

Ordinary Council Meeting

27 April 2022

Minutes

To: The President and Councillors.

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

A handwritten signature in blue ink, appearing to read "Tabitha Bateman", is positioned above the printed name.

Tabitha Bateman

ACTING CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

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

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

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

Community Values: We value highly:

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

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

Integrity: We behave honestly to the highest ethical standard.

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

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

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

Disclaimer

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

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Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 29 April 2022.




Tabitha Bateman

ACTING CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 25 May 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 R Madacsi, Shire President, declared the meeting open at 1.04pm and read aloud an Acknowledgement of Country:

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

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	Councillor
Cr P Hart	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor (via Zoom)

Staff

Mr J Augustin	Manager Infrastructure and Assets
Ms T Bateman	Acting CEO/Manager Corporate & Community Services
Mr M Werder	Project Manager
Mr H de Vos	Manager Development and Regulation
Mrs M Rebane	Executive Assistant

Visitors

B Foley
M Sinclair-Jones
R Pearce
P Ruthven

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that 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

Nil.

4.2 PUBLIC QUESTION TIME

4.2.1 MR FOLEY

Question One

What is the progress on our Datascope System and the financials?

Response from Acting CEO

Officers from the Shire are meeting regularly with the Executives of Datacom to work through issues. This is time consuming and complicated process but we continue to work through these issues.

Question Two

Is it effecting how the Shire operates in preparation for the upcoming budget?

Response from Acting CEO

Preparation of the upcoming budget and financial reporting has been complicated as a result. We have dedicated resources to work through these issues.

Question Three

Is the Shire incurring any extra costs through employment of staff due to the system not working as it should be?

Response from Acting CEO

The additional cost for staff or consultants time has been managed within the budget. Any variation required to the accepted budget were presented at the mid-year budget review.

Question Four

Are you still paying Datacom maintenance fees, etc. even though the system is not working?

Response from Acting CEO

We pay the monthly fees \$3,300 per month.

Question Five

Why are the fees still being paid for a system that is not working?

Response from Acting CEO

Datascope is working and we are receiving a service. Datacom are addressing anomalies within the IT structures of the system as required in order to fine-tune for our purposes.

5 CONFIRMATION OF MINUTES**5.1 Ordinary Meeting of Council held on 23 March 2022**

OFFICER'S OCM040/04/22	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr P Hart		
That the Unconfirmed Minutes of the Ordinary Council Meeting held on 23 March 2022 be confirmed.			
			MOTION CARRIED 8/0

5.2 Agenda Briefing held on 20 April 2022

OFFICER'S OCM041/04/22	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr M McKeown		
That the Notes of the Agenda Briefing held on 20 April 2022 be confirmed subject to the following amendments:			
<ul style="list-style-type: none"> • Page 17 the word uninhabitable replace the word inhabitable; and • Page 18 the response to Cr Pearce's question be amended to read that there is no requirement for strata titled. 			
			MOTION CARRIED 8/0
Attachments			
1	20 April 2022 Agenda Briefing Notes		

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**6.1 PETITIONS**

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

Anzac

Anzac is a time for national reflection. At the 25 April, dawn and 11am Anzac services we paid our respects and commemorated the contribution and suffering of all who served and those who died, in all wars, conflicts and peacekeeping operations. It is a time to remember peace is fragile, it is brought at great cost and dependent upon all of us. There is an obligation to choose wisely who leads our nation, to understand proposed state and national decisions and support the men and women who defend us. Remember Ukraine, how quickly lives changed, the price being paid and the strength of a nation that stands together.

Local Planning Policy Review

A new approach in review of local planning policies are working groups comprised of 2-3 Councillors with community representatives with expertise of the subject of review. Heritage and Extractive Industries are the first policy working groups established.

Transport Review

Roads are being reviewed at many levels and in brief includes: the assessment of road ownership; key freight routes and a bypass option for Stirling Terrace; improved native vegetation assessment models; and clearing permit times; a Conservation Covenant of 123.28ha of wandoo woodland which is irrevocable to serve as an offset bank; and an expanded roadside vegetation maintenance program.

Shire President's Activities to the 27 April 2022

- President/CEO Operational Briefings 29/3, 5/4, 12/4, 19/4, 26/4
- Meeting – National Feral Pig Group (24/3)
- Tour – Opalvale Landfill Site (30/3)
- Meeting – WALGA State Council (30/3)
- Meeting – Shire of Moora (Moora) water reuse (1/4)
- Workshop - Council (4/4)
- Meeting – Toodyay Police, regular briefing (6/4)
- Community – Let's Talk Dumbarton and area (6/4)
- Seminar – Regional Economic Development (8/4)
- Meeting – ABC Radio Northam (13/4)
- Workshop - Council (13/4)
- Meetings – Council Agenda Briefing followed by the Concept Forum (20/4)
- Appointment – SASTR (21/4)
- Meeting – Regional Road Group (21/4)
- Meeting – Avon Midland Country Zone (22/4)
- Meeting – Dawn and Anzac services (25/4)
- Meeting – ABC Radio Northam (27/4)

9 OFFICER REPORTS**9.1 DEVELOPMENT AND REGULATION****9.1.1 Draft Local Planning Policy - Dams**

Date of Report:	28 March 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	18 September 2012
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Draft Local Planning Policy - Dams ⇒

PURPOSE OF THE REPORT

To review the Draft Local Planning Policy No.25 – Dams with a view to adopt for formal advertising.

BACKGROUND

This draft Local Planning Policy (LPP) has been developed as part of the current review of the Shire's policy framework. The existing LPP.25 – Dams was last reviewed by the Council on 18 September 2012.

The review of this policy is timely given the following:

- The existing policy is ten (10) years old;
- The State Government has recently released its [Draft State Planning Policy 2.9 Planning for Water \(SPP.2.9\) and Planning for Water Guidelines](#) for public comment;
- A recent development proposal would have benefitted from having a more recent and robust Local Planning Policy to guide development.

COMMENTS AND DETAILS

The Shire has researched a range of local policies from a number of local government authorities to determine good policy examples. This draft policy has been developed using the best elements of these.

In accordance with the new naming conventions, Local Planning Policies will no longer be numbered. Therefore, this Local Planning Policy will now be known as Local Planning Policy – Dams.

IMPLICATIONS TO CONSIDER**Consultative:**

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies. If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policy was discussed with the Council at the Council Workshop in April.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Our Strategic Outcome: A Council that engages with the community and provides good governance on behalf of the community.

Objective 1: Provide accountable and transparent leadership for the community

S 1.1 Use the Strategic Community Plan as the blueprint for Council policy development and decisions.

S 1.2 Complete the development of a new Local Planning Scheme and related Local Planning Policies;

Objective 2: Consistently improve our governance practices

S 2.1 Build a positive culture of engagement between the Shire and the community.

S 2.2 Improve internal and external communication to maximise transparency

Policy related:

Local Planning Policy No. 25 – Dams

This policy was last reviewed in 2012. At a very basic level, the current policy is inconsistent with the planning framework – for example, it does not reference the *Planning and Development (Local Planning Schemes) Regulations 2015* – (the deemed provisions) and therefore any future iteration of the policy will need to address these factors.

Financial:

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. This cost to the Shire is approximately \$500 for the two advertisements and this has been allocated for in the Shire's adopted budget.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Risk related:**Reputational**

The *Governance Review* (2021) identified that there was a desire by the elected members to become more involved in the development and review of policies.

Review of a policy framework is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant.

If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is considered a medium risk.

Workforce related:

Reviews of this nature place additional, yet necessary additional demands on workforce time and resources. However, a benefit of successful and regular reviews of policies will ensure the Shire is operating as efficiently as possible by aligning these documents with the prevailing community expectations and state government frameworks of the day. This ultimately will reduce the burden on the workforce moving forward.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council adopts the draft Local Planning Policy - Dams as per Attachment 1 for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

AMENDED OFFICER'S RECOMMENDATION 1

That Council:

1. Adopts the draft Local Planning Policy - Dams as per Attachment 1 for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following amendments being made prior to advertising:
 - (a) Remove the word 'significant' from Objective (a);
 - (b) Section 1 Purpose of Dam(s) – remove the words 'generally' and 'normally';
 - (c) Section 1.2 – modify the sentence to read 'where the scale or water demand of the rural activities';
 - (d) Section 34 Vegetation Management – rewrite from shade planting: 'where landscaping is required it should comprise local native species with consideration to provide shade and lower windshear to reduce water loss by evaporation and sedges and reeds to enhance the water quality and biodiversity. Reeds and sedges should be concentrated at the inlet slope to reduce sediment and turbulence into the dam and vegetation should not negatively impact upon the structural integrity of the dam.'

- (e) Section 8.1.1 – Amend the second sentence to read – ‘Dams built within a water course will impede the natural flow of water and movement of aquatic species and may contribute to erosion and movement of sediment downstream’;
- (f) In Section 8, following Section 8.3.4, add a new section (8.3.5) to include the following details regarding initial and ongoing compliance as follows:
- ‘8.3.5 All dam applications will require the Shire to conduct an initial site visit to verify the data and identify critical issues that may not be evident in the application. Additional inspections may be conducted at the discretion of the Shire of Toodyay during the development phase as well as period inspections to check compliance.’
- (g) Change the order of 10.1.1 and 10.1.2 so the consultation steps are chronological.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy prior to publication.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM042/04/22**MOVED** Cr R Madacsi**SECONDED** Cr B Ruthven

That Council defer the Dams Policy to the May 2022 Ordinary Council Meeting.

Voted For: Crs R Madacsi, B Ruthven, C Duri, P Hart, S McCormick, M McKeown and D Wrench

Voted Against: Cr S Pearce

MOTION CARRIED 7/1

9.1.2 Lot Sub 101 Beaufort Street, West Toodyay - 4 Dog Application

Date of Report:	1 April 2022
File Reference:	A1320/SUB101BEAU
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Acting Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. 3 - 6 Dog Permit Ranger Inspection ⇒

SUMMARY

Applicant:	B Hollister and J Ryder
Owner:	B Hollister and J Ryder
Proposal:	4 dog application
Location:	Lot Sub 101 Beaufort Street, West Toodyay

PURPOSE OF THE REPORT

For Council to consider an application for the keeping of 4 dogs at Lot Sub 101 (17) Beaufort St, West Toodyay. Council is being requested to determine this application as it does not meet all the requirements of Council's *Keeping of 3 to 6 Dogs* policy.

BACKGROUND

The Applicant is seeking approval to have 4 dogs at Lot Sub 101 (17) Beaufort Street in the locality of West Toodyay. The applicant has lived in Toodyay for two and a half years.

The owners have two Staffordshire Terriers and two Labrador Retrievers.

The two Staffordshire Terriers have lived with the applicant since they were puppies. Before moving to West Toodyay, both dogs were previously registered with the Shire of Northam.

The owners acquired one Labrador Retriever 2 years ago and one approx. 7 months ago. Both as puppies. The Labrador Retrievers are used as therapy dogs in an aged care home.

The owners have indicated that they intend to breed from the Labrador Retrievers, and each dog will have two litters of puppies each, before being spayed. The owners have also indicated that most of the pups would be trained as therapy dogs and breeding would only occur if there were appropriate homes available.

No.	Breed	Colour	Name	Sex	Sterilised	Age	Reg. No.
1	Staffordshire Terrier, Labrador, Kelpie	Tan	Rusty	M	Y	10 Yrs.	2200187

No.	Breed	Colour	Name	Sex	Sterilised	Age	Reg. No.
	cross.						
2	Staffordshire Terrier	Brindle & White	Steve	M	Y	4 Yrs.	2200193
3	Labrador Retriever	Black	Darcy	F	N	2 Yrs.	TBA
4	Labrador Retriever	Golden	Koda	F	N	7 MThs	TBA

COMMENTS AND DETAILS

This application for the keeping of (4) four dogs at Lot Sub101 (17) Beaufort St, West Toodyay would be a variation to Council's Policy as it specifies up to 2 dogs can be approved on a Special Residential zoned property.

Earlier Approvals

Records indicate the Shire has not received a 3-6 Dog application for this property.

Applicant's Justification

The owner's justification for keeping more than two dogs at the address is they have two Staffordshire Terriers that are pets and have obtained two Labrador Retrievers that are used as therapy dogs in aged care facilities.

Once the Staffordshire Terriers pass away the owners do not intend on having any more than two dogs.

The Property

Lot Sub 101 (17) Beaufort Street, West Toodyay has an area of 3.62ha and is zoned 'Special Residential' under the Shire's Local Planning Scheme No 4.

Ranger Inspection

The Shire's Ranger Services inspected the property on 7 January 2022.

The Rangers' findings are below:

Aspect	Ranger Comments
Fencing	Suitable for the breed of dogs.
Materials and Height of Fencing	Fencing is suitable for the breed of dogs. Ring lock mesh. Star Picket and perm a pole supports. Approximately 1.2m high.
Locking Devices on Gates	Rural gates approximately 1.2m tall. Chain latch on all gates.
Housing	All dogs have bedding outside on raised beds. All dogs also have the inside couch to sleep on in the living room.

Aspect	Ranger Comments
Condition of Existing Dogs	All dogs are in good condition.
Dog(s) / Owners History	Shire of Toodyay Ranger Services have no history of any dog related issues at this property.

Please see **Attachment 1 - 3-6 Dog Permit Ranger Inspection** for further details.

Whilst the Rangers have inspected the premises and determined that four dogs could be supported, additional information has been provided by the applicant who have stated an intention to breed puppies.

Given this information, the Officers have determined that this application is not supportable as the breeding of the puppies will constitute an Animal Establishment which is an 'X' use for the Special Residential zone.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation with eight (8) landowners were undertaken in accordance with section 5 of Council's *Keeping of 3 to 6 Dogs* policy with no objections 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 being referred to full Council for consideration.

Under the Policy, the maximum number of dogs that could be approved by Officers in the 'Special 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.

Financial:

There are no direct financial implications for the Shire due to 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.

Shire of Toodyay Local Planning Scheme No. 4 refers to an animal establishment, as an X use for this zone. Given the applicants have indicated that they wish to breed their dogs, this is consistent with the definition of an animal establishment and, therefore not permitted.

