	180,388	17.35%
Proceeds from Disposal of Assets	692,500	0	0	0	
Total Capital Revenues	3,994,133	1,039,743	1,220,131	180,388	58.86%

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



	2021/2022 Budget	YTD Budget Nov 2021	YTD Actual Nov 2021	Var. \$	Var. %
Capital Expenses					
Land and Buildings	(757,099)	0	0	0	
Infrastructure - Roads	(3,749,829)	0	(378,432)	(378,432)	
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	(378,432)	(378,432)	
Net Cash from Capital Activities	(2,011,380)	1,039,743	841,699	(198,044)	(19.05%)
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)	5,807,916	5,596,689	(211,227)	(7.87%)
Opening Funding Surplus/(Deficit)	780,101	780,101	780,101	0	0.00%
Closing Net Current Assets Surplus(Deficit)	10,000	6,588,017	6,376,790	(211,227)	(3.21%)

SHIRE OF TOODYAY VARIANCE REPORT

FOR THE PERIOD ENDED 30 NOVEMBER 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	39,660	110,349	70,689	178.24%
Permanent variance relating to receipt of Good Driver rebate \$7,000 and Workers Comp reimbursements received to date of \$20,000 (offset by wages paid).				
General Purpose Funding	7,269,387	7,279,484	10,097	0.14%
No material variance to report.				
Law, Order, Public Safety	593,117	641,106	47,989	8.09%
Timing variance - LGGS grant received during the month of \$45,212				
Health	22,818	9,039	(13,779)	-60.38%
Allocation variance due to posting allocations - Alma Beard Medical Centre lease fees to be allocated to Health - currently in Community Amenities. Adjustments required - not yet posted.				
Education & Welfare	0	0	0	
No material variance to report				
Housing	4,591	3,273	(1,318)	-28.71%
No material variance to report				
Community Amenities	228,703	822,656	593,953	259.70%
Timing variance only - Standpipe water and Property lease charges raised. Rubbish charges raised in October while the budget has been spread throughout the year. The budget timing can be amended during the mid-year review for clarity.				
Recreation and Culture	69,174	55,324	(13,850)	-20.02%
Timing variance relating to regular property lease charges.				
Transport and Infrastructure	469,464	159,817	(309,647)	-65.96%
Timing variance only - MRWA operating grant received \$148,737.				
Economic Services	91,757	92,067	310	0.34%
No material variance to report				
Other Property and Services	28,817	24,622	(4,195)	-14.56%
No material variance to report				

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
			\$	%
OPERATING EXPENDITURE				
Governance	(523,064)	(945,476)	(422,412)	80.76%
Activity based costing allocations not yet processed in Datascope. This will reduce expenditure in Governance and increase expenditure in other programs.				
General Purpose Funding	(90,301)	(38,175)	52,126	-57.72%
Timing Variance - activity based costing allocations to be processed - non-cash adjustment.				
Law, Order, Public Safety	(740,526)	(758,031)	(17,505)	2.36%
No material variance to report				
Health	(63,852)	(29,913)	33,939	-53.15%
No overheads processed to date				
Education & Welfare	(8,869)	(245)	8,624	-97.24%
No overheads processed to date				
Housing	(12,487)	0	12,487	-100.00%
Timing variance - year to date depreciation not yet processed.				
Community Amenities	(617,551)	(639,787)	(22,236)	3.60%
No material variance to report				
Recreation and Culture	(785,496)	(544,142)	241,354	-30.73%
No material variance to report				
Transport and Infrastructure	(1,531,131)	(358,111)	1,173,020	-76.61%
Depreciation and activity based costings are yet to be processed. In both cases, these transactions are non-cash and do not affect the net surplus.				
Economic Services	(421,530)	(286,879)	134,651	-31.94%
No material variance to report				
Other Property and Services	(882,810)	(841,988)	40,822	-4.62%
Timing variance - year to date depreciation not yet processed				

CAPITAL ACTIVITIES

Non-operating grants

To date, grant funds for road construction projects have been raised totalling \$1,220,131. This remains unchanged from the previous month. The remaining Building Better Regions grant funds of \$471,000 were received for the Toodyay Recreation Centre and 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, \$378,432 has been spent on road construction projects. New projects are in the procurement and tender stages and are due to commence in the coming months.

Loan Repayments

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

**Bank Account Balances and Investments
For the Period Ended 30 November 2021**



FUND	31/10/2021	30/11/2021
Bonds & Deposits	139,240	163,226
Municipal Account	2,540,422	4,856,895
Reserves	1,645,850	1,645,850
Total	\$ 4,325,512	\$ 6,665,971

Term deposits not included above - held for rehab bonds

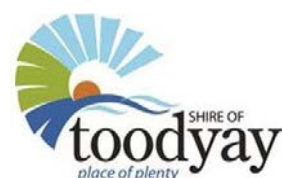
Account Number	Balance
633 000 137 945 127 T100 - BGC	141,750
633 000 152 237 145 T214 - Toodyay Feature Stone	49,522
633 000 152 238 135 T4 - S Mangione	125,212
633 000 152 238 176 T114 - Vernice Pty Ltd	208,590
633 000 152 238 218 T458 - Boral Resources	452,340
633 000 152 240 834 T797 - Ironbridge Holdings	32,917
633 000 158 622 795 T805 - Vernice Pty Ltd - Storm	24,443
633 000 165 467 309 T809 - Opal Vale	123,826
633 000 173 945 890 T811 TAQWA Holdings	9,559
633 000 184 647 550 T820 - Avon Earthworks	10,002
Total	\$ 1,178,162

Comments

During the month of November, a number of term deposits were reinvested for a further 7 months. Following a query received at the November 2021 Ordinary Council Meeting, Officers have called back the term deposit, originally invested under the name of 'Sands Plus Pty Ltd' (company now deregistered), with the intention of forwarding to ASIC. Officers will be investigating the correct process to be followed.

Outstanding Rates

For the Period Ended 30 November 2021



Rates Ledger	
Description	Balance
Emergency Services Levy	105,402.76
GRV Rates	1,897,242.08
UV Rates	949,750.08
Waste and Recycle Bin Services	138,114.55
Penalty Interest	41,399.61
Instalment Costs	18,418.05
Discretionary Charges	20,819.80
Total	3,171,146.93

General Ledger	
199.740.50 Rates Deferred Balance	292,388.25
199.735.10 Rates Accrual (instalments)	1,334,009.00
199.710.10 Rates Debtors	1,544,727.68
Total Rates Account outstanding Balances	3,171,124.93
199.750.10 Rates PrePayments	- 69,144.60
Total General Ledger Balance	3,101,980.33

Deadline	Action	Comment
17-Dec-21	Initial Budget Discussion	Discuss templates, responsibilities and project plan to all responsible officers (ROs)
21-Dec-21	Ordinary Council Meeting	Timeline and process presented to Council
Office Christmas / New Year closure		
Fri 24 December 2021 - Mon 3 January 2022		
07-Jan-22	SMG Budget Discussion	Process, key dates, templates, Council workshop schedule
21-Jan-22	Prepare templates	For distribution to staff at Budget workshop
Australia Day Public Holiday Wed 26 January		
27-Jan-22	Present Budget workshop for staff	Process, deadlines, RO budget review, project briefs, carryovers, fees and charges
31-Jan-22	End of Period finalisation to 31 December 2021	All transactions entered and reconciliations finalised. Notify staff of deadlines for submission of invoices etc. Calculate and post overheads, insurance, depreciation etc. for the period.
02-Feb-22	Road Inspection	11am - 3pm Inspection of roads, bridges, drainage assets
04-Feb-22	Requests for Variation	Deadline for requests for Mid-Year Budget Variations
09-Feb-22	Land and Building Inspection	9am - 12 noon Inspection of land and building assets
23-Feb-22	Prepare Draft Mid Year Budget Review report	To include potential carryovers for presentation to the Audit and Risk Committee to be held 2 March 2022.
23-Feb-22	Ordinary Council Meeting	Community funding policy and guidelines
24-Feb-22	SMG Mid-Year Budget Review and Salaries and Wages Discussion	Review current salaries and wages schedule. To include consideration of mid-year budget review
01-Mar-22	2022 Community Funding opens	Advertising in local media, social media and website. Targeted mailout.
02-Mar-22	Audit & Risk Committee Meeting	Review Mid-Year Budget Review for recommendation to Council
03-Mar-22	Preparation and Assistance	Provide advice to staff as required. Gather information for budget preparation.
03-Mar-22	SMG Capital, works and plant discussion	Overheads, depreciation, insurance. MCCS to provide current schedules. MAS to provide asset management and capital works information.
04-Mar-22	Fees and charges deadline	ROs to identify and justify new fees if required and review existing fees and charges
	Project briefs deadline	Staff and Councillor Deadline
	Draft RO Budget deadline	
04-Mar-22	Prepare Salaries and Wages Schedule for 2022/2023	Based on outcomes of SMG discussion. Identify planned leave, staff relief required, higher duties etc.
Labour Day Public Holiday Mon 7 March		
09-Mar-22	Council Workshop	Mid-year Budget Review
10-Mar-22	Community Workshop	To provide information to community groups about the Community Funding program
11-Mar-22	SMG RO Budget and carryovers discussion	Review RO budgets in line with CBP and prior to compilation. Review Project Briefs and Fees & Charges
23-Mar-22	Ordinary Council Meeting	Consider Mid-Year Budget Review

31-Mar-22	Submit adopted Budget Review to DLGSC	Upload via DLGSC portal
06-Apr-22	Prepare First Draft Budget for SMG including rates modelling	
06-Apr-22	Community Funding closes	Prepare and collate submissions for workshop
07-Apr-22	SMG Draft Budget discussion	Review and make first cut
Easter Public Holidays Fri 15 & Mon 18 April		
13-Apr-22	Council Workshop	To discuss Community Funding applications, Fees & Charges
19-Apr-22	Prepare revised draft budget for SMG	
21-Apr-22	SMG Revised draft budget discussion	Review after first cut. Discussion with relevant staff
Anzac Day Public Holiday Mon 25 April		
27-Apr-22	Ordinary Council Meeting	To determine Community Funding outcomes
28-Apr-22	First draft budget for Council	For distribution to Councillors once agreed by CEO
04-May-22	Council Workshop	Draft Budget - Operating, rates
11-May-22	Council Workshop	Draft Budget - Capital, project briefs
20-May-22	Carryovers deadline	Officers to provide details of requested carryovers
24-May-22	Second draft budget for SMG	
26-May-22	SMG 2nd Draft Budget discussion	Review carryovers, rates in the dollar
27-May-22	Second draft budget for Council	For distribution to Councillors once agreed by CEO
01-Jun-22	Council Workshop	Discuss draft budget, rates in the dollar for advertising, carryovers
WA Day Public Holiday Mon 6 June		
08-Jun-22	Special Council Meeting	Adopt rates in the dollar for advertising
04-Jul-22	Closing date for submissions re rates in the dollar	
06-Jul-22	Council Workshop	Final draft budget
15-Jul-22	Prepare Statutory Budget and write agenda report	Prepare Statutory Budget documents
20-Jul-22	Special Council Meeting	Budget adoption
27-Jul-22	Submit Adopted Budget to DLGSC	Upload via DLGSC portal
01-Aug-22	Distribute staff budgets	
01-Aug-22	Implementation 2022/23 Fees & Charges	

	Finance Department
	Senior Management Group
	Community

	Officers
	Council Workshop
	Council / Committee Meeting

Local Government Reform - Summary of Proposed Reforms

WALGA Advocacy Positions and Recommendations

November 2021

**With Comments by the Shire of Toodyay
December 2021**

About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,220 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

Contacts

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Local Government Act Review Process

WALGA through consultation with the Local Government Sector endorsed sector advocacy positions relating to Local Government Act amendments in March 2019 and December 2020. These advocacy positions were developed considering (but not limited to);

- The Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The City of Perth Inquiry Report (mid 2020)
- The State Parliament’s Select Committee Report into Local Government (late 2020)

In December 2020, WALGA endorsed the following principles for any review of the Local Government Act.

Local Government Reform – WALGA Principles

That the following key principles be embodied in the Local Government Act:

1. Uphold the general competence principle currently embodied in the Local Government Act
2. Provide for a flexible, principles-based legislative framework
3. Promote a size and scale compliance regime
4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments’ role in creating a sustainable and resilient community through:
 - i. Economic development
 - ii. Environmental protection, and
 - iii. Social advancement
5. Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act, and
6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

It is worth noting that of the above principles, items 1, 2, and 3 are addressed in these legislative reform proposals and principles 4 and 5 are partially addressed.

Local Government Reform – Consultation on Proposed Reforms

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
1.1 Early Intervention Powers			
<ul style="list-style-type: none"> The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> Suspend or dismiss councils Appoint Commissioners Suspend or, order remedial action (such as training) for individual councillors. The Act also provides the Director General with the power to: <ul style="list-style-type: none"> Conduct Authorised Inquiries Refer allegations of serious or recurrent breaches to the State Administrative Tribunal Commence prosecution for an offence under the Act. Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations 	<ul style="list-style-type: none"> It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). The Inspector would receive minor and serious complaints about elected members. The Inspector would oversee complaints relating to local government CEOs. Local Governments would still be responsible for dealing with minor behavioural complaints. The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). These reforms would be supported by new powers to more quickly resolve issues within 	<p><u>Current Local Government Position</u></p> <p>Items 1.1, 1.2 and 1.3 generally align with WALGA Advocacy Position 2.6.8 - 'Establish Office of Independent Assessor'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> <i>Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against Elected Members and undertake inquiries.</i> <i>Remove the CEO from being involved in processing complaints.</i> <i>That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.</i> <i>An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.</i> <p>Comment</p> <p>The Local Government sector is in favour of early intervention and a swift response to potentially disruptive or dysfunctional behaviours. The Proposed Reforms state 'Local Governments would still be responsible for dealing with minor behavioural complaints' and therefore do not go as far as the Sector's recent request for an external oversight model for the independent assessment of local level complaints (State Council Res: 264.5/2021 – September 2021). However this will be mitigated with the Inspector able to respond to a Local Government having unresolved matters by appointing a monitor to assist the Local Government.</p>	<p>The Shire of Toodyay supports these proposed reforms in principle but wishes to raise several issues that need further detail and/or clarification.</p> <ol style="list-style-type: none"> What will be the financial impost on LGs? How and to whom is the Inspector to be accountable? How will conflicts of interest be managed? <p>The Shire of Toodyay supports WALGA's recommendation 1 subject to further clarification.</p> <p>The Shire of Toodyay supports WALGA's recommendation 2.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
<p>related to the establishment of a specific office for local government oversight.</p>	<p>local government (see items 1.5 and 1.6).</p>	<p>It is expected the Local Government Inspector would be funded by the State Government, however it is noted that the cost of the Local Government Monitors and the Conduct Panel would be borne by the Local Government concerned.</p> <p>Recommendation</p> <ol style="list-style-type: none"> Support the proposed reforms as they align with the sectors position on external oversight and support. Request the Minister to explore alternate mechanisms for resolving local level complaints. 	
<p>1.2 Local Government Monitors</p>			
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships Certified Practising Accountants and other financial specialists - to assist with financial management and reporting issues Governance specialists and lawyers - to assist councils resolve legal issues HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. Only the Inspector would have the power to 	<p>As above</p>	<p>The Shire of Toodyay supports these proposed reforms in principle but wishes to raise several issues that need further detail and/or clarification.</p> <ol style="list-style-type: none"> What will be the financial impost on LGs if monitors are appointed? What would be the basis of granting LG requests to appoint monitors? How will conflicts of interest be managed? What happens if the mediation fails? Will there be an appeal process? What authority will monitors have?

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>appoint Monitors.</p> <ul style="list-style-type: none"> Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>		
1.3 Conduct Panel			
<ul style="list-style-type: none"> The Local Government Standards Panel was established in 2007 to resolve 	<ul style="list-style-type: none"> The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. 	As above	The Shire of Toodyay supports these proposed reforms in principle and requests the following be given consideration .

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
<p>minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour.</p> <ul style="list-style-type: none"> • Currently, the Panel makes findings about alleged breaches based on written submissions. • The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication. • The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. • For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. • Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 		<ol style="list-style-type: none"> 1. What constitutes evidence and how would it be gathered? 2. How many professionals are proposed to be appointed to the panel? 3. What is the definition of ‘suitably qualified professional’? 4. The context of the local government is important ie larger vs smaller, metro vs regional, coastal vs inland, demographics, and should be considered when appointing members to the Conduct Panel. 5. How will conflicts of interest be managed?
1.4 Review of Penalties			
<ul style="list-style-type: none"> • There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> • Penalties for breaching the Local Government Act are proposed to be strengthened. • It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. • Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). • It is proposed that a councillor who is suspended multiple times may become disqualified from office. • Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p><u>Current Local Government Position</u></p> <p>Items 1.4 and 1.5 expand upon Advocacy Position 2.6.9 - ‘Stand Down Proposal’</p> <p><i>WALGA supports, in principle, a proposal for an individual elected member to be ‘stood down’ from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council’s reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</i></p> <ol style="list-style-type: none"> 1. That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and 2. That activities associated with the term 	<p>The Shire of Toodyay is supportive of these reforms, while maintaining that further clarification and details are required. For example,</p> <ol style="list-style-type: none"> 1. What constitutes multiple times? 2. How many suspensions will result in disqualification? 3. How long would the disqualification last? 4. Does this depend upon the frequency and cause? 5. Can councillors still attend meetings unpaid if they haven’t done the mandatory training. <p>The Shire considers that it is important to ensure that political influence does not adversely affect the outcomes in this area.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
		<p><i>‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i></p> <p>Comment The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members.</p> <p>Recommendation: Supported</p>	
1.5 Rapid Red Card Resolutions			
<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding 	<p>As above</p>	<p>The Shire of Toodyay supports strengthening the ability of the presiding member to manage disruptive behaviour and has the following questions:</p> <ol style="list-style-type: none"> What is the likely timeframe for review after notifying the Inspector? Will there be a standard for or template for reporting? <p>The Shire recommends that ‘red carded’ members be prevented from seconding motions by clarifying the wording.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector.</p>		
1.6 Vexatious Complaint Referrals			
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p>Current Local Government Position Item 1.6 expands upon Advocacy Position 2.6.11 – 'Vexatious complainants in relation to FOI applications' <i>WALGA advocates for the Freedom of Information Act 1992 (WA) to be reviewed, including consideration of:</i></p> <ol style="list-style-type: none"> Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD); Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn; and Modernisation to address the use of electronic communications and information. <p>Comment</p> <p>The Act has been expanded significantly in recent years to permit an increased level of public involvement, scrutiny and access to information relating to the decisions, operations and affairs of Local Government in WA. Introducing a means to limit capacity for unreasonable complainants to negatively impact Local Governments will provide a necessary balance between the openness and transparency of the sector and the reasonable entitlement of citizens to interact with their Local Government.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports these proposed reforms and suggests that:</p> <ol style="list-style-type: none"> A standard definition of vexatious complainant is applied across local government. A scale of levels of escalation is developed with proposed responses at each level to be applied.