Risk related:

Adverse risk implications from the recommendations of this Report are not envisaged. However, if Council is of a mind to refuse the application, the applicants might have a right of appeal to the State Administrative Tribunal (SAT). Should the applicants elect to appeal Council's decision (refusal or dissatisfied with conditions of approval), the Shire may need to assign resources to defend its position at SAT.

Workforce related:

This matter has taken time in being brought to the Council due to resourcing and staffing restrictions which have resulted in longer than normal wait times.

Whilst it is regrettable, the Shire is under no statutory obligation to determine such a matter within a particular timeframe.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM043/04/22

MOVED Cr B Ruthven

SECONDED Cr S Pearce

That Council:

1. Refuses the application for the keeping of four (4) dogs on Lot Sub 101 (17) Beaufort Street, West Toodyay, due to the owner indicating that they wish to breed their Labradors retrievers, which is an Animal Establishment under the Local Planning Scheme No.4.and is an X use (not permitted).
2. Requests that the applicant is advised that only (2) two dogs are authorised on the property.
3. Requests that the applicant is advised that the (2) two dogs on the property will be kept under control by means of Fencing and gates on the premises or a portion of the premises where the dogs are to be contained. This containment must be of a suitable type, height, and construction that prevent the dogs from passing over, under or through it always.
4. Requests that the applicant is advised that the additional two dogs must be removed from the property or surrendered to the Ranger within 28 days.

Voted For: Crs R Madacsi, B Ruthven, C Duri, P Hart, S McCormick, M McKeown, S Pearce and D Wrench

Voted Against: Nil

MOTION CARRIED 8/0

9.1.3 Lot 2 Stirling Terrace, Toodyay - Proposed painting of exterior woodwork at St Aloysius Boys School / Boarding House

Date of Report:	11 April 2022
File Reference:	P2022-23 / A4364/2STIT
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. P2022-23 - Application ⇒

SUMMARY

Applicant:	J Lacy
Owner:	Lacy Family Trust
Proposal:	Proposed painting of exterior woodwork at St Aloysius Boys School / Boarding House.
Location:	Lot 2 Stirling Terrace, Toodyay

PURPOSE OF THE REPORT

To consider an application for development approval for the painting of the exterior woodwork at St Aloysius Boys School/Boarding House – located at Lot 2 Stirling Terrace in Toodyay. This application has been referred to Council as there is no delegated authority to determine applications for development within the Roman Catholic Church Precinct.

BACKGROUND

Lot 2 Stirling Terrace in Toodyay is a 2,357m² (0.2357 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).

The property is also within the Roman Catholic Church Group which was placed on the State Register of Heritage Places (Place No. 4125) in 2019.

Proposal

On 18 March 2022, the Shire of Toodyay received an application for development approval to paint the exterior woodwork at St Aloysius Boys School/Boarding House as it is in an advanced state of disrepair.

The applicant is proposing to repaint using the existing colours; any additional painting will be chosen from the Toodyay Heritage colour pallet.

For more information, please refer to the **Attachment 1: P2022-23 Application Plans**.

Timeframe to determine.

This Shire received this application on 18 March 2022. 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 which is 16 June 2022.

COMMENTS AND DETAILS

The applicant has proposed to paint the exterior woodwork at St Aloysius Boys School/Boarding house. The current exterior paint work is in an advanced state of disrepair and repainting is necessary to protect the woodwork and heritage of the building.

The applicant proposes to paint the balustrade, portico, and French doors; Midnight Hour (Dark Blue), the lattice within the balustrade; Old School (Dark Tan) and the front door Mauve (from the Shire's heritage palette).

The paint colours proposed by the applicant are a close match to what the building is currently painted.

For more information, please refer to **Attachment 1 - P2022-23 - Application Plans**

The Heritage Council of WA (HCWA) has stated that repainting like for like colours does not require a formal referral.

The Shire recommends that Council approves this application subject to conditions.

IMPLICATIONS TO CONSIDER**Consultative:**

This was referred to Heritage Council of WA (HCWA), however they have advised that formal referral was not required if existing paint colour schemes were being applied.

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 mostly double story 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

1. All applications within the Central Toodyay Heritage Area shall have regard to and respect the following principles of development:
2. All development shall enhance and reinforce the historic character of the Central Toodyay Heritage Area.
3. New construction, demolition, intrusions, or other changes that would adversely affect the setting or relationships within the Central Toodyay Heritage Area are not appropriate.
4. 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 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 by the applicant to the State Administrative Tribunal, significant officer time will be required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM044/04/22

MOVED Cr S McCormick

That Council, pursuant to clause 68(2)(b) of the *deemed provisions for local planning schemes*, approves the application for Development Approval for the painting of the exterior woodwork of the St Aloysius Boys School/Boarding House at Lot 2 Stirling Terrace, Toodyay, subject to the following conditions:

1. The development hereby permitted must be commenced within two years from the date of this decision letter; and
2. The development hereby permitted taking place in accordance with the approved plans.

MOTION CARRIED 8/0

9.1.4 Lot 18 Timber Creek Crescent, Coondle - Proposed Single Dwelling - Setback Variation

Date of Report:	6 April 2022
File Reference:	A1165/18TIMB
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Acting Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. P2022-27 - Application ⇒ 2. P2022-27 - Schedule of Submissions ⇒

SUMMARY

Applicant:	Evoke Living Homes
Owner:	L & S Jones
Proposal:	Single Dwelling – Setback Variation
Location:	Lot 18 Timber Creek Crescent, Coondle

PURPOSE OF THE REPORT

To consider a setback variation of 13.8m in lieu of 30m off the northwestern boundary for a single dwelling at Lot 18 Timber Creek Crescent, Coondle.

This application has received a submission opposing the development, and therefore needs to be referred to Council for determination.

BACKGROUND

The proposal seeks to develop a single dwelling on site at Lot 18 Timber Creek Crescent, Coondle.

Lot 18 is 2.02 hectares and is zoned 'Rural Residential' under the Shire's *Local Planning Scheme No. 4* (the Scheme). The property is located approximately 14km west of the Toodyay town site.

Proposal

On 22 March 2022, the Shire of Toodyay received an application for development approval for a setback variation of 13.8m in lieu of 30m to construct a single dwelling. The property consists of very steep terrain and it is considered that for topography reasons it will be difficult to achieve the prescribed 30m setback. For more information, please refer to the **Attachment 1- P2022-27 Application**.

Timeframe to determine.

Given this application requires advertising, Council must determine the application within 90 days which is 20 June 2022 or sooner.

COMMENTS AND DETAILSBoundary Setbacks

As noted earlier, the proposal does not comply with the 30m setbacks for a Rural Residential zoned property, as prescribed under section 4.15.4(a) of the Scheme.

Whilst a Local Planning Scheme has been developed in the broadest possible way to ensure land is captured and treated homogeneously, it is recognised that there will often be instances where the provisions are impossible or at the least – difficult to achieve.

The Scheme recognises this and includes a provision allowing Council to consider varying setback requirements based on lot configuration or topography. Were it not for this provision, many parcels of land, including the subject parcel would never have the opportunity for this kind of development.

In this instance, the applicant has requested a setback variation due to the topography of the land parcel making development impossible if setbacks were adhered to.

Officers recommend that Council approves this application.

IMPLICATIONS TO CONSIDER**Consultative:**

The application was advertised in accordance with the Shire's *M2 Public Consultation* policy for a Level C classification. A mail out including covering letter and plans was sent to adjoining affected landowners who were given 14 days to comment. This period expired on 11 April 2022 and one submission was received.

The main issue raised was that if the setback variation was allowed and the owners then decided to sell or use the house as investment and rented it out, the people who may then live in the house, may not be as nice as the current owners. The submitter also questioned why suitable earthworks could not be used to address the extreme topography.

As previously outlined the topography on this land parcel makes adhering to the 30m setbacks impossible. Planning decisions are merit based and have a foundation of the principles of orderly and proper planning. Therefore, this development, must be determined on the facts rather than on speculation.

Details of the outcome of this consultation period can be viewed in **Attachment 2: Schedule of Submissions**.

Strategic:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations encompass the “deemed provisions for local planning schemes”);*
- *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*.

Policy related:

Council's policy *M.2 Public Consultation Formal Matters* was applied during the community consultation phase. Consultation was undertaken in accordance with Level C – Adjoining Landowner Comment.

State Planning Policy 3.7 - *Planning in Bushfire Prone Areas* was applied as the whole of the Shire of Toodyay has been declared bushfire prone. The Bushfire Attack Level (BAL) report which has been supplied as part of this application gives a BAL rating of FZ. (Flame Zone)

As the BAL for this property is FZ (Flame Zone) the following measures are required to be taken:

Prior to the occupation of the development, the approved Bushfire Management Statement shall be implemented, to achieve a rating of BAL-29 (or less) for the dwelling, and thereafter complied with by the landowner(s) for the life of the development and to the satisfaction of the Shire.

Financial:

Development Application fee 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 (the Regulations encompass the "deemed provisions for local planning schemes")*;
- *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 by the applicant to the State Administrative Tribunal, significant officer time will be required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM045/04/22

MOVED Cr S Pearce

SECONDED Cr P Hart

That Council grants development approval for a single dwelling at Lot 18 Timber Creek Crescent, Coondle, 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 plans submitted with the application.
- (c) 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.

Voted For: Crs R Madacsi, C Duri, P Hart, M McKeown, S Pearce and D Wrench

Voted Against: Crs B Ruthven and S McCormick

MOTION CARRIED 6/2

Attachments tabled at 1.05pm.

- 1 Tabled Map (from Manager Development and Regulation)

9.1.5 Lot 69 Telegraph Road, Toodyay - Amendment to development approval

Date of Report:	12 April 2022
File Reference:	P2021-7/A4336/69TEL
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	28 September 2021
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Minutes - 9.1.2 Lot 69 Telegraph Road, Toodyay – Proposed single house - 28 September 2021 ↔

SUMMARY

Applicant:	W Hall / Hilburn Construction
Owner:	W. Hall
Proposal:	Amendment to development approval
Location:	Lot 69 (No. 2) Telegraph Road, Toodyay

PURPOSE OF THE REPORT

To consider an application to amend an existing development approval for Lot 69 (No. 2) Telegraph Road in Toodyay.

BACKGROUND

This application was previously considered by Council at its Ordinary Council Meeting on 28 September 2021 (Council Resolution No. 186/09/21) where Council resolved:

That Council:

1. *Notes the submissions relating to the application for development approval for a single dwelling at Lot 69 Telegraph Road, which involves the proposed demolition of an existing dwelling.*
2. *Pursuant to Clause 68(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015; approves the development approval for a single dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:*
 - (a) *The development hereby permitted must substantially commence within two years from the date of the decision letter.*
 - (b) *The development hereby permitted taking place in accordance with the approved plans.*

- (c) *Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.*
 - (d) *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.*
 - (e) *Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.*
3. *Pursuant to Clause 68(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015; approves the development approval for the demolition of the existing dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:*
- (a) *Demolition of the existing dwelling must occur within 6 months of the occupation of the approved dwelling which is the subject of Condition 2.*
 - (b) *An archival record is to be made of the building to be demolished and submitted to the local government for approval prior to the issue of a Demolition Permit and shall include:*
 - i. *A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.*
 - ii. *Digital photographs taken of the building (once vacated) to include:*
 - 1. *a general/overall photo of the building to be demolished;*
 - 2. *photos of each of the four elevations;*
 - 3. *internal photos of all rooms (2 photos from different angles of each room); and*
 - 4. *photos of any all features, such as architraves, skirtings & joinery details.*

Advice Notes:

- 1. *Given that this property is fragmented (two adjacent lots being owned by the same landowner), it is recommended that the landowner considers legally amalgamating Lot 69 and Lot 123 in the future to avoid development issues and to maximise the development potential and future enjoyment of the land;*
- 2. *The bricks from the existing dwelling to be demolished are encouraged to be reused/recycled for local use where possible.*

When the application was previously considered, the Council agreed to the recommendation to allow the existing structure to be demolished. This was due to only one single dwelling being permitted on a Residential (R10) zoned lot.

However, subsequent to this decision, there has been interest from several elected members to encourage the retention of this structure if possible. The landowner – Mr Hall, is amenable to this. The best way to resolve this would be to amend the original decision of Council and to approve the new development as a Grouped Dwelling and to remove any requirement for demolition.

Notwithstanding the above, the Shire has recently been approached by Mr Hall who has encountered issues with his application for grant funding. Mr Hall intends to partially finance this development using the:

- [Building bonus grant](#); and

- [Australian Government Home Builder grant.](#)

to such an extent that the development cannot proceed if he is not successful.

One of the conditions of the Building bonus grant is that the new detached single dwelling must be built on vacant land.

On behalf of Mr Hall, the Shire has sought clarification on what constitutes vacant land and has explained the particulars of the case to the Department responsible for administering the funding.

The Shire has received written advice from the Grants and Subsidies Officer of RevenueWA (Department of Finance) that the definition of vacant can include the existing structure on the property provided that the old house is:

- Listed as a non-liveable dwelling; or
- Decommissioned and is no longer habitable.

COMMENTS AND DETAILS

The proposal to amend the existing development approval is positive for two reasons.

Firstly, the Council is able to advocate on behalf of a member of the community needing assistance to progress an application for grant funding. Should the Council choose to support the recommendation to amend the proposal, it will provide the required statutory function to allow Mr Hall to continue.

Secondly, and perhaps most importantly, it will correct a difficult and unpopular previous decision to demolish a structure with heritage significance to the community.

IMPLICATIONS TO CONSIDER

Consultative:

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions) which form part of the Shire of Toodyay Local Planning Scheme No. 4, includes a number of clauses relating to public notice for development applications, Structure Plans and Local Planning Policies. Many requirements relating to public notification of development applications are mandatory, while others provide the Shire with discretion as to whether a proposal is to be advertised and the method of advertising.

Given, the proposed change to the existing development effectively creates a status quo from a heritage protection and visual amenity sense and is seen as very positive – no additional community consultation is considered necessary in this instance.

The Department of Planning, Lands and Heritage was consulted about this and it was agreed that our approach was appropriate.

Strategic:

Shire of Toodyay Strategic Community Plan – Toodyay 2028

Improve processes to support the built environment

S 3.1 Adjust regulatory processes to be more enabling and accessible

Policy related:**Draft Local Planning Policy – Advertising of Planning Proposals**

This draft local planning policy is currently undergoing a period of public consultation and is a seriously entertained document.