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
1.7 Minor Other Reforms			
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<p><u>Current Local Government Position</u></p> <p>Item 1.7 aligns with Advocacy Position 2.6 - 'Support DLGSC as service provider / capacity builder'</p> <p><i>WALGA supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, WALGA calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.</i></p> <p>Comment</p> <p>Operational guidance from the Department of Local Government, Sport and Cultural Industries leads to consistent understanding and application of statutory provisions by Local Government. The proposed reform that the Inspector issue non-compliance notices appears to replicate the Minister's powers under Section 9.14A – 'Notice to prevent continuing contravention'</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports these proposed reforms with the following comment.</p> <p>Guidance notes are useful as long as they are and reviewed and updated so they remain current and relevant. Some existing Department guidelines have not been reviewed for many years yet remain available as a resource on the DLGSC website.</p>

Local Government Reform – Consultation on Proposed Reforms

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
2.1 Resource Sharing			
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<p><u>Current Local Government Position</u></p> <p>Item 2.1 aligns with Advocacy Position 2.6 – Local Government Legislation – ‘<i>Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act</i>’ and Advocacy Position 2.3.1 - ‘Regional Collaboration’.</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p>Comment</p> <p>The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports these proposed reforms.</p>
2.2 Standardisation of Crossovers			
<ul style="list-style-type: none"> Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads. A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. The DLGSC will work with the sector to develop standardised design and construction standards. 	<p><u>Current Local Government Position</u></p> <p>Comment</p> <p>WALGA developed the Template Crossover Guideline and Specification resource in 2017 and have been part of the Minister’s working group on red tape reduction that has been looking at standardisation of crossovers.</p> <p>Recommendation: Supported</p>	<p>While the Shire of Toodyay supports reduction of red-tape, this is a metro-centric approach. Any standardisation needs to take into account rural and regional considerations and requirements.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
2.3 Introduce Innovation Provisions			
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 2.3.</p> <p>Comment</p> <p>It is arguable communities expect all levels of Government will apply innovative solutions to complex and emerging issues difficult to resolve by traditional means. Exemptions constructed with appropriate checks and balances, particularly where expenditure of public funds are concerned, has potential to facilitate efficient and effective outcomes.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports these proposed reforms in principle but believes further detail and/or clarification is required. For example, what is the definition of innovation and who decides?</p>
2.4 Streamline Local Laws			
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is frustrating for residents and business stakeholders. 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. Local governments adopting Model Local Laws will have reduced advertising requirements. 	<p><u>Current Local Government Position</u></p> <p>Items 2.4, 2.5 and 2.6 expand upon Advocacy Position 2.6.35 - 'Local law-making process should be simplified'.</p> <p><i>The Local Law making process should be simplified as follows:</i></p> <ul style="list-style-type: none"> <i>The requirement to give state-wide notice should be reviewed, with consideration given to Local Governments only being required to provide local public notice;</i> <i>Eliminate the requirement to consult on local laws when a model is used;</i> <i>Consider deleting the requirement to review local laws periodically. Local Governments, by administering local laws, will determine when it is necessary to amend or revoke a local law; and</i> <i>Introduce certification of local laws by a legal practitioner in place of scrutiny by Parliament's Delegated Legislation Committee.</i> <p>Comment</p>	<p>The Shire of Toodyay supports the simplification of the local law-making process and the application of model local laws. However, as with guidance notes, model local laws need to be reviewed and updated to remain current and relevant. There also needs to be the opportunity for LGs to modify model local laws to meet local needs.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
		<p>Proposed reforms meet the Sector's preference for simplified local law-making processes. Model local laws are supported, whilst recognising the models themselves will require review by State Government departments with the relevant head of power. For example, the Model Local Law (Standing Orders) 1998 formed the basis of many Local Government meeting procedures local laws but no review was completed. This model was superseded by individual local laws with added contemporary provisions. This pattern will repeat itself if model local laws are not reviewed to remain contemporary to the Sector's requirements.</p> <p>Recommendation: Supported</p>	
2.5 Simplifying Approvals for Small Business and Community Events			
<ul style="list-style-type: none"> • Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> • Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> ○ alfresco and outdoor dining ○ minor small business signage rules ○ running community events. 	As above	<p>The Shire of Toodyay supports these proposed reforms in principle but believes more detail is required about how this would be applied as there is concern that this could homogenise events and activities in unique communities.</p>
2.6 Standardised Meeting Procedures, Including Public Question Time			
<ul style="list-style-type: none"> • Local governments currently prepare individual standing order local laws. • The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public. • Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> • To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. • Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. • Members of the public across all local governments would have the same opportunities to address council and ask questions. 	As above	<p>The Shire of Toodyay strongly believes that LG sector should be consulted regarding the details of these proposed reforms before they area adopted.</p> <p>Care should be taken not to hinder good governance processes.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
2.7 Regional Subsidiaries			
<ul style="list-style-type: none"> Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal “organisations of councils”, such as NEWROC and WESROC. These initiatives typically have to be managed by a lead local government. In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p><u>Current Local Government Position</u></p> <p>Item 2.7 aligns with Advocacy Position 2.3.1 - ‘Regional Collaboration’</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p>Comment</p> <p>Under the Regional Subsidiary model, two or more Local Governments are able to establish a regional subsidiary to undertake a shared service function on behalf of its constituent Local Governments. The model provides increased flexibility when compared to the Regional Local Government model because regional subsidiaries are primarily governed and regulated by a charter rather than legislation. While the regional subsidiary model’s governance structure is primarily representative, the model also allows independent and commercially focussed directors to be appointed to the board of management. A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.</p> <p>Recommendation: Supported</p>	<p>Supported by the Shire of Toodyay.</p>

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Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
3.1 Recordings and Live-Streaming of All Council Meetings			
<ul style="list-style-type: none"> • Currently, local governments are only required to make written minutes of meetings. • While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. • Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. • Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as: <ul style="list-style-type: none"> ○ Growth and development ○ Strategic planning issues ○ Demands and diversity of services provided to the community ○ Total expenditure ○ Population ○ Staffing levels. 	<ul style="list-style-type: none"> • It is proposed that all local governments will be required to record meetings. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. • Band 1 and 2 local governments would be required to livestream meetings, & make video recordings available as public archives. • Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. • Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. • Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record & publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. • All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be 	<p><u>Current Local Government Position</u></p> <p>Item 3.1 <u>expands upon</u> Advocacy Position 2.6 – ‘Promote a size and scale compliance regime’ and Advocacy Position 2.6.31 - ‘Attendance at Council Meetings by Technology’</p> <p><i>A review of the ability of Elected Members to log into Council meetings should be undertaken.</i></p> <p>Comment</p> <p>Local Governments introducing electronic meeting procedures and the means for remote public attendance in response to the COVID-19 pandemic led to a swift uptake of streaming Council meetings. The proposed reform that Band 1 and 2 Local Governments will only be problematic where technical capability such as reliable bandwidth impact the district.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay is supportive of these reforms.</p> <p>The Shire has livestreamed meetings since February 2020 which was set up in the first instance at very little cost. Technically, recordings are published as they occur.</p>

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	submitted to the DLGSC for archiving.		
3.2 Recording All Votes in Council Minutes			
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.2.</p> <p>Comment There is an evolving common practice that Council Minutes record the vote of each Council Member present at a meeting.</p> <p>Recommendation: Supported</p>	The Shire of Toodyay is supportive of this proposed reform which is current practice at the Shire.
3.3 Clearer Guidance for Meeting Items that may be Confidential			
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.3.</p> <p>Comment Clarifying the provisions of the Act has broad support within the sector. New reforms requiring Local Governments to video or audio record Council meetings (Item 3.1) will add to the formal record of proceedings that includes written Minutes. While being supported, the requirement to provide audio recordings of confidential matters to the DLGSC is queried on the basis that written and audio records can be readily accessed from a Local Government if required.</p> <p>Recommendation: Supported</p>	The Shire of Toodyay is supportive of greater transparency and of these proposed reforms in principle. Further detail is required about what is likely to be prescribed, and the probable timeframe required for prior written consent of the Inspector.
3.4 Additional Online Registers			
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. 	<p><u>Current Local Government Position</u> There is currently no advocacy position in relation to Item 3.4.</p> <p>Comment This proposal follows recent Act amendments that ensure a range of information is published on Local</p>	The Shire of Toodyay is generally supportive of these proposed reforms but is cognisant of the extra resource cost to LGs to comply.

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
<p>online.</p> <ul style="list-style-type: none"> Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. These registers supplement the simplification of financial statements in Theme 6. 	<p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking Contracts Register that discloses all contracts above \$100,000. 	<p>Government websites. WALGA has sought clarity that the contracts register excludes contracts of employment.</p> <p>Recommendation: Supported</p>	
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published			
<ul style="list-style-type: none"> It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria. Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<p>Current Local Government Position There is currently no advocacy position in relation to Item 3.5.</p> <p>Comment In principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and operational function of the Local Government.</p> <p>In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues</p>	<p>The Shire of Toodyay is supportive of the publication of an <i>overview</i> of CEO KPIs but does not support publication of the results of the CEO's performance review.</p> <p>The community elects the councillors who are responsible for the employment and management of the CEO.</p> <p>The Shire of Toodyay supports WALGA's position that negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
		<p>confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.</p> <p>The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.</p> <p>The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature; 2. Do not support the results of performance reviews being published. 	<p>The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.</p>

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Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
4.1 Community and Stakeholder Engagement Charters			
<ul style="list-style-type: none"> There is currently no requirement for local governments to have a specific engagement charter or policy. Many local governments have introduced charters or policies for how they will engage with their community. Other States have introduced a specific requirement for engagement charters. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. A model Charter would be published to assist local governments who wish to adopt a standard form. 	<p><u>Current Local Government Position</u></p> <p>Items 4.1 and 4.2 generally align with Advocacy Position 2.6.34 - 'Support responsive, aspirational and innovative community engagement principles'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> <i>Responsive, aspirational and innovative community engagement principles</i> <i>Encapsulation of aims and principles in a community engagement policy, and</i> <i>The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.</i> <p>Comment</p> <p>As indicated in Item 4.1 commentary, many Local Governments have already developed stakeholder engagement charters, or similar engagement strategies, that reflect their unique communities of interest. The development of guidance by the DLGSC, based on standards such as the International Standard for Public Participation practice, is supported in favour of taking a prescriptive approach or conducting a survey for the sake of a survey.</p> <p>Item 4.2 has potential to provide benchmarking of community satisfaction levels across Band 1 and 2 Local Governments.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay already has a community consultation policy in place and is currently exploring the possibility of reviewing the policy to reflect the principles of the International Association for Public Participation (IAP2).</p> <p>The Shire supports WALGA's position on this reform.</p>
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)			
<ul style="list-style-type: none"> Many local governments already commission independent surveying consultants to hold a satisfaction survey of 	<ul style="list-style-type: none"> It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. 	<p>As above</p>	<p>The Shire of Toodyay supports this proposed reform.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
<p>residents/ratepayers.</p> <ul style="list-style-type: none"> • These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> • Results would be required to be reported publicly at a council meeting and published on the local government's website. • All local governments would be required to publish a response to the results. 		
4.3 Introduction of Preferential Voting			
<ul style="list-style-type: none"> • The current voting method for local government elections is first past the post. • The existing first-past-the-post does not allow for electors to express more than one preference. • The candidate with the most votes wins, even if that candidate does not have a majority. • Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> • Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. • In preferential voting, voters number candidates in order of their preferences. • Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. • All other states use a form of preferential voting for local government. 	<p>Current Local Government Position</p> <p>Item 4.3 does not align with Advocacy Position 2.5.1 – 'First Past the Post voting system'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> 1. <i>Four year terms with a two year spill</i> 2. <i>Greater participation in Local Government elections</i> 3. <i>The option to hold elections through:</i> <ul style="list-style-type: none"> • <i>Online voting</i> • <i>Postal voting, and</i> • <i>In-person voting</i> 4. <i>Voting at Local Government elections to be voluntary</i> 5. <i>The first past the post method of counting votes</i> <p>Comment</p> <p>It should be noted that the sector's advocacy against compulsory voting and "All in All out" 4 year terms has been successful and these items are not included in the reform proposals.</p> <p>The introduction of preferential voting will be a return to the system of voting prior to the <i>Local Government Act 1995</i>. The Local Government Advisory Board reported on voting systems in 2006 (<i>Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities</i>) and provided the following comments in support of both first past the post voting and preferential voting: <i>'Comments in support of retaining first past the post include:</i></p> <ul style="list-style-type: none"> • <i>Quick to count. Preferential voting is time consuming to count.</i> • <i>Easily understood.</i> • <i>Removes politics out of campaigning. Preferential</i> 	<p>The Shire of Toodyay understands that the Minister has declared this reform to be non-negotiable and questions the need for a response. Nevertheless, the Shire is not convinced that the introduction of preferential voting will not discourage party politics and other alliances forming. Could the notion of optional preferential voting be considered?</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
		<p><i>will encourage alliances formed for the distribution of preferences and party politics into local government.</i></p> <ul style="list-style-type: none"> • <i>Preferential voting allows election rigging through alliances or ‘dummy’ candidates.</i> • <i>In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.’</i> <p><i>‘Comments in support of replacing first past the post include:</i></p> <ul style="list-style-type: none"> • <i>Preferential voting is more democratic and removes an area of confusion.</i> • <i>Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.</i> • <i>Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place.</i> • <i>FPP does not adequately reflect the wishes of electors when there are three candidates or more.</i> • <i>FPP is unsuitable when there is more than one vacancy.</i> • <i>Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.’</i> <p>The Sector supports first past the post voting for its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported. Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.</p> <p>Recommendation Not currently supported - Local Government feedback requested</p>	
4.4 Public Vote to Elect the Mayor and President			
<ul style="list-style-type: none"> • The Act currently allows local governments to have the Presiding Member (the 	<ul style="list-style-type: none"> • Mayors and Presidents of all local governments perform an important public leadership role within their local 	<p>Current Local Government Position</p> <p>Item 4.4 <u>does not align</u> with Advocacy Position 2.5.2 - ‘Election of Mayors and Presidents be at the</p>	<p>The Shire of Toodyay does not support this reform which would result in a popular vote that could be influenced by political and other alliances. It is</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
<p>Mayor or President) elected either:</p> <ul style="list-style-type: none"> o by the electors of the district through a public vote; or o by the council as a resolution at a council meeting. 	<p>communities.</p> <ul style="list-style-type: none"> • Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. • Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. • A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<p>discretion of Local Government.'</p> <p><i>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</i></p> <p>Comment There are 43 Band 1 and 2 Local Governments with 22 popularly electing the Mayor or President: Band 1 - 15 Band 2 - 7</p> <p>The remaining 21 Local Governments have a Council-elected Mayor or President. The cited examples of the City of Rockingham and City of Stirling electors determining by referendum to change the process for electing the Mayor are examples of the current system working as intended. There is no evidence of elector support for uniform direct election of Mayors.</p> <p>Recommendation</p> <p>Not currently supported - Local Government feedback requested</p>	<p>recognised that the interface between the CEO and Shire President/Mayor is very important. A popular vote could result in a presiding member with no allegiance with the Council who is influenced by factions within the community, causing disruption and affecting the good governance of the organisation.</p> <p>Ratepayers may not understand the skills and experience required to effectively manage the affairs of Council. Capacity vs popularity needs to be considered.</p> <p>This proposal favours candidates with the financial resources to mount a political campaign which makes it inequitable and potentially discriminatory.</p>
<p>4.5 Tiered Limits on the Number of Councillors</p>			
<ul style="list-style-type: none"> • The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. • The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> • It is proposed to limit the number of councillors based on the population of the entire local government. • Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. • The Local Government Panel Report proposed: <ul style="list-style-type: none"> o For a population of up to 5,000 – five councillors (including the President) o population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) o population of above 75,000 – nine to 	<p><u>Current Local Government Position</u></p> <p>Item 4.5 does not align with Advocacy Position 2.5.1 – ‘<i>Councils consist of between six and 15 (including the Mayor/President)</i>’</p> <p><i>Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)</i></p> <p>Comment</p> <p>The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are</p>	<p>While the Shire supports a reduction in elected members to reduce costs, it is important that the number does not limit the LG’s ability to operate.</p> <p>Particularly, in agricultural areas where seasonal considerations can affect attendance at meetings, limiting the number of councillors to only five could cause on-going disruption.</p> <p>The Shire supports WALGA’s position on these proposed reforms.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	fifteen councillors (including Mayor).	<p>essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjarraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater number of Councillors to effectively share the representative role that Council Members play within their communities.</p> <p>The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.</p> <p>Recommendation</p> <p>Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.</p>	
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)			
<ul style="list-style-type: none"> A local government can make an application to be divided into wards, with councillors elected to those wards. Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> It is proposed that the use of wards for councils in bands 3 and 4 is abolished. Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. In smaller local governments, the population of wards can be very small. These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<p><u>Current Local Government Position</u></p> <p>There are no advocacy positions in relation to Items 4.6, 4.7, 4.8 or 4.9.</p> <p>Comment</p> <p>The proposed reform to discontinue wards in Band 3 and 4 Local Governments brings alignment with the majority and provides that affected Local Governments will no longer have to conduct 8 year ward reviews or make representation to the Local Government Advisory Board to revert to a no wards system.</p> <p>Remaining proposed reforms will improve and clarify election processes.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports this proposed reform.</p>

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4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility			
<ul style="list-style-type: none"> • A person with a lease in a local government district is eligible to nominate as a candidate in that district. • A person with a lease in a local government district is eligible to apply to vote in that district. • The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> • Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. • The City of Perth Inquiry Report identified sham leases as an issue. • Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> ○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. ○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. ○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. • The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. • The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	<p>As above</p>	<p>While the Shire of Toodyay supports this proposed reform, more definition is required.</p>

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4.8 Reform of Candidate Profiles			
<ul style="list-style-type: none"> Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	As above	The Shire of Toodyay supports this proposed reform.
4.9 Minor Other Electoral Reforms			
<ul style="list-style-type: none"> Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	As above	The Shire of Toodyay supports this proposed reform.

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
5.1 Introduce Principles in the Act			
<ul style="list-style-type: none"> The Act does not currently outline specific principles. The Act contains a short "Content and Intent" section only. The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> The recognition of Aboriginal Western Australians Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) Community Engagement Financial Management. 	<p>Current Local Government Position Item 5.1 generally aligns with Advocacy Position 2.6 - Legislative Intent <i>Provide flexible, principles-based legislative framework.</i></p> <p>Recommendation: Supported</p>	The Shire of Toodyay is supportive of this proposed reform.