6.7 Additional public notice of proposal previously advertised

Additional public notice shall be given in the same manner under the provisions of this policy as if the modified/amended proposal was received as a new development application in the following instances:

- a) Where a planning proposal is subsequently significantly modified prior to its final determination and additional variations arise from the modifications; or
- b) Where the application to amend an existing planning approval is received under Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* deemed provisions.

For the reasons previously listed in the Consultation section of this report, no additional consultation was required as this is an administrative change and has no impact on the amenity of the locality.

Financial:

Regulation 5A of Schedule 2 of the *Planning and Development Regulations 2009* provides that the fee for determining an application to amend or cancel development approval is \$295.

Should the Council choose not to approve the application, the applicant has the right of appeal through the State Administrative Tribunal. Ratepayer money will be required to pay for any legal or consultant costs required to defend the Council's decision.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 4.

Clause 77 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (the deemed provisions), outlines the process for amending or cancelling an existing development approval.

In this instance, pursuant to clause 77(3), the Shire will vary the requirement to advertise this amendment as this is an administrative change and has no negative impact on the amenity of the locality.

Risk related:**Financial Risk**

Should the Council choose to refuse this application, the applicant has the right of appeal to the State Administrative Tribunal. This could potentially involve ratepayer funds to defend a decision.

Workforce related:

If Council chooses not to support this application, the applicant has the right of review at the State Administrative Tribunal, which will impact on the organisation's workforce as Officers

will need to devote additional time to attend to the appeals process. These matters can also create additional stress which will need to be managed.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM046/04/22

MOVED Cr P Hart

That Council, pursuant to Clause 77(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (the deemed provisions) resolves to:

1. Delete Condition 3 of Council Resolution No. 186/09/21 dated 28 September 2021.
2. Amend Condition 1 of Council Resolution No. 186/09/21 dated 28 September 2021 to include the following additional conditions of approval:
 - (a) The existing heritage structure is to be retained and is not to be used for human habitation.
 - (b) A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
 - i. "The heritage cottage structure is not to be used for human habitation."*
 - (c) The costs associated with the creation of the notification are to be payable by the applicant.

Advice Note:

1. Application forms for establishing and withdrawing a notification are available from www.landgate.wa.gov.au

MOTION CARRIED 8/0

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 March 2022 - List of Payments

Date of Report:	14 April 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN29
Author:	C Murcott – HR/Payroll Officer
Responsible Officer:	N Mwale – Finance Coordinator
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments - March 2022. ↗

PURPOSE OF THE REPORT

To present cheques and electronic payments raised during March 2022.

BACKGROUND

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

COMMENTS AND DETAILS

The list of all payments processed under delegated authority during March 2022 are 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 online (internet) banking system.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:***The way the Shire leads and operates***

Objective 1: Provide and accountable and transparent leadership for the community.

Objective 3: Ensure rigorous organisational systems

Policy related:

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

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

Financial:

Payments of accounts made in March 2022 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/COUNCIL RESOLUTION NO. OCM047/04/22

MOVED Cr S McCormick

That Council notes as being paid, payments listed and presented for the month of March 2022 as attached to this report, summarised as follows:

Direct Debits	\$ 29,090.52
EFTs	\$1,252,703.76
Payroll	\$ 373,876.50
Municipal Cheques	\$ 65,470.55
TOTAL	\$1,721,141.33

MOTION CARRIED 8/0

9.3 EXECUTIVE SERVICES

9.3.1 REVISED Member Policies

Date of Report:	22 February 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Council Forum Policy March 2020 (Res No. 93/03/20) and Bush Fire Policy Adopted 24 June 2014 OCM (CR155/06/14)
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. REVISED Policy: Attendance at Events; ⇨ 2. REVISED Policy: Copyright; ⇨ 3. REVISED Policy: Continuing Professional Development; ⇨ 4. REVISED Policy: Council Delegates - Roles and Responsibilities; ⇨ 5. REVISED Policy: Council Forums; ⇨ 6. REFORMATTED Policy: Appointment of Acting or Temporary CEO; and ⇨ 7. NEW DRAFT Policy: Execution of Documents. ⇨

PURPOSE OF THE REPORT

1. To adopt REVISED Policies as follows:
 - (a) Attendance at Events (Attachment 1);
 - (b) Copyright Policy (Attachment 2);
 - (c) Continuing Professional Development (Attachment 3);
 - (d) Council Delegates – Roles and Responsibilities (Attachment 4); and
 - (e) Council Forum Policy (Attachment 5).
2. To receive and note REFORMATTED Policies as follows:
 - (a) Appointment of Acting or Temporary CEO (Attachment 6).
3. To consider adoption of the new DRAFT Execution of Documents Policy (Attachment 7).

BACKGROUND

Council resolved to implement a review of all Shire Policies at an Ordinary Council Meeting held in February 2022.

At a Council workshop held on 9 March 2022, the following policies were discussed:

1. Appointment of Acting CEO;
2. Attendance at Events;
3. Bush Fire Brigades;
4. Continuing Professional Development;
5. Council Delegates – Roles and Responsibilities;
6. Council Forums Policy;
7. Execution of Documents; and
8. Local Government Payments and Gifts to Members.

The policy listed at No. 8 was reviewed and requested to be brought back for review at the May 2022 Council workshop.

The following policies were presented to a Council workshop held on 13 April 2022:

- Legal Representation and Costs Indemnification.
- Compliance and Enforcement; and
- Copyright Policy.

In relation to all policies being presented:

- Definitions are included to provide clarification;
- Duplication of text from other documents, legislative clauses, words or phrases, and sub-numbering has been removed;
- Wording and tables were revised to ensure the policies are understood;
- More legislative references have been included to ensure compliance with legislative provisions; and
- Reference Information; Legislation; Associated documents; Version control; and document control information, have been updated in each policy.

COMMENTS AND DETAILS

Further amendments were made to the REVISED policies following the March 2022 and April 2022 Council workshops as detailed below:

(a) Attendance at Events

The [Attendance at Events Policy](#) was last reviewed by Council in February 2020.

The events table was updated and new headings included.

The circular located at this link: https://www.dlgsc.wa.gov.au/docs/default-source/local-government/circulars/departamental-circular-11-2019---new-gifts-framework.pdf?sfvrsn=6bc50fd3_4 has remained and reference to gift provisions provided.

(b) Copyright Policy

The [Copyright Policy](#) was adopted by Council in 2015.

The revision of the policy addressed concerns following the Council workshop regarding out of date references.

The copyright notice in the policy, related to publications, was amended because the Shire of Toodyay has more than one logo and various graphic components of the logos contained within its current Shire Style Guide.

The Shire of [Toodyay Copyright Statement](#) appearing on the Shire's website will be updated to reflect the words specified in the REVISED policy, once adopted.

(c) Continuing Professional Development

The [Continuing Professional Development Policy](#) was last reviewed by Council in February 2020.

The revision of the policy addresses the concern about responsibility of Members to provide a report to Council about their professional development.

When the President or Deputy are unable to attend events, informal processes are undertaken through the Office of the CEO and the revised policy will give the CEO that discretion to continue the informal process.

(d) Council Delegates Roles and Responsibilities

The [Council Representatives on Committees that are not Committees of Council](#) policy was adopted in 2014.

The main amendments made to the policy were regarding the Policy Statement and changing the name of the policy to "Council Delegates – Roles and Responsibilities." Following the workshop, some references to additions from other local government policies were removed in the revision of this policy.

The revision of the policy addresses the concern about responsibility being placed upon Delegates to provide a report to Council about the meetings they attend as delegates.

(e) Council Forums Policy

The current [Council Forum policy](#) was last reviewed in July 2020.

The REVISED Policy contains information around protocols, procedures and participation. It also addresses the concern about Standing Order 6.3 having been contained in the current policy as it restricted questions and answers whilst at the same time suppressing expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question or answer.

(f) Appointment of Acting CEO

The [Appointment of an Acting or Temporary CEO Policy](#) was adopted in June 2021. It is proposed to be amended only to the extent that the names of the Managers have been corrected to reflect updated titles.

(g) New Policy – Execution of Documents

The Policy has been written with the intent of providing clarity so that Shire Officers, Council Members and the community understand the types of documentation that are signed throughout the Shire and the parameters for their execution.

The revision of the policy addresses the concern about the unlimited \$ value that had been previously listed in the first draft of the policy.

IMPLICATIONS TO CONSIDER

Consultative:

In reviewing all policies, the Officer referred to on-line resources and sample policies from;

- the Australian Institute of Company Directors;
- several Western Australian local governments; and the
- Department of Local Government, Sport and Cultural Industries.

Strategic:

Strategic Community Plan – Toodyay 2028 (SCP)

- *Governance – the way the Shire leads and operates.*

Council will engage with the community and provide good governance on behalf of the Community.

Shire of Toodyay Governance Framework.

Policy related:

The structure of all policies presented are in line with Council's Corporate Documents Policy, adopted in November 2021.

The DRAFT Execution of Documents policy, once adopted, will be included as a reference to Delegation ES2 in the Register of Delegations. The policy seeks to ensure that consideration be given to relevant Council Policies that identify risk exposure to the Shire of Toodyay.

Financial:

Some policies will have financial implications in relation to the budget. The costs are considered as part of the annual budget process.

Legal and Statutory:

Local Government 1995 and various regulations provide the head of power for relevant policies.

Risk related:

Without the adoption of the policies being presented there is minor risk to the compliance of the organisation. Specific risks are:

Execution of Documents

The NEW policy outlines the roles and responsibilities of those signing documentation on behalf of the Shire, particularly with regard to risk. The policy mitigates the moderate risks associated with execution of documents through delegation and the adoption of this policy.

Council Forums

Council is required to make decisions at formal Council Meetings in accordance with section 5.20 of the *Local Government Act 1995*.

The *Council Forums* policy was put in place in 2014 to enable Council to have flexibility in how it approaches its meeting procedures. The risk rating is Low (1-4) in regard to holding forums, sessions and workshops.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council adopts the following REVISED policies as amended:

- (a) Attendance at Events (Attachment 1);
- (b) Copyright Policy (Attachment 2);
- (c) Continuing Professional Development (Attachment 3);
- (d) Council Delegates – Roles and Responsibilities (Attachment 4); and
- (e) Council Forum Policy (Attachment 5).

OFFICER'S RECOMMENDATION 2

That Council receives and notes the REFORMATTED Appointment of Acting or Temporary CEO Policy, as amended (Attachment 6).

OFFICER'S RECOMMENDATION 3

That Council adopts the NEW Execution of Documents Policy, as attached to this report (Attachment 7).

AMENDED OFFICER'S RECOMMENDATION 1

That Council:

1. Defers the Copyright Policy (Attachment 2) to June 2022;
2. Adopts the following REVISED policies as amended:
 - (a) Attendance at Events (Attachment 1);
 - (b) Continuing Professional Development (Attachment 3) subject to the following amendments:
 - i. The Local Government Professionals National Congress gets removed from 2.1;
 - ii. Amend the definition of the training period to say “refers to the 12-month period from the day on which the Member is elected, within which the course of mandatory training must be passed”;
 - iii. Insert a new definition term “Accommodation Costs” where the definition will be “means the cheapest 3 or 4 star accommodation which is also the nearest option to the training venue”;

- iv. Remove the words “or Northam Airports” from “Airfare costs” definition term;
 - v. Add the word “boundary” following the word “Toodyay” at point (a) in the definition for Accommodation; and
 - vi. Insert the words “the combination of the ticket for the Shire Officer and partner” after the words “\$150 value” at point 2.2.
- (c) Council Delegates – Roles and Responsibilities (Attachment 4) subject to the following amendments:
- i. Insert the word “responsibility” after the word “fiduciary” at Part 6.
- (d) Council Forum Policy (Attachment 5) subject to the following amendments:
- i. Members of the public are not to be present at these sessions unless invited to attend by, or through the CEO or Shire President;
 - ii. At Point 2 (c) replace the word “or” with the word “and” so that people from the community are not to be present unless they have permission of the Shire President and CEO;
 - iii. Amend the title of Point 1 to Agenda Briefings;
 - iv. Amend the title of Point 2 to Concept Forums;
 - v. Remove the word considerations from the title of Point 3;
 - vi. Amend the title of Point 4 to Information Sessions;
 - vii. Include the words “including questions and responses to further questions” after the words “Notes will be taken to include attendance, requests for further information” at Point 1;
 - viii. Add a new paragraph at Point 3, following the first paragraph to read “Workshops are convened through the direction of either the CEO or a recommendation from the Shire President to the CEO”;
 - ix. Insert a new definition term called “Council Forum” – the definition of which shall be “encompassing Agenda or Information Briefings, Concept Forums, Information Sessions and Council Workshops”
3. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

Cr Hart moved an amendment as follows:

That the term “Council” be defined as part 2, Division 2 of the Local Government Act 1995.

Cr Pearce seconded the amendment.

Clarification was sought.

Note: the term “Council” is defined as “council of a local government” in the Local Government Act 1995.

AMENDMENT/COUNCIL RESOLUTION NO. OCM048/04/22

MOVED Cr P Hart

SECONDED Cr S Pearce

That the term "Council" be defined as part 2, Division 2 of the *Local Government Act 1995*.

AMENDMENT CARRIED 8/0

Cr Pearce moved an amendment to the motion as follows:

In the Council Forum Policy at Workshops the flow chart on the timeline process for policy review and determination uses teams is added at that point.

Further clarification was sought.

Cr Madacsi proposed the amendment read as follows:

That Council adopts a flow chart and timeline process as proposed in all policy reviews.

Further clarification was sought.

Cr McKeown raised a Point of Order under Standing Orders 5.14, in relation to the Amended Officer's Recommendations provided to Council in respect to Items 9.1.1, 9.3.1., and 9.3.2 via the Councillor hub and not placed onto the Shire website.

The Shire President accepted the premise of the Point of Order and advised that the Acting CEO will consult with the Department in relation to publishing amended Officer's Recommendations prior to Council and/or Committee Meetings.

The live stream and meeting adjourned at 2.37pm.

The live stream and meeting resumed at 3.02pm.