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
5.2 Greater Role Clarity			
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government's affairs be responsible for the performance of the local government's functions. 	<ul style="list-style-type: none"> The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. It is proposed that these roles and responsibilities are further defined in the legislation. These proposed roles will be open to further consultation and input. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<p>Current Local Government Position</p> <p>Item 5.2 aligns with Advocacy Position 2.6.36 - 'Roles and Responsibilities'</p> <p><i>That clarification of roles and responsibilities for Mayors/ Presidents, Councillors and CEOs be reviewed to ensure that there is no ambiguity.</i></p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay is supportive of these proposed reforms and welcomes the intention to seek further sector consultation and input.</p> <p>A principle should be included that reflects the need for Council and CEO to work together collaboratively.</p>
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act Developing and maintaining professional working relationships between councillors and the CEO Performing civic and ceremonial duties on behalf of the local government Working effectively with the CEO and councillors in overseeing the 	<p>As above</p>	<p>The Shire of Toodyay is supportive of the intent of these proposed reforms and welcomes the intention to seek further sector consultation and input.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>delivery of the services, operations, initiatives and functions of the local government.</p>		
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> ○ Making significant decisions and determining policies through democratic deliberation at council meetings ○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council ○ Providing a safe working environment for the CEO; ○ Providing strategic direction to the CEO; ○ Monitoring and reviewing the performance of the local government. 	<p>As above</p>	<p>The Shire of Toodyay is supportive of the intent of these proposed reforms and welcomes the intention to seek further sector consultation and input.</p> <p>The Shire proposes that the following additional responsibilities are considered:</p> <ol style="list-style-type: none"> 1. Providing a safe working environment for councillors 2. Annually identifying skills gaps and training requirements of councillors to inform continuous skills development.
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible 	<p>As above</p>	<p>The Shire of Toodyay is supportive of the intent of these proposed reforms and welcomes the intention to seek further sector consultation and input.</p> <p>The Shire proposes that consideration is given a requirement to attend Council activities other than meetings and that experienced councillors should be required to provide mentoring to new councillors.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>for:</p> <ul style="list-style-type: none"> ○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) ○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council ○ Applying relevant law and policy in contributing to the decision-making of the council ○ Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions ○ Communicating the decisions and resolutions of council to stakeholders and the public ○ Developing and maintaining professional working relationships with all other councillors and the CEO ○ Maintaining and developing their knowledge and skills relevant to local government ○ Facilitating public engagement with local government. <ul style="list-style-type: none"> ● It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 		

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> • The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. • To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions ○ Facilitating the implementation of council decisions ○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council ○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council ○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) ○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council ○ Implementing and maintaining systems to enable effective 	<p>As above</p>	<p>The Shire acknowledges that mandatory training and other industry changes are improving the relationship between Councils and CEOs but welcomes more clarity for all.</p> <p>The Shire of Toodyay is supportive of the intent of these proposed reforms and welcomes the intention to seek further sector consultation and input.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	planning, management, and reporting on behalf of the council.		

5.3 Council Communication Agreements		
<ul style="list-style-type: none"> The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.3.</p> <p>Comment</p> <p>The availability of information not already in the public domain to Councillors under Section 5.92 of the Act can become contentious in the absence of a clear statement in support of the function the Council Member is performing. This can place CEO's in the invidious position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to <i>'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'</i>. Consistent availability of information motivates this proposed reform and it does not appear that individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement, in much the same way that the Communication Agreements between Ministers and agencies are based on provisions of the <i>Public Sector Management Act 1994</i>.</p> <p>Recommendation: Support a consistent, regulated Communications Agreement.</p>

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5.4 Local Governments May Pay Superannuation Contributions for Elected Members			
<ul style="list-style-type: none"> Elected members are eligible to receive sitting fees or an annual allowance. Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. Superannuation is widely recognised as an important entitlement to provide long term financial security. Other states have already moved to allow councils to make superannuation contributions for councillors. Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions. 	<p>Current Local Government Position There is no advocacy position in relation to Item 5.4.</p> <p>Comment WALGA was in the process of consulting with the sector when this reform was announced. The feedback to date from Local Governments varied. The proposed discretionary approach will permit Local Governments to exercise general competence powers to make their own determination on paying superannuation to Council Members.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay has some ambivalence regarding this proposed reform. While it is acknowledged that paying superannuation could assist in attracting a younger and more diverse demographic to stand for election, Council is mindful of the financial burden on ratepayers. For those Councils that choose not to pay superannuation, there is a reputational risk and a risk of inequity between neighbouring LGs.</p> <p>The Shire suggests that more clarity is sought with the ATO regarding the status of councillors as employees (or not).</p> <p>The Shire proposes that elected member fees and allowances are reviewed to enable more recognition of the commitment and time required, particularly in smaller LGs where the load is shared between fewer councillors.</p>
5.5 Local Governments May Establish Education Allowances			
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on 	<p>Current Local Government Position Item 5.5 generally aligns with Advocacy Position 2.8 - Elected Member Training</p> <p><i>Support Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members;</i></p> <p>Comment The proposal augments recent Act amendments that require Local Governments to adopt a professional development policy for Council Members. Many Local Governments now budget for training requirements that align with the policy statement.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports these proposed reforms.</p> <p>To ensure continuous improvement, the Shire makes an allocation in the annual budget to support skills development elected members. The Shire agrees that educated and informed councillors make better decisions</p>

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	<p>important questions before council, and also provide professional development opportunities for councillors.</p>		
<p>5.6 Standardised Election Caretaker period</p>			
<ul style="list-style-type: none"> • There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. • This is commonly a point of public confusion. 	<ul style="list-style-type: none"> • A statewide caretaker period for local governments is proposed. • All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> ○ Councils do not make major decisions with criteria to be developed defining ‘major’ ○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. ○ There are consistent election conduct rules for all candidates. 	<p><u>Current Local Government Position</u> There is no advocacy position in relation to Item 5.6</p> <p><u>Comment</u> WALGA developed a template Caretaker Policy in 2017 on request for a consistent approach. There are no known instances where Caretaker Policy have led to unforeseen or unmanageable consequences impacting on decision-making functions.</p> <p><u>Recommendation: Supported</u></p>	<p>The Shire of Toodyay supports these reforms in principle however notes the need to be mindful of legislative requirements as the LG’s ability to comply in certain circumstances could be affected. An example is development applications that have a statutory timeframe for decision.</p> <p>Does this affect the Mayor / Shire President’s ability to represent the LG if he/she is re-nominating?</p> <p>More clarification is required regarding roles during the caretaker period. LGs need to be able to function.</p>

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5.7 Remove WALGA from the Act			
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<p>Current Local Government Position There is no advocacy position in relation to Item 5.7.</p> <p>Comment WALGA is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector.</p> <p>Recommendation WALGA to undertake its due diligence on this proposal and advise the sector accordingly.</p>	<p>The Shire of Toodyay supports this proposed reform in principle however more clarity is required regarding the ramifications for LGs. Will this affect LG relationships with preferred suppliers or LGIS?</p>
5.8 CEO Recruitment			
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<p>Current Local Government Position There is no advocacy position in relation to Item 5.8.</p> <p>Comment The proposed reform augments the CEO Standards in relation to recruitment introduced in February 2021.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay is concerned about the following in relation to this proposed reform:</p> <ol style="list-style-type: none"> Reduces the autonomy of the LG Who bears the cost of the panel member? Is this a further cost burden on the ratepayer? What will be the skills and experience criteria for panel members?

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Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
6.1 Model Financial Statements and Tiered Financial Reporting			
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. Online Registers, updated quarterly (see item 3.4), would provide faster and 	<p><u>Current Local Government Position</u></p> <p>Items 6.1 and 6.2 generally align with Advocacy Position 2.6 – Support a size and scale compliance regime and Advocacy Position 2.6.24 – Financial Management and Procurement.</p> <p><i>The Local Government sector:</i></p> <ol style="list-style-type: none"> <i>Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General.</i> <i>Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.</i> <p>Comment</p> <p>The Sector has a long-standing position for a broad review of the financial management and reporting provisions of the Act, which remain largely unchanged since commencing in 1996.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports the need to simplify LG financial reporting to make it better understood by the community and the accounting profession!</p> <p>However, there is a belief that reporting requirements should be uniform but that more support should be provided to smaller local governments with limited resources.</p> <p>The Shire supports the principle of simplifying LG accounting and the provision of financial reporting templates.</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>greater transparency than current annual reports. Standard templates will be published for use by local governments.</p> <ul style="list-style-type: none"> • Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process. 		
6.2 Simplify Strategic and Financial Planning			
<ul style="list-style-type: none"> • Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. • There is also the Integrated Planning and Reporting (IPR) framework. • While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> • Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. • The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. • In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. • Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. • It is proposed that the plans that are required are: <ul style="list-style-type: none"> ○ Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC ○ Simplified Asset Management Plans to consistently forecast 	<p>As above</p>	<p>The Shire of Toodyay supports these proposed reforms in principle but suggests more detail is required. It is not clear how Council Plans will be different from IPR requirements.</p> <p>The Shire supports the development and application of standard templates and suggests that they include the ability to adjust the LTFP to reflect the current environment and automatically apply a combined LGCI and CPI adjustment.</p> <p>For the 2022/23 FY, the Shire will introduce a Project Brief template used to submit a budget bid for projects that fall outside of normal operating costs. The template includes an outline of objectives, how the defined objectives address the SCP, funding options and whole of life costs.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
	<p>costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape</p> <ul style="list-style-type: none"> ○ Simplified Long Term Financial Plans will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years ○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) ○ The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 		

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
6.3 Rates and Revenue Policy			
<ul style="list-style-type: none"> Local governments are not required to have a rates and revenue policy. Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. A template would be published for use or adaption by all local governments. The Local Government Panel Report included this recommendation. 	<p><u>Current Local Government Position</u></p> <p>Item 6.3 generally aligns with Advocacy Position 2.1.6 - Rate Setting and WALGA's Rate Setting Policy Statement.</p> <p><i>Councils' deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community's willingness and capacity to pay.</i></p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports the development of a rates and revenue policy and welcomes the intent to provide a template policy for use by LGs.</p>
6.4 Monthly Reporting of Credit Card Statements			
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. This provides oversight of incidental local government spending. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 6.4.</p> <p>Comment</p> <p>This proposed reform reflects widespread common practice for credit card transactions to be included in monthly financial reports and lists of accounts paid.</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay currently reports credit card transactions as part of its monthly reporting and supports application of this reform across the industry.</p>
6.5 Amended Financial Ratios			
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<p><u>Current Local Government Position</u></p> <p>Item 6.5 aligns with Advocacy Position 2.6.25 - Review and reduce financial ratios.</p> <p><i>Advocate to the Minister for Local Government to amend the Local Government (Financial Management) Regulations 1996 to prescribe the following ratios:</i></p> <p><i>a. Operating Surplus Ratio,</i></p>	<p>The Shire of Toodyay supports the review and simplification of financial ratios to ensure relevance and currency.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
financial health of every local government.		<p><i>b. Net Financial Liabilities Ratio,</i> <i>c. Debt Service Coverage Ratio, and</i> <i>d. Current Ratio.</i></p> <p>Recommendation: Supported</p>	
6.6 Audit Committees			
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<p><u>Current Local Government Position</u></p> <p>Item 6.6 does not align with Advocacy Position 2.2.4 – Accountability and Audit <i>That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.</i></p> <p>Comment The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.</p> <p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p> <p>It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet</p>	<p>The Shire of Toodyay strongly disagrees that the majority of Audit Committee members should be independent. In regional and rural areas particularly, the probability of being able to attract independent members with the knowledge, skills and capacity to effectively contribute is limited. The opportunity for optional regional audit committees is supported.</p> <p>However, it is not clear how regional audit committees will reduce costs – more clarification is needed. This appears to be a metro-centric approach and the Shire believes this proposal is too prescriptive.</p> <p>The Shire contends that the chairperson of an audit committee should be the best person for the role with the ethics and integrity to effectively fulfil the role.</p> <p>The Shire of Toodyay already includes risk management as part of the role of the Audit Committee and has renamed the committee as the Audit and Risk Committee.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
		<p>separately with each Local Government within the region?</p> <p>There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to also consider proactive risk management is supported.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Do not support majority independent members of the Audit Committee 2. Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues. 	
6.7 Building Upgrade Finance			
<ul style="list-style-type: none"> • The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. • This is not currently provided for under the Act. • The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> • Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. • This would allow local governments to lend funds to improve buildings within their district. • Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<p><u>Current Local Government Position</u></p> <p>Item 6.7 aligns with Advocacy Position 2.6.26 - Building Upgrade Finance.</p> <p><i>The Local Government Act 1995 should be amended to enable a Building Upgrade Finance mechanism in Western Australia.</i></p> <p>Comment</p> <p>Building Upgrade Finance would enable Local Governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, Local Governments have identified an opportunity to use this approach to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market and achieve economic growth.</p>	<p>The Shire of Toodyay does not support these proposed reforms. LG is not a lending institution – this is not core business for LG and is considered a metro-centric approach.</p> <p>These reforms present a high risk to LGs despite proposed checks and balances. The potential for adverse influence and community inequity are considered significant risks by the Shire.</p> <p>These reforms could potentially be managed by larger local governments with the financial and human resources to mitigate risks.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	WALGA RESPONSE	SHIRE OF TOODYAY RESPONSE
		Recommendation: Supported	
6.8 Cost of Waste Service to be Specified on Rates Notices			
<ul style="list-style-type: none"> No requirement for separation of waste charges on rates notice. Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers. 	<p>Current Local Government Position There is no advocacy position in relation to Item 6.8.</p> <p>Comment This proposed reform will require a relatively simple calculation,</p> <p>Recommendation: Supported</p>	<p>The Shire of Toodyay supports this proposed reform and already provides this information on its rates notice.</p>

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1. DECLARATION OF OPENING

Mrs T Bateman, Manager Corporate & Community Services declared the meeting open at 4.04pm.

1.1. Election of Chairperson

Date of Report:	17 November 2021
File Reference:	COC4
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate & Community Services
Attachments:	Nil

PURPOSE

To elect the position of Presiding Member of the Committee and if the Committee so chooses a Deputy Presiding Member.

BACKGROUND

At the Ordinary Council Meeting to be held on 23 November 2021 Council will nominate delegates to the Museum Advisory Committee. At the same meeting Council may also endorse a Committee Book for the Shire.

OFFICER COMMENT

The Manager Corporate and Community Services as the CEO’s Representative in accordance with section 5.10(5) of the *Local Government Act 1995*. will act as the Presiding Member in accordance with the *Local Government Act 1995* and preside over the meeting until the election of the Presiding Member has been completed.

If there is more than one nomination for either position, members are to vote on the matter by secret ballot as if they were electors voting at an election.

DECLARATION 1 – MUSEUM ADVISORY COMMITTEE PRESIDING MEMBER

The MAC Elects as Presiding Member.

DECLARATION 2 – MUSEUM ADVISORY COMMITTEE DEPUTY PRESIDING MEMBER

The MAC:

1. Elects as Deputy Presiding Member; OR
2. Elected to nominate a Deputy Presiding Member when the Presiding Member is not available.

B Keens nominated Cr Hart.

B Frayne seconded the nomination.

Cr Hart accepted the nomination.

There being no further nomination Cr Hart assumed the Chair at 4.06pm.

DECLARATION 1 – MUSEUM ADVISORY COMMITTEE PRESIDING MEMBER

The MAC Elects Cr Hart as Presiding Member.

B Frayne nominated herself as Deputy Presiding Member.

There being no further nomination B Frayne Hart was declared the Deputy Presiding Member.

DECLARATION 2 – MUSEUM ADVISORY COMMITTEE DEPUTY PRESIDING MEMBER

The MAC elects B Frayne as Deputy Presiding Member.

1.1. Announcement of Visitors

Nil

1.2. Record of Attendance and Apologies

Members

Cr P Hart	Council Delegate
Mrs B Frayne	Community Representative
Mr B Keens	Community Representative
Mrs T Bateman	Manager Corporate and Community Services

Staff

Mrs M Eberle	Museum Curator/Cultural Heritage Officer
Mrs M Rebane	Executive Assistant

Apologies

J Edgecombe	Community Representative
Cr S McCormick	Council Delegate

Visitors

Nil.

1.3 Disclosure of Interest

Nil.

2. MINUTES AND ADDITIONAL INFORMATION

2.1. Confirmation of Minutes of Meeting held on 26 August 2021.

OFFICER'S NO. 07/11/21	RECOMMENDATION/MAC	RESOLUTION
MOVED B Keens		
That the Unconfirmed Minutes of the Museum Advisory Committee Meeting held on 26 August 2021 be confirmed.		
MOTION CARRIED		

2.2. Review of Status Report

The report was reviewed. Clarification was sought.

Manager Corporate and Community Services apprised members of the process for project options that could be presented through budget workshops in 2022/2023 and the action on the report be amended to reflect the call for project briefs in lieu of budgetary workshops and deliberations.

2.3. Inward/Outward Correspondence

Nil.

3. BUSINESS LEFT OVER FROM PREVIOUS MEETING (If adjourned)

Nil.

4. OFFICER REPORTS

4.1 Current Activities – Shire Museum and its Collections

Date of Report:	15 November 2021
File Reference:	COC4
Author:	M Eberle – Museum Curator, Cultural Heritage Officer
Responsible Officer:	M Eberle – Museum Curator, Cultural Heritage Officer
Attachments:	Nil

PURPOSE

To provide information on current activities involving the Shire museums and its collections

BACKGROUND

This update follows on from a verbal report presented at the Museum Advisory Committee meeting in August 2021.

OFFICER COMMENT

This report is on current activities – no further actions are recommended.

Collections

- Transcriptions
 - New Norcia Police Occurrence Book 1878 – checking of first draft is continuing by volunteer at home. 97 out of 120 pages have been completed. Latest update on current progress (as well as the uncompleted draft) has also been forwarded to the New Norcia Archives where the original ledger originated and is currently being held.
 - Newcastle Police Station Charge Book 1898-1903 – initial draft of the transcription completed. Awaiting checking.
 - Toodyay Police Court Charge Book 1914-1915 – initial draft of the transcription completed. Awaiting checking.
 - Sinclair Stores Ledger 1935-42 – list of around 400 customers recorded in this ledger has been made
 - Toodyay Police Station Occurrence book 1860-1861 – initial draft of transcription has commenced
- High resolution photography of museum artefacts is continuing with one volunteer only. The work being undertaken is involving not only photography but photo editing and renumbering of files (suitable for direct incorporation into the museum's database) afterwards.
- Data about the museum collection continues to be uploaded slowly to the online platform Collections WA.
 - 1,172 records now shared
 - An additional article titled 'Local Government in Toodyay' has been created, marking the 150th anniversary of local government in Western Australia.
 - New sub-collection category created 'Local Government' (8 sub-collection categories are defined at present – the others are: Costume, Costume Accessories, Floods, Military, Railways, Rural Industry & Schools)
- Progress report on the restoration of the museum's Fordson tractor: this has been undertaken by the Shire's senior mechanic during supervision of the training of an apprentice mechanic. However, no further progress has been made throughout 2020 or 2021 since the apprentice left and

staffing roles were re-evaluated. After discussion with the Shire's mechanic / maintenance officer, I believe most of the mechanical work is completed and the tractor is now in pieces in the Shire's workshop awaiting painting.