The Shire President advised the following in respect to the advice sought:

"Regulation 14 is primarily a public information provision not considered statutory because the Act does not go on to invalidate an action under that. It is a practicality. The basis is that the public are aware of what is on the agenda. Supporting documentation should be on the agenda, and reports, but when you come to putting minor variations, variations, alternate recommendations, or amendments or even something as simple as a plan whipped up at the last minute to give Councillors clarity there is no obligation to provide that to the public because the public become aware of that through the course of the meeting."

MOTION/COUNCIL RESOLUTION NO. OCM049/04/22

MOVED Cr S Pearce

Cr Pearce sought leave to withdraw the amendment.

MOTION CARRIED 8/0

Cr Hart proposed an amendment to the motion as follows:

That the definition of Shire President be reworded to "as defined in section 2.8 of the *Local Government Act 1995*."

Clarification was sought.

Cr Hart withdrew the proposed amendment.

Further clarification was sought.

AMENDMENT/COUNCIL RESOLUTION NO. OCM050/04/22**MOVED** Cr M McKeown

That, in the Amended Officer's Recommendation 1, at Point 2(d)(vii) it be reworded to read as follows:

- (vii) Include the words "including questions and responses to further questions and the titles of the persons asking and answering questions" after the words "Notes will be taken to include attendance, requests for further information" at Point 1;

AMENDMENT CARRIED 8/0**AMENDMENT/COUNCIL RESOLUTION NO. OCM051/04/22****MOVED** Cr R Madacsi

That inserted under section 3 in Workshops of the Council Forum Policy the following procedure for the review of policy be included:

- (a) 1 month before the Agenda Briefing a policy(s) are supplied to all Councillors for review;
- (b) After ten days Councillors are requested to review the changes and inform Administration of their acceptance or not of the proposed changes;
- (c) After three days, if there is a majority acceptance, the changes are incorporated into a DRAFT policy(s);
- (d) If there is not a majority of acceptance or if the policy is new it is deferred to a workshop; and
- (e) Changes agreed at the workshop are incorporated into the DRAFT policy(s).

AMENDMENT CARRIED 8/0**MOTION/COUNCIL RESOLUTION NO. OCM052/04/22****MOVED** Cr M McKeown**SECONDED** Cr S Pearce

That in accordance with Standing Order 9.5, the Amended Officer's Recommendation 1 be separated and handled in 5 parts as follows:

1. Copyright Policy;
2. Attendance at Events;
3. Continuing Professional Development;
4. Council Delegates – Roles and Responsibilities
5. Council Forum Policy

MOTION CARRIED 8/0

The Shire President recommended the parts be separated and shown on the screen.

AMENDED OFFICER'S RECOMMENDATION 1 – PART 1 / Copyright Policy

That Council defers the Copyright Policy (Attachment 2) to June 2022.

AMENDED OFFICER'S RECOMMENDATION 1 – PART 2 / Attendance at Events Policy

That Council:

1. Adopts the REVISED Policy: Attendance at Events (Attachment 1); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

AMENDED OFFICER'S RECOMMENDATION 1 – PART 3 / Continuing Professional Development Policy

That Council:

1. Adopts the REVISED Policy: Continuing Professional Development (Attachment 3) subject to the following amendments:
 - i. The Local Government Professionals National Congress gets removed from 2.1;
 - ii. Amend the definition of the training period to say “refers to the 12-month period from the day on which the Member is elected, within which the course of mandatory training must be passed”;
 - iii. Insert a new definition term “Accommodation Costs” where the definition will be “means the cheapest 3 or 4 star accommodation which is also the nearest option to the training venue”;
 - iv. Remove the words “or Northam Airports” from “Airfare costs” definition term;
 - v. Add the word “boundary” following the word “Toodyay” at point (a) in the definition for Accommodation; and
 - vi. Insert the words “the combination of the ticket for the Shire Officer and partner” after the words “\$150 value” at point 2.2.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

AMENDED OFFICER'S RECOMMENDATION 1 – PART 4 / Council Delegates – Roles and Responsibilities Policy

That Council:

1. Adopts the REVISED Policy: Council Delegates – Roles and Responsibilities (Attachment 4) subject to the following amendments:
 - i. Insert the word “responsibility” after the word “fiduciary” at Part 6.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

AMENDED OFFICER'S RECOMMENDATION 1 – PART 5 / Council Forum Policy

That Council:

1. Adopts the REVISED Policy: Council Forum Policy (Attachment 5) subject to the following amendments:
 - i. Members of the public are not to be present at these sessions unless invited to attend by, or through the CEO or Shire President;
 - ii. At Point 2 (c) replace the word “or” with the word “and” so that people from the community are not to be present unless they have permission of the Shire President and CEO;
 - iii. Amend the title of Point 1 to Agenda Briefings;
 - iv. Amend the title of Point 2 to Concept Forums;
 - v. Remove the word considerations from the title of Point 3;
 - vi. Amend the title of Point 4 to Information Sessions;
 - vii. Include the words “including questions and responses to further questions and the titles of the persons asking and answering questions” after the words “Notes will be taken to include attendance, requests for further information” at Point 1;
 - viii. Add a new paragraph at Point 3, following the first paragraph to read “Workshops are convened through the direction of either the CEO or a recommendation from the Shire President to the CEO”;
 - ix. Insert a new definition term called “Council Forum” – the definition of which shall be “encompassing Agenda or Information Briefings, Concept Forums, Information Sessions and Council Workshops”;
 - x. Insert under section 3 in Workshops of the Council Forum Policy the following procedure for the review of policy:
 - (a) 1 month before the Agenda Briefing a policy(s) are supplied to all Councillors for review;
 - (b) After ten days Councillors are requested to review the changes and inform Administration of their acceptance or not of the proposed changes;
 - (c) After three days, if there is a majority acceptance, the changes are incorporated into a DRAFT policy(s);
 - (d) If there is not a majority of acceptance or if the policy is new it is deferred to a workshop; and
 - (e) Changes agreed at the workshop are incorporated into the DRAFT policy(s).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

The Shire President ruled that the five parts could not be moved as separate recommendations as Council could not discard the substantive motion to consider a new set of recommendations. The Shire President asked Cr McKeown to consider withdrawing the motion resolved by Council.

Cr Pearce moved a Procedural Motion as follows:

That the question be put in relation to Agenda Item 9.3.1 at 3.36pm in accordance with Standing Order 10.1(d).

The Presiding Member offered the right of reply to the mover of the substantive motion, without amendment in accordance with Standing Order 10.8(1) because Cr Pearce was the mover of the substantive motion and asked for there to be no further discussion.

The Procedural Motion was put.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM053/04/22

MOVED Cr S Pearce

That the question be put in relation to Agenda Item 9.3.1 at 3.36pm in accordance with Standing Order 10.1(d).

MOTION CARRIED 8/0

The Presiding Member confirmed that the motion is carried and in accordance with Standing Order 10.8(2), the motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM054/04/22

MOVED Cr S Pearce

That Council:

1. Defers the Copyright Policy (Attachment 2) to June 2022;
2. Adopts the following REVISED policies as amended:
 - (a) Attendance at Events (Attachment 1);
 - (b) Continuing Professional Development (Attachment 3) subject to the following amendments:
 - i. The Local Government Professionals National Congress gets removed from 2.1;
 - ii. Amend the definition of the training period to say “refers to the 12-month period from the day on which the Member is elected, within which the course of mandatory training must be passed”;
 - iii. Insert a new definition term “Accommodation Costs” where the definition will be “means the cheapest 3 or 4 star accommodation which is also the nearest option to the training venue”;
 - iv. Remove the words “or Northam Airports” from “Airfare costs” definition term;
 - v. Add the word “boundary” following the word “Toodyay” at point (a) in the definition for Accommodation; and
 - vi. Insert the words “the combination of the ticket for the Shire Officer and partner” after the words “\$150 value” at point 2.2.
 - (c) Council Delegates – Roles and Responsibilities (Attachment 4) subject to the following amendments:
 - i. Insert the word “responsibility” after the word “fiduciary” at Part 6.

- (d) Council Forum Policy (Attachment 5) subject to the following amendments:
- i. Members of the public are not to be present at these sessions unless invited to attend by, or through the CEO or Shire President;
 - ii. At Point 2 (c) replace the word “or” with the word “and” so that people from the community are not to be present unless they have permission of the Shire President and CEO;
 - iii. Amend the title of Point 1 to Agenda Briefings;
 - iv. Amend the title of Point 2 to Concept Forums;
 - v. Remove the word considerations from the title of Point 3;
 - vi. Amend the title of Point 4 to Information Sessions;
 - vii. Include the words “including questions and responses to further questions and the titles of the persons asking and answering questions” after the words “Notes will be taken to include attendance, requests for further information” at Point 1;
 - viii. Add a new paragraph at Point 3, following the first paragraph to read “Workshops are convened through the direction of either the CEO or a recommendation from the Shire President to the CEO”;
 - ix. Insert a new definition term called “Council Forum” – the definition of which shall be “encompassing Agenda or Information Briefings, Concept Forums, Information Sessions and Council Workshops”
3. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.
4. That the term “Council” be defined as part 2, Division 2 of the *Local Government Act 1995*.

Voted For: Crs C Duri and S Pearce

Voted Against: Crs R Madacsi, B Ruthven, P Hart, S McCormick, M McKeown and D Wrench

MOTION LOST 2/6

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM055/04/22

MOVED Cr S Pearce

That Council:

1. Receives and notes the REFORMATTED Appointment of Acting or Temporary CEO Policy, as amended (Attachment 6) subject to the following changes:
 - (a) In the definition of Executive Managers the word Workers is changed to Employees; and
 - (b) In the definition of Shire President the meaning be: “means a mayor or president elected by the council from amongst the councillors”.

2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM056/04/22

MOVED Cr S McCormick

That Council adopts the NEW Execution of Documents Policy, as attached to this report (Attachment 7).

MOTION CARRIED 8/0

9.3.2 Administration and Governance Policies

Date of Report:	3 March 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2/MTG7
Author:	M Rebane – Executive Assistant T Bateman – Manager Corporate and Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Bush Fire Policy Adopted 24 June 2014 OCM (CR155/06/14)
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. REVISED Legal Representation and Costs Indemnification Policy; ⇒ 2. REVISED Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Policy; ⇒ 3. REVISED Legislative Compliance Policy; ⇒ 4. REVISED Compliance and Enforcement Policy; ⇒ 5. CURRENT Establishment and Operation of Bush Fire Brigades Policy; ⇒ 6. CURRENT Freedom of Information Policy. ⇒

PURPOSE OF THE REPORT

1. To revoke Policies as follows:
 - (a) The current Establishment and Operation of Bush Fire Brigades Policy; and
 - (b) The current Freedom of Information Policy; and
2. To adopt REVISED Policies as follows:
 - (a) Legal Representation and Costs Indemnification;
 - (b) Legislative Compliance;
 - (c) Compliance and Enforcement; and
 - (d) Complaints of alleged breach of the Code of Conduct for Members, Committee Members and Candidates.

BACKGROUND

Council resolved to implement a review of all Shire policies at an Ordinary Council Meeting held in February 2022.

The following policies were presented to a Council workshop held on 13 April 2022:

- Legal Representation and Costs Indemnification;
- Compliance and Enforcement; and
- Copyright Policy.

At a Council workshop held on 9 March 2022, a REVISED Bush Fire Brigades Policy was discussed.

(a) Establishment and Operation of Bush Fire Brigades Policy

The current Establishment and Operation of Bush Fire Brigades Policy is on the Shire website here: <https://www.toodyay.wa.gov.au/documents/113/a21-establishment-and-operation-of-bush-fire-brigades>

The Community Emergency Services Manager (CESM) was consulted about the REVISED policy following the Council workshop. The CESM proposed the current policy be revoked and stated that:

“...the current structure of the Bush Fire Operating Procedures (BFOP) is a mix of policy and procedure. A cover-to-cover review of the BFOP is needed. Thus it would be my recommendation that Council as part of such an approach, request that BFOP is reviewed and bring it back to Council via the Bush Fire Advisory Committee (BFAC).

A review would confirm and amend content (some of which has not had specific attention since 2014), as well as addressing the format so that the policy is separated from procedure and the document structure is improved...”

It is recommended that the current policy be revoked.

(b) Freedom of Information Policy

The current Freedom of Information Policy is on the Shire website here: <https://www.toodyay.wa.gov.au/documents/125/a16-freedom-of-information>

The Administrative Policy A.16 Freedom of Information was adopted by Council on 18 April 2013. It was reviewed in conjunction with the review of the Register of Delegations.

EA4 Delegation to CEO in relation to the *FOI Act 1992* was a statutory delegation made by an External Agency through the *Freedom of Information Act 1992* which defines:

- (a) an **agency** as being a public body or office and a **public body** as meaning a local government; and
- (b) a **principal officer** of an agency “(c) in relation to a local government – the Chief Executive Officer (CEO) of the local government.”

It is recommended that the Freedom of Information policy be revoked due to the existence of the statutory delegation that enables the CEO to make decisions on behalf of the Agency or direct an officer of the agency to make a decision, either generally or in a particular case in respect to an FOI Application in accordance with Section 100 “who in Agency makes decisions” of the *Freedom of Information Act 1992*.

COMMENTS AND DETAILS

In relation to all REVISED policies being presented:

- Definitions are included to provide clarification;
- Duplication of text from other documents, legislative clauses, words or phrases, and sub-numbering has been removed;
- Wording and tables were revised to ensure the policies are understood;
- More Legislative references have been included to ensure compliance with legislative provisions; and
- Reference Information; Legislation; Associated documents; Version control; and Document Control Information, have been updated in each policy.

Grammatical amendments were made to the REVISED policies following the April 2022 Council Workshop. Further information is provided as follows:

(a) Compliance and Enforcement Policy

The current [Compliance and Enforcement Policy](#) was adopted by Council on 13 October 2020.

WA local governments and the Department of Health are the enforcement agencies for various food businesses and other business activities across WA.

Adopting a strategic approach to the application of legislative enforcement provisions by developing a written compliance and enforcement strategy or policy ensures consistency in enforcement action taken by a local government, its Environmental Health Officer and other Authorised Persons or Officers.

1. Compliance and enforcement action is a graduated approach of enforcement options, commencing with issuing an improvement notice and then moving to more severe enforcement options such as prosecution. The enforcement option will depend on inherent risks and the overall performance of a business or individual.
2. The revision of the policy includes definitions and references to Prescribed Acts and their subsidiary legislation for which the Shire enforces within the district related to any prescribed offences. The policy could be further modified if we wished to make reference to the types of enforcement actions available, however, as the subsidiary legislation in the regulations of Prescribed Acts would cover this, it was considered unnecessary to include.