There are currently no plans in the immediate future to move ahead with this project. If there was a place for the tractor to be stored / displayed under cover back at the Newcastle Gaol Museum site it would probably be appropriate for it to be re-assembled, as is, and returned. At the present time, though, there is none. (Primarily due to the Wicklow Shearing Shed, where the Fordson tractor had been stored, having been upgraded and re-purposed in 2016 as a small events venue / display area.) The Shire's mechanic / maintenance officer has indicated, for the present time, the tractor is not in the way in the workshop.

- I am considering a request by the Railway Preservation Society (RPS). I would like to discuss it with the Museum Advisory Committee to hear their viewpoint, as the proposal is not one, I am inclined to agree to. The RPS would like to have high resolution copies of 18 photographs from our collection to place on their website and use at their discretion. They would be prepared to reciprocate the agreement by supplying the museum with photos pertaining to Toodyay from the RPS collection.
- A 1956 Toodyay Softball perpetual trophy, found in very poor condition in the 1907 lock-up, was restored sensitively by Barry Keens

On site Newcastle Gaol precinct

- An initial inventory has been undertaken of material that was relocated (by members of the community) to the 1907 lock-up from Syred's Cottage, Bejoording in 2005 for safe-keeping.
- Continued moving objects being stored at the lock-up site (both male and female sides) around to facilitate documentation and photography.
- Three former volunteers are returning and one new volunteer is in the process of coming on board to greet visitors at the Newcastle Gaol. One volunteer has had to leave recently to due to medical reasons.

Connor's Mill

- Nil.

Promotion

- An update on the Toodyay Local Government Virtual Portrait Gallery project was included in the Shire page of the November Toodyay Herald. Project is a partnership between the Toodyay Historical Society and the Shire, with photographs from the museum collection being utilized for a number of the bio pages. Acknowledgement to Beth Frayne for her ongoing work in this area.

- The Toodyay Herald continues to publish photographs from the Shire Collection on page 4
- The Toodyay Museums Facebook group continues to promote the activities of the museum to those who have joined.
- Wikimania 2021: the Shire's involvement with this year's world conference in August, has been acknowledged with a donation to the museum of \$500, handed over personally during a visit in early November.

Public programs / public engagement

- Volunteer initiated activity – Father's Day Sept 5, gift of shingle to all dads visiting the Gaol Museum on that day.
- September / October 2021 school holidays activity held throughout the full two weeks – new treasure hunt around the entire gaol museum complex with 'bulging' prize bag (containing books, postcards & puzzles) for participants. Included a very busy long weekend at the beginning of the holidays. Again, grateful acknowledgement to volunteers for their help.
- The Noongar Kaartdijin Aboriginal Corporation informally hosted a group of elders at the Wicklow Shearing Shed on the museum site on September 26 for a picnic lunch. They were members of the Southwest Land and Sea Corporation who were on a spur-of-the-moment visit to Toodyay, after an official event at Goomalling.
- A progress report of the Toodyay Local Government Virtual Portrait Gallery project was made at a Councillor workshop in October. The 126 individual bio pages (some with photos and some without photos) that had been completed up to that time, were showcased in digital and hard copy form. The hard copy remains at the Shire Admin Offices for viewing by the public.
- Two different schools visited with groups as a concluding activity for year 5 school camps.
- A donation of an urn for use at public engagements at the museum sites has been made by the museum volunteers from their fundraising efforts.
- During the Toodyay Show, museum volunteers ran a stall selling shingles and shingle products to raise money for museum activities from the Toodyay Historical Society's clubrooms at Donegan's Cottage.

Displays

- No change.

OFFICER'S RECOMMENDATION

The Museum Advisory Committee recommends to Council the following:
That Council receives the Museum update report on Current Activities – Shire Museum and its Collections.

M Eberle provided an overview of the report.

Clarification was sought.

Items were added to the Status Report for follow up.

Information in relation to Syred's Cottage provided; not contained in the report.

Overview of the report continued.

B Frayne moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/MAC RESOLUTION NO. 08/11/21

MOVED B Frayne

The Museum Advisory Committee recommends to Council the following:
That Council receives the Museum update report on Current Activities – Shire Museum and its Collections.

MOTION CARRIED

5. OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

5.1 Museum promotion

Activities in comparison with other local governments and people across the world (Africa and other European countries liking through Facebook and Wikimania). An action was added to the Status Report.

5.2. Museum Australia - Membership

Clarification confirmed that the Shire has a membership with Museums Australia.

Our most recent networking meeting was held recently but a representative was unavailable to attend. An invitation to hold the next networking meeting in Toodyay has been forwarded.

6. CONFIRMATION OF NEXT MEETING

The 2022 Schedule for Museum Advisory Committee Meetings is as follows:

- Wed 2 March 2022
- Wed 1 June 2022
- Wed 7 Sept 2022
- Wed 7 Dec 2022

All these meetings will commence at 4.00pm.

7. CLOSURE OF MEETING

The Chairperson closed the meeting at 5.14pm.

1. DECLARATION OF OPENING

S Haslehurst, Chief Executive Officer, declared the meeting open at 2.03pm.

1.1. Election of Chairperson and Deputy Chairperson

Date of Report:	17 November 2021
File Reference:	Audit & Risk Committee (COC2)
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Attachments:	Nil

PURPOSE

To elect the position of Presiding Member of the Committee and if the Committee so chooses a Deputy Presiding Member.

BACKGROUND

At the Ordinary Council Meeting held on 23 November 2021 Council resolved the appointment of delegates to the Audit & Risk Committee (Resolution No 243/11/21) as follows:

That Council, in accordance with s.7.1A of the Local Government Act 1995:

1. *Appoints the following Councillors as Primary Members of the Audit & Risk Committee:*
 - Cr B Ruthven*
 - Cr P Hart*
 - Cr D Wrench*
 - Cr R Madacsi*
2. *Appoints the following Councillors as Deputy Members of the Audit & Risk Committee:*
 - Cr S Pearce*
 - Cr C Duri*
3. *Appoints the following Community Representatives as Members of the Audit & Risk Committee:*
 - *Julie Robertson*
 - *Heather McDonald-Appleby*

At the same meeting Council endorsed a Committee Book for the Shire of Toodyay which is on the Shire website at this link:

<https://www.toodyay.wa.gov.au/Profiles/toodyay/Assets/ClientData/Documents/Committees/Committee Book for Shire 2021 .pdf> .

OFFICER COMMENT

The Manager Corporate and Community Services will act as the Presiding Member over the meeting until the election of the Presiding Member has been completed.

If there is more than one nomination for either position, members are to vote on the matter by secret ballot as if they were electors voting at an election.

DECLARATION 1 – AUDIT & RISK COMMITTEE PRESIDING MEMBER

The ARC Elects as Presiding Member.

DECLARATION 2 – AUDIT & RISK COMMITTEE DEPUTY PRESIDING MEMBER

The ARC:

1. Elects as Deputy Presiding Member; OR
2. Elected to nominate a Deputy Presiding Member when the Presiding Member is not available.

Cr Madacsi nominated Cr Ruthven as Presiding Member.

Cr. Ruthven accepted the nomination.

There being no further nominations, Cr Ruthven assumed the Chair at 2.04pm.

DECLARATION 1 – AUDIT & RISK COMMITTEE PRESIDING MEMBER

The ARC elects Cr B Ruthven as Presiding Member.

H McDonald-Appleby nominated Cr Madacsi as Deputy Presiding Member.

Cr Madacsi accepted the nomination.

There being no further nominations, Cr Madacsi was elected as Deputy Presiding Member.

DECLARATION 2 – AUDIT & RISK COMMITTEE DEPUTY PRESIDING MEMBER

The ARC elects Cr R Madacsi as Deputy Presiding Member.

1.2. Announcement of Visitors

Welcome to Cr Duri.

1.3. Record of Attendance and Apologies

Members

Cr B Ruthven	Presiding Member/Council Member
Cr R Madacsi	Council Member
Cr P Hart	Council Member
Mrs H McDonald-Appleby	Community Member

Staff

Ms S Haslehurst	Chief Executive Officer
Mrs M Rebane	Executive Assistant

Apologies

Mrs J Robertson	Community Member
Mrs T Bateman	Manager Corporate & Community Services

Visitors

Cr C Duri

1.3 Disclosure of Interest

Nil.

2. MINUTES AND ADDITIONAL INFORMATION

2.1. Confirmation of Minutes of Meeting held on 14 October 2021.

OFFICER'S RECOMMENDATION/ARC RES. NO. 19/12/21

MOVED Cr R Madacsi

That the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 14 October 2021 be confirmed.

MOTION CARRIED 4/0

2.2. Review of Status Report

The report was reviewed.

2.3. Inward/Outward Correspondence

Nil.

3. BUSINESS LEFT OVER FROM PREVIOUS MEETING (If adjourned)

Nil

4. OFFICER REPORTS

4.1 Risk Management Update

Date of Report:	30 November 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/MAN14
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	26/10/21 (Res. No. 218/10/21)
Author's Disclosure of Interest:	Nil
Committee's Role in the matter:	Executive
Attachments:	1. Risk Dashboard

PURPOSE OF THE REPORT

This report provides an update on the Shire's risk management improvement process.