(b) Legislative Compliance Policy:

The current policy titled [Legislative Compliance](#) was adopted by Council on 25 November 2014.

References included are:

- To the Register of Delegations which is an important document for the local government. The previous policy stated that the Shire would ensure x, y, and z. The REVISED policy states that the Council will ensure x, y, and z.
- To the Integrity Strategy published by the Public Sector Commission who held a webinar that the Officer attended; the object of which was to advise of compliance matters that local governments are responsible for addressing.

(c) Legal Representation and Costs Indemnification Policy:

The current policy titled [Legal Representation and Costs Indemnification](#) was last reviewed by Council at an Ordinary Council Meeting held on 25 August 2020 where Council was made aware of the current policy having been amended in June 2020 to include a maximum limit of \$10,000. At the same time, in Delegation CS5 Legal Representation and Costs Indemnification, an amendment was made to remove the reference to the amount so that the policy would define what the maximum limit was.

The Department of Local Government, Sport and Cultural Industries provide a model policy for Council to consider when developing a policy for Legal Representation and Costs Indemnification.

Concerns were raised at the workshop in relation to:

- Appeal provisions - which are not specifically identified but are covered by clause 4 which reads that a further application may be made to Council in respect of the same matter;
- Delegation to the CEO to approve an application before taking it to Council – which was contained in the current policy. A Special Council Meeting could be called by the CEO, using their discretion, without that option being included in the policy. There is however merit in keeping it in the REVISED policy in extraordinary circumstances where it might disadvantage an applicant to defer action. Council has the option of removing it through an amendment to the policy during debate of the matter; noting that the Recommendation is to adopt the policy, as amended.; and
- Legal representation costs not being repaid to the Shire; however as clause 5.5 and clause 7 stipulates – the policy states what those parameters are. Procedurally, the Shire would enter into a signed agreement for repayment of legal costs with the Member and/or the Shire Officer. The terms of that agreement would be the instrument that says what would occur in the event of the Member or Shire Officer being or becoming financially unable to repay such costs.

(d) Complaints of alleged breach of the Code of Conduct for Members and Candidates Policy:

The current policy titled [Complaints of alleged breach of the Code of Conduct for Members and Candidates](#) was adopted by Council in April 2021.

Concerns were raised at the workshop in relation to:

- The role who appoints an independent investigator – which has been updated to be the Complaints Officer as that role will be responsible for dealing with complaint matters;
- Appeal provisions - which are not specifically identified but are covered by the fact that the report would be provided to Council as a confidential matter. If the Applicant was not happy with the decision made by the Council they would be able to make an application for Council to revoke or change its decision – but this would be subject to Part 15 of the *Shire of Toodyay Standing Orders Local Law 2008*;
- Clause 8 – which points out that a Member or a Shire Officer would be “breaking the rules of conduct as defined in the *Local Government Act 1995*” if they did not undertake actions required by Council. The policy only deals with complaints of alleged breach that are related to the Code of Conduct. The policy will not

address what occurs where any subsequent breach becomes an actual rule of conduct breach/minor breach; nor does it cover processes around serious breaches as processes for minor and serious breaches are identified within the regulations and need not be duplicated in policy.

It is recommended that all REVISED policies, as amended, be adopted by Council.

IMPLICATIONS TO CONSIDER

Consultative:

In reviewing all policies, the Officer referred to on-line resources and sample policies from:

- The Department of Water, Environment and Regulation.
- The Public Sector Commission;
- The Department of Health;
- Other local governments: the City of Wanneroo; the Shire of Serpentine Jarrahdale; the City of Karratha (which is much like the current Council policy);
- the Department of Local Government, Sport and Cultural Industries' website (link: <https://www.dlgsc.wa.gov.au/department/publications/publication/legal-representation-for-council-members-and-employees>)

Strategic:

A key point of the Shire's Strategic Community Plan – Toodyay 2028 (SCP) is Governance – the way the Shire leads and operates.

The strategic outcome is that Council will engage with the community and provide good governance on behalf of the Community.

The Governance Framework, adopted by Council in terms of representation states that the Elected Members represent the interests of and are accountable to all electors, ratepayers and residents of the Shire.

Section 9.4.4 Protection from Liability within the Governance Framework provides for an explanation of the privilege Elected Members have in the community and that they should be mindful of their responsibilities and not, in the heat of a Council debate, to make defamatory statements which could give rise to a civil action.

Policy related:

The structure of all policies presented are in line with Council's Corporate Documents Policy, adopted in November 2021.

Financial:

Nil.

Legal and Statutory:

The *Local Government (Model Code of Conduct) Regulations 2021*.

s.9.56 of the *Local Government Act 1995* (the Act).

s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

s.6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law.

Under these provisions, a Council can expend funds to provide legal representation for Elected Members and Shire Officers, as long as it believes that the expenditure falls within the scope of the local government's function.

Bush Fire Act 1954

- Section 38 of the Bush Fires Act 1954 provides for a local government to appoint and provide direction to Bush Fire control officers, who are in turn able to direct the activities of brigades.
- Section 41 "Bush Fire Brigades" (Division 2 – Bush Fire Brigades - Part IV Control and Extinguishment of bush fires);
- Section 50 "Records to be maintained".

Risk related:

There would be moderate risks associated with not adopting the REVISED Policies presented with this report as they may affect the Shire's compliance.

There are no risks associated with revoking the current Freedom of Information policy.

The existence of the Bush Fire Operating Procedures, being used by the Shire in the absence of creating a local law, addresses any perception of risk through revoking the Establishment of Bush Fire Brigades Policy.

Workforce related:

The REVISED Policies will be published on the Shire website.

If Council endorses the cover-to-cover review of the BFOP it would allow a section of the document to be referred to and identified as a policy. Review is also required to meet ongoing WHS compliance (more on the operation procedures side). This would be a lengthy undertaking that would need to be factored into the CESMs workload to occur in the latter half 2022.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council adopts the REVISED Legal Representation and Costs Indemnification policy, as amended.

OFFICER'S RECOMMENDATION 2

That Council adopts the REVISED Compliance and Enforcement policy, as amended.

OFFICER'S RECOMMENDATION 3

That Council adopts the REVISED Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Policy, as amended.

OFFICER'S RECOMMENDATION 4

That Council adopts the Legislative Compliance Policy, as amended.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 5

That Council:

1. Revokes the Establishment and Operation of Bush Fire Brigades Policy; and
2. Authorises the CEO to arrange for the Bush Fire Operational Procedures to be reviewed and brought back to Council through the Bush Fire Advisory Committee (BFAC) by December 2022.

OFFICER'S RECOMMENDATION 6

That Council revokes the current Freedom of Information Policy.

AMENDED OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM057/04/22

MOVED Cr P Hart

That Council:

1. Adopts the REVISED Legal Representation and Costs Indemnification policy, as amended; and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to policy, prior to publication.

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM058/04/22

MOVED Cr P Hart

That Council adopts the REVISED Compliance and Enforcement policy, as amended.

MOTION CARRIED 8/0

OFFICER'S RECOMMENDATION 3/COUNCIL RESOLUTION NO. OCM059/04/22**MOVED** Cr C Duri

That Council:

1. Revokes the Establishment and Operation of Bush Fire Brigades Policy; and
2. Authorises the CEO to arrange for the Bush Fire Operational Procedures to be reviewed and brought back to Council through the Bush Fire Advisory Committee (BFAC) by December 2022.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**OFFICER'S RECOMMENDATION 4/COUNCIL RESOLUTION NO. OCM060/04/22****MOVED** Cr C Duri

That Council revoke the current Freedom of Information Policy.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**AMENDED OFFICER'S RECOMMENDATION 5/COUNCIL RESOLUTION NO. OCM061/04/22****MOVED** Cr S McCormick

That Council adopt the REVISED Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Policy, as amended, subject to the following amendment:

- (a) That at Point 8 a new paragraph be inserted following the second paragraph to read as follows: "The Complaints Officer for the Shire of Toodyay will comply with s.5.106 and s.5.107 of the Act in respect to an alleged minor breach."

MOTION CARRIED 8/0

Clarification was sought.

Cr Ruthven foreshadowed a motion to defer the Legislative Compliance Policy until the May 2022 Ordinary Council Meeting so that it can be workshopped.

Officer's Recommendation 6 was lost for want of a mover.

Cr Ruthven moved a motion as follows:

That the Legislative Compliance Policy be deferred to the next available general workshop.

Cr Pearce moved an amendment that the motion be reworded to read as follows:

That the Legislative Compliance Policy be deferred to the next policy workshop.

Cr Ruthven accepted the amendment.
The substantive motion was put.

MOTION/COUNCIL RESOLUTION NO. OCM062/04/22

MOVED Cr B Ruthven

That the Legislative Compliance Policy be deferred to the next policy workshop.

MOTION CARRIED 8/0

9.3.3 Total Project Costs - Toodyay Recreation Centre

Date of Report:	10 April 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PRO10
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	
Previously Before Council:	22 November 2017 27 April 2021
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Toodyay Recreation Centre Project Costs ↔

PURPOSE OF THE REPORT

To present for the information of Council and the community, an outline of the total cost of the Toodyay Recreation and Aquatic Centre including planning and expert advice, land purchase, design, project management, construction and fit out.

BACKGROUND

The development of the Toodyay Recreation Centre occurred during a period spanning over a decade. The following table provides a summary and timeline of activities undertaken during this process.

Year	Actions
2003	<ul style="list-style-type: none"> • Discussion paper re Aquatic Complex presented to Council Forum • Shire's Principal Activity Plan 2002 - 2007 includes development of an aquatic complex in 2005/2006 • Indicative cost \$2.2million
2012	<ul style="list-style-type: none"> • Acquisition of land for the purposes of recreation considered • Discussion paper presented to Council Forum with four options for land acquisition
2013	<ul style="list-style-type: none"> • Consultation and development of Strategic Community Plan • Confirmation of aquatic facility as a community priority • Finalisation of negotiations and purchase of land in Foggarthorpe estate • Adoption of Strategic Community Plan 2013-2023 which included:

Year	Actions
	<ul style="list-style-type: none"> ○ <i>Establish a new recreation precinct to accommodate the long-term needs of the community, which includes a multi-purpose recreation facility with an aquatic facility (partially grant and loan funded).</i> ● Adoption of 2013/14 Budget which included; <ul style="list-style-type: none"> ○ \$100,000 for master planning of the Toodyay Sport and Recreation Precinct. ○ \$1,625,000 for purchase of land adjacent to Toodyay DHS ○ Reference to Recreation Centre Reserve (\$774,787) and Recreation Development Reserve (\$247,497). ● Following public advertising, adoption of the Shire of Toodyay Recreation Strategy developed by SGL Consulting Group
2014	<ul style="list-style-type: none"> ● Peter Hunt Architects engaged to develop a Recreation Precinct Master Plan following an EOI process ● Staged Master Plan adopted following public consultation ● Advocacy activities and fundraising investigations commenced
2015	<ul style="list-style-type: none"> ● Endorsement of Business Case for Stage One of the Sport and Recreation Precinct (valued at \$21,854,383) to accompany National Stronger Regions Fund (NSRF) application. ● Commitment of \$11,660,000 in Shire funds consisting of: <ul style="list-style-type: none"> ○ \$1,800,000 from Shire reserves; ○ \$1,860,000 over 3 financial years from Shire funds; and ○ \$8,000,000 in new borrowings. ● Advocacy and fundraising activities continued
2016	<ul style="list-style-type: none"> ● Community Sporting and Recreation Facilities Fund (CSRFF) funding strategy discussed and developed ● Endorsement of application for CSRFF funding of \$1.5 million for: <ul style="list-style-type: none"> ○ Hockey field and shelter ○ Multi-use courts x 6 ○ Modest sports pavilion with change rooms, storage and function area ○ Associated site works. ● Following advice from Department of Sport and Recreation, CSRFF application not submitted ● Amendments to Works Schedule with further consideration of staged approach, funding options and schedule ● Authorisation to commence procurement for road construction and site works ● Advocacy and fundraising activities continued
2017	<ul style="list-style-type: none"> ● Site and earth works commenced ● Endorsement of a Business Case for a reduced scope Stage One of the Sport and Recreation Precinct (valued at \$12.1 million) to accompany a Building Better Regions Fund (BBRF) application for \$4,840,000 Commitment of \$6,600,000 in Shire funds if BBRF application successful consisting of:

Year	Actions
	<ul style="list-style-type: none"> ○ \$2,700,000 from Shire reserves; ○ \$1,200,000 over 3 financial years from Shire funds; and ○ \$2,700,000 in new borrowings. ● Advocacy and fundraising activities continued ● Community engagement activities undertaken
2018	<ul style="list-style-type: none"> ● Advocacy and fundraising activities continued: <ul style="list-style-type: none"> ○ Successful BBRF \$4,710,000 funding announced in July 2018 ○ Lotterywest grant \$890,000 ○ Pool Working Group raised approximately \$110,000 ○ Bendigo Bank support of \$100,000 ● Endorsement of CSRFF application for \$1.4 million for: <ul style="list-style-type: none"> ○ Rectangular playing field ○ Multi-purpose and tennis courts ○ Club and change rooms ○ Lighting and fencing ● Following a tender process, appointment of Cameron Chisholm Nicol for design and project management ● Community engagement activities continued
2019	<ul style="list-style-type: none"> ● Decision to borrow up to \$4.5 million as a short-term construction loan facility ● Award of construction contract to ADCO Constructions P/L for contract sum of \$13,208,132.50 plus GST ● Updated total construction cost estimate of \$14,967,962 provided to Council ● Construction commenced in December ● Community engagement activities continued
2020	<ul style="list-style-type: none"> ● Following community consultation, adoption of the name Toodyay Recreation Centre ● Following a tender process, appointment of Clublinks Pty Ltd as Venue Manager ● Fitout, practical completion and handover ● Finalisation of management contract negotiations ● Official opening of the Toodyay Recreation Centre
2021	<ul style="list-style-type: none"> ● Investigation of unexpected high water usage ● Investigation of pool heating and liquor licensing options ● Reconciliation and acquittal of construction costs presented to Council ● Conversion of \$4.5 million short-term loan to long-term facility ● Adoption of Fees and Charges for Toodyay Recreation Centre

While the construction cost of the Centre was investigated as part of the grant acquittal process and provided to Council in April 2021, several questions have been raised in the community about the total cost of the facility. This report provides a reconciliation of costs

including planning and expert advice, land purchase, design, project management, construction and fit out. Attachment 1 to this report provides a breakdown by category and by year of the costs incurred over the life of the project.

COMMENTS AND DETAILS

The following table outlines the costs of the Toodyay Recreation Centre broken down into categories.

Planning, development and construction of the facility

Land Purchase	\$1,679,213
Planning	\$1,055,514
Siteworks	\$543,154
Construction	\$14,398,818
Loose Fittings	\$110,576
Project catering	\$4,069
Project miscellaneous	\$25,026
Total	\$17,816,370

It should be noted that the construction cost reported to funding bodies and to Council in April 2021 (\$14,997,723) included a portion of the planning costs and the cost of loose fittings in accordance with the grant conditions. This accounts for the lower construction cost reported above.

Miscellaneous project costs include signage, legal, capitalisation and acquittal audit costs.

Management operations and utilities

During the construction of the facility and up until October 2021, all utility costs were paid by the Shire. These have since been transferred to Clublinks Pty Ltd in accordance with the conditions of the management contract. The Shire is also required to pay to Clublinks the difference between agreed operational income and expenditure on a quarterly basis. Below is an outline of these costs paid by the Shire from the opening of the centre in October 2020 to date.

Management/Operations	\$660,553
Utilities	\$175,881
Total	\$836,434

Borrowings

The Shire borrowed \$1 million for the purchase of the land for the recreation precinct in 2013 and has paid \$370,400 in interest payments year to date. \$700,991 remained unpaid at 30 June 2021.

Two short term loan facilities of \$2 million and \$2.5 million were utilised during the construction period with interest of \$46,586 paid over two years. These were converted to a long-term facility of \$4.5 million in June 2021. \$102,719 has been incurred to date.

Defects Liability

Cameron Chisholm Nicol was engaged to manage the defects liability period for the TRC on behalf of the Shire which included the investigation of high water usage.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

Shire of Toodyay Strategy Community Plan

Governance: The way the Shire leads and operates

O1: Provide accountable and transparent leadership for the community

Policy related:

Nil

Financial:

The financial implications have been discussed above and costings are detailed in Attachment 1.

Members of the community have often quoted and queried amounts listed in the Shire's Monthly Payments listings. However, these reports provide the gross payments made to suppliers and include GST. It should be noted that financial reporting does not include GST as this is 'claimed back' from the Australian Taxation Office. Therefore, the amounts reported in Attachment 1 are exclusive of GST and may appear lower than the figures reported in the Monthly Payments listings.

Legal and Statutory:

Local Government Act 1995

Risk related:

There have been several requests from the community for a reconciliation of the total cost of the Toodyay Recreation Centre. This report aims to respond and therefore mitigate a potential reputational risk which is rated High.

Workforce related:

The forensic research into past records to produce this report has occupied substantial officer resources, delaying progress in other areas.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

MOVED Cr S Pearce

That Council receives and notes the total cost of the Toodyay Recreation Centre as outlined in and attached to this report.

Cr Pearce moved an amendment to the motion as follows:

That the words "of \$19,202,718 to date" be inserted after the words "total cost"

Further clarification was sought.

Cr Ruthven moved an amendment to the motion as follows:

That the words “project” be inserted between the words “total” and “cost”.

Cr Pearce accepted the amendment.

Clarification provided.

AMENDMENT /COUNCIL RESOLUTION NO. OCM063/04/22

MOVED Cr M McKeown

SECONDED Cr P Hart

That the words “the planning, development and construction costs of \$17,816.370 and” be inserted before the words “the total project cost of \$19,202,718”

AMENDMENT CARRIED 8/0

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM064/04/22

MOVED Cr S Pearce

SECONDED Cr B Ruthven

That Council receives and notes the planning, development and construction costs of \$17,816,370 and the total project costs of \$19,202,718 to date of the Toodyay Recreation Centre as outlined in and attached to this report.

MOTION CARRIED 8/0

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Road Upgrade Criteria Policy

Date of Report:	2 March 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	N Rodger – Operations Officer
Responsible Officer:	J Augustin – Manager Infrastructure and Assets
Previously Before Council:	Review and amended June 2012 OCM
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Road Upgrade Criteria Policy ↗

PURPOSE OF THE REPORT

To adopt the revised Road Upgrade Criteria Policy.

BACKGROUND

At the Ordinary Council Meeting held in February 2022, Council resolved to implement a review of all Shire policies. The Criteria for Road Upgrading Policy was identified as a high priority for review.

The Criteria for Road Upgrading policy was first adopted by Council at the Ordinary Council Meeting held in April 2007. This policy was last amended at the Ordinary Council Meeting held in June 2012.

COMMENTS AND DETAILS

The current *E.2 Road Criteria* policy limits the criteria for a road upgrade to Annual Average Daily Traffic (AADT) counts which is insufficient information to provide an informed decision for road upgrades.

The revised policy utilises four (4) key benefit criteria to prioritise and assess proposed road upgrades. These four (4) criteria are:

Transport Benefit

The transport benefit criteria assesses:

- The primary function and use of the road and if there is any connectivity between roads;
- Hierarchy based on Main Roads WA Guidelines; and
- Traffic volumes and the economic significance i.e. tourism, agriculture.

Community Benefit

The community benefit criteria assesses:

- Density of population on the assessed road;
- The environmental, amenity and development impacts;
- Condition of the road; and
- Requests received from adjoining land owners.

Financial Benefit

The financial benefit criteria assesses:

- Cost to the Shire and the potential of external funding;
- Review of the ratio with respect to sealed and unsealed sections of the road; and
- Current and ongoing maintenance costs.

Road Safety

The road safety benefit criteria assesses:

- Width and alignment of the road; and
- Reported crash data obtained from Main Roads WA

The amended policy with the four (4) key benefit criteria will allow a consistent and transparent approach to be applied to the evaluation for road upgrade projects and provide guidance to Council in the decision-making process. It will also provide certainty to the community on the requirements that a road needs to meet before being considered for upgrade.

IMPLICATIONS TO CONSIDER

Consultative:

All policies were provided to the Senior Management Group prior to being presented for discussion with Council at the workshop in April 2022.

Strategic:

A key point of the Shire's *Strategic Community Plan 2028* is to:

- Ensure safe and sustainable transport options
- Ensure our built environment meets community needs

A key point of the Shire's *Corporate Business Plan 2019* is to facilitate community safety and wellbeing.

The adoption of the revised policy will demonstrate the Shire of Toodyay's continued commitment to these objectives.

Policy related:

This report is in line with Council's *Corporate Documents* policy, adopted in November 2021, which outlines what is to be included in a policy document and the process for its development.

Financial:

Nil

Legal and Statutory:

Nil

Risk related:

This policy will mitigate risk by providing Council with a quantifiable and transparent approach for the prioritisation of proposed road upgrades.

The selection criteria stipulated within the policy will minimise the risk of budget allocations being utilised on roads which have minimal impact to the community.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM065/04/22

MOVED Cr B Ruthven

That Council adopts the revised Road Upgrade Criteria policy as provided at Attachment 1 to this report.

MOTION CARRIED 8/0

9.5 COMMITTEE REPORTS

9.5.1 EAC - Expression of interest to join Environmental Advisory Committee - Mr Justin von Perger

Date of Report:	12 April 2022
Applicant or Proponent:	Shire of Toodyay / Mr. Justin von Perger
File Reference:	COC14
Author:	H de Vos – Acting Manager Development and Regulation
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider an expression of interest (EOI) from Mr Justin von Perger to join the Shire of Toodyay's Environmental Advisory Committee (EAC).

BACKGROUND

The EAC is an important and proactive committee of the Council. The committee currently is made up of a number of members from the general public, elected members and Shire staff. The diverse skillset exhibited by the committee members is fundamental to the success of the committee, and membership is encouraged as new interest is shown.

Mr von Perger was present at the February meeting of the EAC and had previously expressed a keenness to join the committee on a permanent basis. He has provided the following comments on his EOI for consideration:

I have 23ha in Walkley Heights that I am regenerating and would like to see Toodyay become a more sustainable and regenerative community. I am a Holistic Management Trainer and Permaculturist, and see the enormous potential of regenerative agriculture to restore soil and sequester carbon.

Relevant experience / Qualifications

I run a software company providing land management services to the Mining Sector. We encourage miners to become more sustainable. I have been associated with Toodyay for 50 years, with a hobby farm I am currently regenerating. I am working to set up an institute for Regenerative Agriculture, possible in Toodyay Shire.

COMMENTS AND DETAILS

Mr von Perger's participation in the Environmental Advisory Committee is encouraged and welcomed. External involvement by the Shire's community increases the effectiveness of

the Committees by adding a range of important skillsets and qualifications. Importantly, the collaborative approach between the Shire, Elected members and the community is seen as essential to successfully delivering the strategic environmental outcomes.

IMPLICATIONS TO CONSIDER

Consultative:

A call for Expressions of Interest to join Council's Committees was advertised by the Shire in the *Toodyay Herald* in the November 2021 edition.

Notwithstanding the advertisement, the Shire encourages prospective committee members to express an interest at any time, and this facility is made available at all times on the Shire's website.

No additional public consultation is required.

Strategic:

Strategic Community Plan – Toodyay 2028

In governance, the community want transparency and openness between the Shire and the community and a strong focus on community cohesion, led by the elected Councillors.

Our Strategic Outcome: A Council that engages with the community and provides good governance on behalf of the community.

Objective 2: Consistently improve our governance practices

S 2.1 Build a positive culture of engagement between the Shire and the community.

S 2.2 Improve internal and external communication to maximise transparency.

Policy related:

Nil

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

Sections 5.10 provides for the types of committees and membership.

5.10. Committee members, appointment of

1) A committee is to have as its members —

a) persons appointed by the local government to be members of the committee (other than those referred to in paragraph (b));*

and

b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

2) At any given time, each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local

government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

- 3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*
- 4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- 5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 - a) *to be a member of the committee; or*
 - b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

Risk related:

There are no risks involved with appointment and ratification of membership to these committees.

Workforce related:

The administration of committees involves substantial resources by way of scheduling, report writing, agenda preparation and minute-taking. Management controls by way of appointing the CEO or the CEO's Representative in accordance with section 5.10(5) of the *Local Government Act 1995* have been included to ensure that Council Committees (including Mandated Committees) are operating consistently, within appropriate governance processes.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM066/04/22

MOVED Cr C Duri

That Council appoints, in accordance with s.5.10 of the *Local Government Act 1995*, Mr Justin von Perger as a representative on the Environmental Advisory Committee.

MOTION CARRIED BY ABSOLUTE MAJORITY 8/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**12.1 Cr McKeown Questions previously taken on notice (Responses provided)**

The following questions taken on notice, received from Councillor McKeown are responded to below:

Question – Clarification re FOI Request 4.1.2 - OCM 23 February 2022

What was the FOI about?

Response

The FOI was about contracts for the CEO and has been dealt with.

Question 1 – Item 12.1 Cr McKeown questions - OCM 23 February 2022

The Monthly Financial Report for the Period Ending 31 May 2021 reported a YTD expenditure of \$2,805,009 for Infrastructure Works in Progress. The entry was accompanied by a note that stated "Recreation Centre Precinct Project. Reduced by \$1m as the June 2020 accrual for these expenses has now been reversed". The 2020-2021 budget (reported in the same Financial Report) included a full year budget for Recreation Precinct Buildings of \$2,355,677 and there was no other budget for any other works in the Toodyay Recreation Precinct.

- (a) What was the cause of the overspend of \$2,805,009 - \$2,355,677 = \$449,332 of the budget for the Recreation Precinct?
- (b) What was the source of the Shire funds used to pay for the overspend?

Response given at the meeting was:

Officers' time is currently consumed with finalising the annual figures for 2020/21, refining the monthly financial reporting and troubleshooting the transition to Datascope. In addition, the mid-year budget process has commenced and is due by 31 March 2022. Therefore, there is not currently time to sufficiently analyse and respond to this question. Officers request that this question be taken on notice until the April 2022 OCM.

Response

There question had been addressed at the time of the first request for an explanation. I erroneously thought that this was a new question rather that a rephrasing of the original question.

The original answer: "Recreation Centre Precinct Project. Reduced by \$1m as the June 2020 accrual for these expenses has now been reversed" means that as at the 30th June 2020 there was an amount of \$1,019,228.98 representing works completed but not paid for through the Creditors system. That was 'accrued' as the expense belonged to the 2019/2020 financial year. As the payment was to be made in the 2020/2021 financial year the accrual needed to be posted in early July as a credit to await the payment to the supplier ADCO Construction Pty Ltd - CI which would have been a debit in the accounts.

For some reason the amount was in a journal (JE.21) from the GL 199.759.50 to the capital expense work order WO955.1544 which maintained the reported Capital expenditure.

The payment was made to the supplier ADCO Construction Pty Ltd – CI as a creditor payment which increased the perceived expenditure.

On the 30 April 2021 the reversal of the accrual was posted in a journal (JE.71) when it should have been posted in early July 2020

Question 3 – Item 12.1 Cr McKeown questions - OCM 23 February 2022

Prior to the reduction of \$1M in expenditure described in Question 1, several Monthly Financial Reports included a YTD expenditure of \$3,824,298 for Infrastructure Works in Progress, that is, the reduction in expenditure was \$3,824,298 - \$2,805,009 = \$1,019,289. One important result of this reduction in expenditure is the effect on the Closing Funding Surplus/ (Deficit) entries in the Monthly Financial Reports prior to the correction – for example, see the table below.

At the OCM 23 March 2021, the Budget Review for Period Ending 28 February 2021 was considered. The Officers Report for this item stated that “a review has been conducted utilizing the 28 February 2021 figures ...”, that is, the budget review was based on a deficit of \$274,303 rather than a corrected surplus of \$744,986. The budget review included the reduction in capital works to arrive at a budget acceptable to Council. Given that at the time of the budget review there was over \$1m more of available funds, was the reduction in capital works really necessary?