BACKGROUND

At the Audit and Risk Committee meeting held on 14 October 2021, the Committee made the following recommendation:

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.

This recommendation was adopted by Council on 26 October 2021 (Resolution 218/10/21).

The process to implement the above resolution includes:

- Review by LGIS of the Shire's previous risk dashboard.
- Proposed focus areas for update.
- A workshop facilitated by LGIS with managers and relevant officers to update the Shire's risk profile.
- Finalisation of the risk dashboard for presentation to the Audit and Risk Committee and Council.

Several factors have impacted progress since the last meeting of the ARC including local government elections, on-going workload issues associated with the Datascape transition and the availability of LGIS consultants. Therefore, only the first two steps of the process outlined above have been completed.

COMMENTS AND DETAILS

Following a review of the Shire's previous Risk Dashboard (Attachment 1), the Manager – Risk and Governance from LGIS provided the following feedback.

Observations

- *The profiles remain relevant to local government*
- *Action items need to be reviewed to determine close out, they are still listed as 2018.*
- *Some actions are noted as closed out so these need to be moved into key controls*
- *Key controls require refreshing, from an adequacy perspective*
- *Based on the above two, the residual risk ratings need to be reviewed as they may/should have been reduced (subject to actions being closed out).*

Recommendation:

Run a workshop with the Shire Executive/Management team to review and refresh profiles to ensure they are relevant and up to date. In this workshop, it would be prudent to review the reporting requirements, as well as the key performance indicators to determine if they are being tracked (if not tracked, then I would recommend remove from the profiles). I would also consider linking the residual risk back into your risk acceptance criteria, which will inform the executive whether the risk is accepted, or what further actions are required.

Officers concur with the above recommendation and have requested a workshop to be held with Managers and relevant officers across the organisation in early February 2022.

IMPLICATIONS TO CONSIDER

Consultative:

Local Government Insurance Services (LGIS).

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/ARC RES. NO. 20/12/21

MOVED Cr R Madacsi

That the Audit & Risk Committee recommends to Council the following:

That Council notes the risk management update as provided in this report to the Audit & Risk Committee.

MOTION CARRIED 4/0

4.2 Annual Financial Audit Process Update

Date of Report:	6 December 2021
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/FIN7
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Committee's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

This report provides an update on the Shire's annual financial audit process.

BACKGROUND

At the Audit and Risk Committee meeting held on 10 June 2021, representatives from the Office of the Auditor-General and Butler Settineri (the Shire's auditors) addressed the Committee regarding the annual financial audit process.

Section 6.4(3) of the *Local Government Act 1995* requires a local government to submit to its auditor by 30 September following each financial year;

- (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
- (b) *the annual financial report of the local government for the preceding financial year.*

Due to on-going issues with the transition of Datascape and the absence of the Finance Coordinator during September and October, officers applied for an extension to 31 October 2021 to submit the balanced accounts and annual financial report. However, this deadline was unable to be met for the same reasons. Officers have been liaising with the Office of the Auditor-General and the auditors to keep them informed of progress.

COMMENTS AND DETAILS

Officers continue to work through the challenges associated with the Datascape transition with the following measures in place to achieve the requirements of the annual financial audit:

- 4.1.1. A dedicated project manager (who is a certified practicing accountant) continues to focus on the Datascape transition.
- 4.1.2. Due to the absence and subsequent resignation of the Finance Coordinator, officers have engaged the services of a financial consultant to prepare the annual financial statements once the accounts can be balanced in Datascape.
- 4.1.3. Officers continue to liaise regularly with the Office of the Auditor-General and Butler Settineri to keep them informed.
- 4.1.4. The Office of the Auditor-General has indicated that an audit of the transition to Datascape will take place prior to the audit of the accounts and financial report.

In light of the above, it is envisaged that the annual financial audit for 2020/21 will be finalised in February 2022. Officers will provide a report to the Committee, should further delays be anticipated.

IMPLICATIONS TO CONSIDER

Consultative:

Office of the Auditor-General

Buttler Settineri

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.20 Legislative Compliance.

Financial:

There are no financial implications as a result of the Officer's recommendation. However, it is anticipated that there may be additional costs for the auditors to undertake the audit of the transition to Datascape. Officers will provide further information as it becomes available which will need to be considered as part of the mid-year Budget Review.

Legal and Statutory:

Local Government Act 1995

Part 5.54(1) prescribes that the annual report (including the auditor's report) should be accepted by 31 December each year. However, part 5.5.4(2) states that if the auditor's report is not ready, then the annual report should be accepted no later than 2 months after the auditor's report becomes available.

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 notes the annual financial audit process update as provided in this report to the Audit & Risk Committee.

Cr P Hart moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/ARC RES. NO. 21/12/21

MOVED Cr P Hart

That the Audit & Risk Committee recommends to Council the following:

That Council notes the annual financial audit process update as provided in this report to the Audit & Risk Committee.

MOTION CARRIED 4/0

5. OTHER BUSINESS / NEW BUSINESS OF AN URGENT NATURE

5.1. Toodyay Community Awake and Aware

Cr Madacsi updated members of her visit to their recent meeting.

6. CONFIRMATION OF NEXT MEETING

The 2022 Schedule of meetings to be held on Wednesdays commencing at 2.00pm are below:

- 2 March 2022
- 1 June 2022
- 7 September 2022
- 7 December 2022

7. CLOSURE OF MEETING

The Presiding Member closed the meeting at 2.38pm.

Shire of Toodyay Risk Dashboard Report February 2017

<u>Asset Sustainability practices</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Review and update asset mgt system.</i>	<i>Jun-17</i>	<i>MCS</i>	

<u>External theft & fraud (Inc. Cyber Crime)</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Upgrade to CCTV system</i>	<i>Jun-18</i>	<i>MPD</i>	
<i>Upgrade to Master Key System</i>	<i>Jun-18</i>	<i>MPD</i>	

<u>Business Continuity</u>		Risk	Control
		High	Effective
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Continued development of management plans for all Shire reserves</i>	<i>Dec-18</i>	<i>MWS/RMO</i>	
<i>Develop a Inspection Documentation System for Buildings</i>	<i>Jun-17</i>	<i>MPD/BMO</i>	

<u>Management of Facilities / Venues / Events</u>		Risk	Control
		Low	Effective
Current Issues / Actions / Treatments	Due Date	Responsibility	

<u>Failure to fulfil Compliance requirements (statutory, regulatory)</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Compliance calendar</i>	<i>Mar-17</i>	<i>MCS</i>	
<i>Development of intranet</i>	<i>Jun-17</i>	<i>MCS</i>	

<u>IT or communication systems and infrastructure</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Ongoing training for staff including new IT training room</i>	<i>Jun-17</i>	<i>AMCS</i>	
<i>Review of password protocols</i>	<i>Jun-17</i>	<i>AMCS</i>	
<i>Review of spam and malware filtering</i>	<i>Jun-17</i>	<i>AMCS</i>	

<u>Document Management processes</u>		Risk	Control
		High	Inadequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Investigate new electronic document management system</i>	<i>Jun-17</i>	<i>CEO</i>	

<u>Misconduct</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Develop Communications Framework Strategy including Social Media Policy</i>	<i>Jun-17</i>	<i>CEO</i>	

<u>Employment practices</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Complete review of structure, positions descriptions and HR processes including metrics</i>	<i>Jun-17</i>	<i>AMCS</i>	

<u>Project / Change management</u>		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Community Engagement Strategy Plan</i>	<i>Dec-17</i>	<i>MCD</i>	

Shire of Toodyay Risk Dashboard Report February 2017

<i>Review annual performance appraisal system</i>	<i>Mar-17</i>	<i>AMCS</i>	<i>Adopt a formal project management template/methodology</i>	<i>Jun-17</i>	<i>CEO</i>
<i>Employee relations strategy</i>	<i>Jun-17</i>	<i>AMCS</i>			

Engagement practices		Risk	Control
		High	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Develop communications Strategy including social media</i>	<i>Jun-17</i>	<i>CEO</i>	
<i>Media training for senior staff and Councillors</i>	<i>Feb-17</i>	<i>CEO</i>	
<i>Develop new websites for Shire and Visitor Centre</i>	<i>Jun-17</i>	<i>CEO</i>	

Safety and Security practices		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Follow up duress alarms for Library, VC and Museum</i>	<i>Dec-17</i>	<i>MPD</i>	

Environment management		Risk	Control
		Low	Effective
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>New planning strategy and new local planning scheme</i>	<i>Dec-17</i>	<i>MPD</i>	
<i>Revised heritage policies</i>	<i>Dec-17</i>	<i>MPD</i>	
<i>Revise pest plants local law</i>	<i>Jun-18</i>	<i>MPD</i>	

Supplier / Contract management		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Staff training in Tenderlink</i>	<i>Sep-17</i>	<i>CEO</i>	

Errors, omissions & delays		Risk	Control
		Moderate	Adequate
Current Issues / Actions / Treatments	Due Date	Responsibility	
<i>Development of new communication framework</i>	<i>Feb-17</i>	<i>AMCS</i>	
<i>Launch of new website</i>	<i>Apr-17</i>	<i>CEO</i>	
<i>Review of Policy Manual</i>	<i>Jun-17</i>	<i>AMCS</i>	

To add additional Issues / Actions / Treatments cells, insert a new line, click in the last of the existing cells above and drag down. This will bring the formulas into the new cells.