	Closing Funding Surplus/(Deficit)	
	Reported	Adjusted for Correction
Monthly Financial Report for Period Ended 28 February 2021	(\$274,303)	\$744,986
Monthly Financial Report for Period Ended 31 March 2021	(\$698,656)	\$320,633
Monthly Financial Report for Period Ended 31 April 2021	\$420,989	\$1,440,278

Response given at the meeting was:

Officers' time is currently consumed with finalising the annual figures for 2020/21, refining the monthly financial reporting and troubleshooting the transition to Datascope. In addition, the mid-year budget review process has commenced and is due by 31 March 2022. Therefore, there is not currently time to sufficiently analyse and respond to this question. Officers request that this question be taken on notice until the April 2022 OCM.

Response

[See answer to Question 1.](#)

Question 6 – Item 12.1 Cr McKeown questions - OCM 23 February 2022

At a Special Meeting of Council 25 June 2019, Council approved the award of a contract for the construction of the Toodyay Sport and Recreation Centre to ADCO Constructions Pty Ltd for a contract sum of \$14,528,945.75 inclusive of GST. This figure has been confirmed by the tabling of capital expenditure for the building construction as an attachment to the minutes of the OCM 27 April 2021.

Since the contract was awarded, monthly lists of payments presented to Council show that ADCO has been paid \$14,961,436.27 (inclusive of GST) in 16 payments - see the table below.

- What was cause of the overspend of \$14,961,436.27 - \$14,528,945.75 = \$432,490.52?
- Why and how was the payment of the overspend authorized?

Response:

An overspend was endorsed by Council in 2020 but the response will be clarified further.

(c) What was the source of the Shire funds used to pay for the overspend?

	Date Paid	\$ GST inc.
ADCO Constructions Ltd, progress claim #1	16/09/2019	319,132.00
ADCO Constructions Ltd, progress claim #2	15/10/2019	605,618.90
ADCO Constructions Ltd, progress claim #3	15/11/2019	587,418.44
ADCO Constructions Ltd, progress claim #4	13/12/2019	888,952.91
ADCO Constructions Ltd, progress claim #5	24/12/2019	619,015.47
ADCO Constructions Ltd, progress claim #6	28/02/2020	1,739,657.54
ADCO Constructions Ltd, progress claim #7	20/03/2020	1,853,178.46
ADCO Constructions Ltd, progress claim #8	30/04/2020	1,825,336.81
ADCO Constructions Ltd, progress claim #9	15/05/2020	992,260.38
ADCO Constructions Ltd, progress claim #10	23/06/2020	1,630,248.52
ADCO Constructions Ltd, progress claim #11	31/07/2020	1,121,217.88
ADCO Constructions Ltd, progress claim #12	4/09/2020	1,267,598.87
ADCO Constructions Ltd, progress claim #13	15/09/2020	900,019.48
ADCO Constructions Ltd, progress claim #14	4/11/2020	517,590.40
ADCO Constructions Ltd, progress claim #15	17/11/2020	60,913.75
ADCO Constructions Ltd, progress claim #16	31/08/2021	33,276.46
Total		14,961,436.27

Response

A significant number of requests for variation were submitted by the Project Managers (Limnios and Johns) throughout the construction period. These related to items not included in the original plans and tender such as grant and site signage, extra footings and structural steel reinforcement, retaining walls, electrical modifications and fencing, to name a few. The largest variation appeared to be for "Rock Blasting and excavation in excess of provisional quantity" which amounted to \$199,027 plus GST.

While all variations were formally approved by the Project Manager in accordance with the conditions of contract, records indicate that the CEO and Shire officers were kept informed and variations were considered in the context of the overall budget before approval. It appears that the overspend was funded by savings in other areas. These were also the subject of contract variations.

Contract variations are anticipated with a construction project of this scale. However, the requirement for rock blasting and excavation added significantly to the variations required.

Question 7

In an attachment to the minutes for the OCM 27 April 2021, an “Approved Budget” for the Toodyay Recreation Centre Capital Expenditure was stated to be \$14,967,962.

- (a) What is the source of this “Approved Budget” figure?
- (b) When and by whom was this budget approved?

Response

Investigation by officers indicates that Council was being kept informed of the progress of the TRC project via Council forums and briefings. However, the budget figure of \$14,967,962 was presented to Council in the Confidential Minuted Item 14.3 Sport and Recreation Precinct Progress Report at the Ordinary Council Meeting held 26 November 2019.

Question 8

- (a) Does the Shire know the total cost to the Shire of the Toodyay Recreation Precinct excluding the cost of the land?
- (b) If so, what is it, inclusive and exclusive of GST?
- (c) If not, why not?

Response

This question has been addressed in the report provided earlier in this agenda.

Question – at Agenda Briefing held 16 March 2022

Cr Pearce sought clarification in regard to the question asked by Cr McKeown at the agenda briefing as follows:

Roads that we are no longer proposing to go ahead with – what are they? Geographically I am concerned that the roads may be concentrated in one area – concerned about dropping them as works?

Response given at the meeting was:

The CEO sought leave to take this question on notice.

Response

The roads that were removed from the Capital Works Program 2021/22 include the gravel re-sheeting works for Hall Road (SLK 1.80 to SLK 4.00, \$242k) and Leeming Road (SLK 0.0 to SLK 1.85, \$181k). Both roads are regularly maintained and in decent condition.

Further, it is most likely that the reconstruction of the Dewars Pool Bindoon Road project (SLK 8.95 to 11.15, \$293k) will not be implemented in FY 2021/22 as this project had to be put on hold due to a clearing permit appeal by the Safe and Scenic Toodyay roads group. As a consequence, the Shire will lose approved RRG funding of \$196k for this project.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM067/04/22

MOVED Cr C Duri

That responses to questions taken on notice, raised by Councillor Cr McKeown be received and noted.

MOTION CARRIED 8/0

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

Nil.

15 NEXT MEETINGS

Ordinary Council Meeting	25 May 2022
Agenda Briefing	18 May 2022
Bushfire Advisory Committee Meeting	4 May 2022
Environment Advisory Committee Meeting	4 May 2022
Local Emergency Management Committee Meeting	11 May 2022

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.24pm.



ATTACHMENTS MINUTES

Ordinary Council Meeting

Wednesday, 27 April 2022

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Agenda Briefing

20 April 2022

Notes

Unconfirmed Notes

These notes were approved for distribution on 21 April 2022.

A handwritten signature in blue ink, appearing to read 'Suzie Hastenurst', is written over the printed name.

Suzie Hastenurst

CHIEF EXECUTIVE OFFICER

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

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

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

Received Notes

These notes were received at an Ordinary Council Meeting held on 27 April 2022.

Signed:

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

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AGENDA BRIEFING NOTES

20 APRIL 2022

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr R Madacsi, Shire President, declared the meeting open at 1.01pm.

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Shire President
Cr C Duri	Councillor
Cr P Hart	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor (Attending via zoom)

Staff

Mr J Augustin	Manager Infrastructure and Assets
Ms T Bateman	Manager Corporate and Community Services
Mr H de Vos	Manager Development and Regulation
Mr M Werder	Project Manager
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Cr B Ruthven Deputy Shire President

2.2 APPROVED LEAVE OF ABSENCE

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**

Nil.

4.2 PUBLIC QUESTION TIME

Nil.

5 CONFIRMATION OF MINUTES

As per Council Meeting Agenda.

AGENDA BRIEFING NOTES

20 APRIL 2022

- 6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**
- 6.1 PETITIONS**
Nil.
- 6.2 DEPUTATIONS**
Nil.
- 6.3 PRESENTATIONS**
Nil.
- 6.4 SUBMISSIONS**
Nil.
- 7 BUSINESS LEFT OVER FROM PREVIOUS MEETING (WHERE ADJOURNED)**
Nil.
- 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**
Nil.
- 9 OFFICER REPORTS**
- 9.1 DEVELOPMENT AND REGULATION**

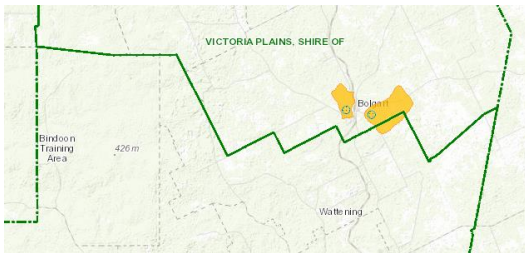
9.1.1 Draft Local Planning Policy – Dams

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
Pearce	Is this report going to be withdrawn?	<u>CEO responded as follows:</u> <i>Given the number of questions and queries we suggested it be withdrawn, however, Cr Madacsi was of the opinion that her queries were minor in nature and suggested it remains on the Agenda. If Council wishes to workshop the policy further I am happy to withdraw it.</i>
Pearce	In regard to the proposed amendments put forward by Cr Madacsi that were valid, are they going to be put into the policy or will it stay as it is?	<u>Manager Development and Regulation responded as follows:</u> <i>My recommendation is that we amend the Officer's Recommendation to include any amendments as indicated through the Shire President.</i>
Madacsi	You are suggesting the points I raised are included. Is that correct?	<u>Manager Development and Regulation responded as follows:</u> <i>It is consistent with advice sent back to you there are some I did not agree with but the</i>

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AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
		<i>ones I did agree with can be amendments to the policy.</i>
<i>Madacsi</i>	Where is the proclaimed water area?	<u>Manager Development and Regulation responded as follows:</u> <i>I have included, in a response below, the very northern border with Victoria Plains Map showing the area.</i>
<i>Pearce</i>	Will the policy we will be adopting next week have all the amendments in it?	<u>CEO responded as follows:</u> <i>No. It will not. We will include the amendments in a revised Officer's Recommendation that will be issued to Council.</i>
<i>McKeown</i>	How will we make it clear which amendments will be included?	<u>Shire President responded as follows:</u> <i>That will be in the Officer's Recommendation. There were some proposed amendments that were not valid.</i> <u>CEO responded as follows:</u> <i>We will work though a Revised Officer's Recommendation that details the changes.</i>
<i>Madacsi</i>	Objective (a) Is significant required? What defines it and would leaving it out be better?	<u>Manager Development and Regulation responded as follows:</u> <i>Agreed. This should be removed.</i>
<i>Madacsi</i>	Scope Do we have any public drinking water sources? Maybe replace areas within public drinking water source areas with areas of groundwater recharge Perhaps replace development activities with water capture activities?	<u>Manager Development and Regulation responded as follows:</u> <i>Yes we do. Very northern border with Victoria Plains</i>  <i>Can be amended.</i>

AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
Madacsi	<p>Purpose of the dam</p> <p>Remove the words generally and normally as we need to provide certainty not a perception of subjective assessment. Define exceptions.</p> <p>1.2.1 Add to the where the scale of rural activities with ...where the scale or water demand of the rural activities...</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>Agreed, can be amended.</p>
Madacsi	<p>Environmental Considerations</p> <p>A dam within a watercourse - Is 2.3 necessary? Given the growing impacts of climatic change new dams within watercourses should be prohibited in this Shire?</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>Can be removed, however, the onus would be on the applicant to demonstrate to Council why the dam across a watercourse is necessary and to provide details to the Shire about how it will not impact the environment and users downstream.</p> <p>The default position is that on-stream dams should be avoided.</p>
Madacsi	<p>Vegetation Management</p> <p>3.4 rewrite from shade plantings – Where landscaping is required it should <u>comprise local native species with consideration to provide shade and lower wind sheer to reduce water loss by evaporation and sedges and reeds to enhance the water quality and biodiversity. Reeds and sedges should be concentrated at the inlet slope to reduce sediment and turbulence into the dam and vegetation should not negatively impact</u></p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>Agreed. However, this should also be backed up by future landscaping policy review.</p>

AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
	<u>upon the structural integrity of the dam.</u>	
Madacsi Assessment Criteria	8.1.1 Amend the second sentence to read - <u>Dams built within a water course will impede the natural flow of water and movement of aquatic species and may contribute to erosion and movement of sediment downstream.</u>	<u>Manager Development and Regulation responded as follows:</u> <i>Agreed. Can be amended.</i>
Madacsi Assessment Criteria	8.3.2 <i>may be required to submit a structural engineering certificate</i> and 8.3.3 <i>may be required to provide confirmation by a surveyor</i> – requires criteria that defines the need for a structural engineers or surveyors report, or is it subjective? We need to remove uncertainty in the process.	<u>Manager Development and Regulation responded as follows:</u> <i>Disagree here. It should be may instead of must as per the Appendix II: Table 2 there are varying degrees of information required.</i>
Madacsi Assessment Criteria	8.3.4 Once development approval is provided, how is 8.3.4 ensured to have occurred? All DA should require an initial site visit to verify the data and identify critical issues that may not be evident in the application, once during to ensure on track and at completion to ensure compliance. Three sites visits can prevent a multitude of resource time and expense later and bad PR.	<u>Manager Development and Regulation responded as follows:</u> <i>Agreed. The policy should be amended to include details regarding initial and ongoing compliance.</i>

AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
<i>Madacsi</i> Application requirements	(b) and (c) - What is the definition of applicable? Geotechnical and engineering reports are expensive - there needs to be some clear criteria around this and its necessity.	<u>Manager Development and Regulation responded as follows:</u> <i>This relates to the impact assessment. See Appendices.</i>
<i>Madacsi</i> Consultation	Minor - change the order of 10.1.1 and 10.1.2 so the consultations steps are chronological.	<u>Manager Development and Regulation responded as follows:</u> <i>Agreed. This will be modified.</i>
<i>Madacsi</i> Consultation	10.1.4 – public drinking water source areas – again, does Toodyay have any public drinking water source areas? The entire Shire outside of the town site is reliant on bore or rainwater. The groundwater sources a discrete and undefined and if not saline or high in minerology are used for drinking. Should the Shire be defined as drinking water source area although not proclaimed?	<u>Manager Development and Regulation responded as follows:</u> <i>Yes. See previous answer relating to PDW</i>
<i>Madacsi</i>	Appendix 1: Table 1 – Dam Construction Assessment Cumulative Impact - I am concerned with this considering the annual rainfall and changing rainfall and rainfall pattern. 25% of a catchment yield is high in our environment exposed to weather extremes, the length of water courses with low fringing vegetation (high evaporation), exposure	<u>Manager Development and Regulation responded as follows:</u> <i>The Council can defer this item to allow for further workshopping.</i>

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AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
	to pollutants (farm fertilizers and sprays) and water extraction. Particularly if more than one dam can be permitted on the same water course under the same criteria. This needs to be reassessed	
Madacsi	Vegetation Clearing (Moderate) - Clearing needs a definition based on a risk matrix that is referred to in all Shire policies and documentation. The matrix is rated against the type of vegetation association (e.g. wandoo woodland). remnant areas remaining in the shire (ha), the quality of the remnant based on a percent e.g.: 80% highly degraded etc., its biodiversity rating e.g. high, poor etc. and the applicant is measured against the risk category with a clear definition of outcome – approved, refused, conditional and validated against the matrix rational.	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>Noted. Council could defer this item to allow for further workshopping. Some input from the Environmental Advisory Committee is warranted.</i></p>
Madacsi	Appendix II: Table 2 – Supporting Information Required Impact Significance High - should not be permitted. Moderate and Low - Engineering reports and detailed plans are expensive; can this be further defined to critical	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>Noted. Council could defer this item to allow for further workshopping. Some input from the Environmental Advisory Committee is warranted.</i></p>

AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.1 Questions and Points raised		
Councillor	Detail	Response
	features required, to remove the cost of excessive but largely irrelevant information that increases costs? Perhaps a size and proximity to a watercourse, based criteria.	
Madacsi	<p>Appendix III – Checklist for Planning a Dam</p> <p>13(e) - Current water quality should be a bench mark only against which future monitoring is possible, not the standard to determine impact. There should be no impact as Shire should be committed to improvement not maintaining the status quo.</p> <p>Include wind - direction, intensity and exposure. Is it a highly exposed area without surrounding vegetation in a windy locality?</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>Noted. Council could defer this item to allow for further workshopping. Some input from the Environmental Advisory Committee is warranted.</i></p>
McKeown	When was the last time this policy was brought to Council?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>It was reviewed by Council on 18/09/2012.</i></p>
McKeown	I thought this policy was last reviewed in 24/11/2020 (Council Resolution No. 317/11/20).	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>That was part of an Omnibus Local Planning Policy Review - Minor Amendments – however the motion was lost.</i></p>

AGENDA BRIEFING NOTES

20 APRIL 2022

9.1.2 Lot Sub 101 Beaufort Street, West Toodyay - 4 Dog Application

Item 9.1.2 - Questions and Points raised		
Councillor	Detail	Response
Duri	<p>1. Is it possible for the two Golden Retrievers to be retained if both were sterilised OR</p> <p>2. On receipt of documentation showing that Darcy the 2year old Golden Retriever is definitely a Therapy Care Dog, have her sterilised and the owners would be able to keep her and rehome Koda the 7 month old Golden Retriever. If 4 dogs are not permitted.</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>1. Yes it would be possible, however such a condition is likely to be breached as the applicant has already indicated in writing to the Shire that it is their intent to breed the animals.</p> <p>2. See answer 1. Council can vary a policy at any time by resolution.</p>
Ruthven	<p>What brought these dogs to the attention of the shire?</p> <p>Has two-year-old Darcy already had any litters?</p> <p>How often does the owner take each of the dogs to the nursing home?</p> <p>Is there a special registration category for assistance dogs?</p> <p>If so, what criteria must be met?</p> <p>What training is required for assistance dogs to be in a nursing home?</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>The owners applied for a 3 to 6 dog permit</p> <p><u>Applicant Response:</u> Darcy is now 3 year old and she had her first litter when she was just over 2, 3 of those puppies do therapy work with another 1 possibly going into this as well.</p> <p><u>Applicant response:</u> I take both girls to the nursing home frequently as I work in the industry. They come to work with me. At the moment I'm having a break from work so the girls will just go when I visit my clients socially which could be up to 4 times a month. Before I had a break the girls were visiting at least 3 times a week depending on the schedule of my clients, if appointments to go to the girls stayed home. I've got many videos and photos if needed.</p> <p><u>Applicant response:</u> Pet therapy with my work there is not registration needed, however happy to look into this if needed. As long as the dog is suitable to the job they're allowed to visit. My girls have done work in home and nursing home therapy.</p>

AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.2 - Questions and Points raised		
Councillor	Detail	Response
		<i>Applicant Response: Dogs have to be calm and well-mannered to visit a nursing home. Lots of behaviours and noises that they need to not be reactive to and also gentle with their approach. No qualification required to visit.</i>
<i>Duri</i>	If the dogs are sterilised does a certificate need to be produced when the dogs are registered to show they have been sterilized?	<u>Manager Development and Regulation responded as follows:</u> Yes.
<i>Madacsi</i>	When the application is put in for use of either a working dog or in this case a care animal; what documentary evidence is provided to support that, or is it merely verbal or hearsay?	<u>Manager Development and Regulation responded as follows:</u> Mixture of verbal and general information supplied by applicant. Might be an email or cover letter to support it.
<i>Madacsi</i>	There needs to be evidence on record that the animal does do a function.	<u>Manager Development and Regulation responded as follows:</u> We had a look at the additional questions sent in from Cr Ruthven. Responses have been supplied. One question raised was regarding registration categories for special registration. They are not indicating that a special registration is required. I am unclear if there is additional information under the Act that provides that.
<i>Madacsi</i>	Can a letter of support, containing the statement from where the dogs have been taken, including the role the dog has; be included?	<u>Manager Development and Regulation responded as follows:</u> Yes that would be appropriate.
<i>Pearce</i>	Because the applicant has said they intend to breed and it does not fit into our LPS. As a Council does that preclude a favourable response from the Council or can an exception be made at Council's discretion?	<u>Manager Development and Regulation responded as follows:</u> The main concern is that it is not consistent under the Planning Scheme. The definition of animal establishment includes the breeding of animals. Our concern is that that land use is an X use for that zone. We cannot even accept an application for it. The only way they can get around it in the future is by doing a scheme amendment and applying for an additional use

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AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.2 - Questions and Points raised		
Councillor	Detail	Response
		<i>on the property. I have relayed that to the Applicant. It is an interesting and more complex application. The application is not necessarily a planning application, however as we have received verifiable information from the applicant that they wish to go down the animal establishment route, this triggers consideration under the act which is why we are recommending the application is not supported on those grounds.</i>
Pearce	Can the applicant amend their application? If they amend it to have the 4 dogs but not breeding is that acceptable under the planning scheme	<u>Manager Development and Regulation responded as follows:</u> <i>Yes it would be. I would like to seek further clarification from other local governments as to how they respond to applications of this nature. It can be amended and if it becomes a compliance issue (i.e. If they were found to be breeding after approval, it would be a breach under the Act and we can go down that path).</i>
Pearce	Has this point been raised with the applicants at all by the Planning Department?	<u>Manager Development and Regulation responded as follows:</u> <i>The Ranger has predominantly dealt with the matter. It has been raised with them. They are quite intent on breeding in which case, Council can choose to approve it with conditions to say no breeding is allowed and then it just becomes a compliance matter from then.</i>
McKeown	They are applying to keep dogs for breeding which creates a breeding establishment which is contrary to the planning scheme. The Officer's report does not mention the planning scheme, or does it?	<u>Shire President responded as follows:</u> <i>It does in the Legal and statutory implications area (page 8).</i>
McKeown	If the planning application is contrary to the planning scheme, I thought the advice was that the application could not be received.	<u>Manager Development and Regulation responded as follows:</u> <i>The application has not come to us as a planning application for development or planning approval. It has come to us through a different act for the 3 to 6 dogs. It has been</i>

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AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.2 - Questions and Points raised		
Councillor	Detail	Response
		<i>a complex application because it has come under one Act. We have seen that it is non-compliant through another act but it is not an application through the other Act which means they cannot apply for it. All we can do is advise them that they cannot do it.</i>
<i>McKeown</i>	<i>If we approve it for 3-4 dogs we'd be breaching the Planning Scheme ourselves?</i>	<i><u>Manager Development and Regulation responded as follows:</u> Council can use its discretion under the Dog Act if Council conditions that no breeding is permitted.</i>
<i>McCormick</i>	<i>In its simplest form it appears they already have more than 2 dogs – if we take the future potential breeding business side away from it we can be voting on the 2-3 dogs and not complicate it with what they may or may not do with breeding.</i>	<i><u>Manager Development and Regulation responded as follows:</u> That is one way of looking at it but then it becomes a compliance matter under the Act; if they were found to be breeding we would have to deal with it.</i>
<i>Pearce</i>	<i>Is it worthwhile to speak with the applicant to advise Council has discussed it and raised questions? Would they be amenable to amend their application?</i>	<i><u>CEO responded as follows:</u> My understanding is that has been raised with the applicant and they clearly stated their intent to breed.</i>
<i>Madacsi</i>	<i>One Golden retriever acquired one year ago and 7 months ago. It appears both dogs are unlicensed – what is the information now?</i>	<i><u>Manager Development and Regulation responded as follows:</u> Will take that on notice. Response provided after the meeting: When applying for a 3 to 6 dog application, the dogs extra dogs being applied for, will not be registered until after approval for the extra dogs has been granted.</i>
<i>Wrench</i>	<i>I have been on-line to see that the Department is not involved in the assessment or accreditation of therapy dogs. It is not something they do. Does this set a precedence where our</i>	<i><u>Manager Development and Regulation responded as follows:</u> Will take that on notice. Response provided after the meeting: The only reason the dogs where referred to as therapy dogs, is that the owners</i>

AGENDA BRIEFING NOTES

20 APRIL 2022

Item 9.1.2 - Questions and Points raised		
Councillor	Detail	Response
	community sees this happens and is there an issue with that?	wished to breed from them and no other reason.

9.1.3 Lot 2 Stirling Terrace, Toodyay - Proposed painting of exterior woodwork at St Aloysius Boys School / Boarding House

Nil.

9.1.4 Lot 18 Timber Creek Crescent, Coondle - Proposed Single Dwelling - Setback Variation

Item 9.1.4 - Questions and Points raised		
Councillor	Detail	Response
Ruthven	Timber Creek Crescent Was there a designated building envelope on the property in the sub-division development plans when the subdivision was originally approved by council? If yes, is this proposed building location within the building envelope boundary?	<u>Manager Development and Regulation responded as follows:</u> <i>No, the setbacks for this property are 30m from each boundary</i>
Pearce	Have there been approvals for setback variations in the shire due to topographical positions warranting setbacks to be amended?	<u>Manager Development and Regulation responded as follows:</u> <i>Yes. There have been. The scheme expressly allows that consideration.</i>
Madacsi	Have Officers been on site and seen the topography?	<u>Planning and Compliance Officer responded as follows:</u> <i>No.</i>
McCormick	Does Planning get a chance to advise these applicants that the terrain may suit a stumped home to alleviate the need to look for flat ground for a pad because Toodyay is full of	<u>Manager Development and Regulation responded as follows:</u> <i>Yes we can. This is something that can be incorporated into our ongoing assessment in those areas affected by topography.</i>

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Item 9.1.4 - Questions and Points raised		
Councillor	Detail	Response
	undulating residential blocks? It looks like they went for a pad home. Can you advise on other alternatives when there is one?	
Madacsi	The setback is 30m and they are proposing to reduce that by 13.8?	<u>Manager Development and Regulation responded as follows:</u> <i>The setback itself will be 13.8m.</i>
Madacsi	Can Officers provide onsite information to Council?	<u>Manager Development and Regulation responded as follows:</u> <i>We have mechanisms like 3d terrain mapping and supply it at the meeting to Council.</i>
McCormick	Can a request be made to the developer that the basic house design they have now can exist but on stumps, but on a 30 m setback as per planning permissions to alleviate the problem?	<u>Manager Development and Regulation responded as follows:</u> <i>I do not think we are permitted to provide an alternative as part of our decision. We have to decide on the application before us. We can have a conversation with the applicant. Council can choose to refuse the application however we have to determine the application before us. We cannot modify the application.</i> <u>Planning and Compliance Officer responded as follows:</u> <i>Options were discussed with the Builder and the builder has stated that the reason for the setback variation is due to the topography.</i> <u>Manager Development and Regulation responded as follows:</u> <i>We shall talk with the applicant a bit more as there was no discussion of the option of a stumped home.</i>

The Ranger and Planning and Compliance Officer entered 1.31pm.

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9.1.5 Lot 69 Telegraph Road, Toodyay - Amendment to development approval		
Item 9.1.5 - Questions and Points raised		
Councillor	Detail	Response
Pearce	<p>The officer's recommendation... "The heritage cottage structure is not to be used for human habitation."</p> <p>Would the cottage structure be permitted to act as a storage facility/shed?</p> <p>If so, I am proposing an amendment, and would appropriate MDR support</p> <p><i>The heritage cottage structure is not to be used for human habitation or the storage of goods and chattel, and all goods to be removed within 6 months of occupation of completed new dwelling."</i></p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>The main outcome the Shire is seeking in this instance is the decommissioning or removing the right of habitation through condition of approval and notification on title. Mr Hall has indicated that he is happy for the structure to be retained and that he proposes it to be used for some storage. Given the age of the structure, it is unclear what hurdles Mr Hall would have to do to have the building reclassified as a class 10A structure and therefore it is recommended that the building continue to be used under non-conforming use rights to allow him to store things. However, it is noted that the Councillor's wish is to amend the condition to preclude storage of any kind. What is the reasoning for this?</i></p>
Pearce	<p>My reasoning for this, and you may direct as to a Planning determination, is the potential for the accumulation of matter/objects/debris not only in the building but surrounding the building. I believe this potential would affect the ambience of a heritage precinct and we as a council should preserve the precinct.</p> <p>Mr Hall, already has large deposits of matter and an accumulation of objects, which we as a Council have no control, but to permit extra storage may compound this effect.</p> <p>I do not know whether under planning regulations,</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>The Shire does have powers under the Local Government Act 1995 (Schedule 3.1) – Powers under notices to owners or occupiers of land (5A)(1) to ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.</i></p> <p><i>This would be the most appropriate immediate solution to the storage issues outside of the structure. The Council may in the future consider developing a Local Law as a longer term (Shire-wide) solution For an example please refer to the City of Armadale's version -</i></p> <p><u>https://www.armadale.wa.gov.au/sites/default/files/assets/documents/docs/Planning_and_Land_Use/Info_Untidy_Property.pdf</u></p> <p><i>With regards to the storage of material inside – it is harder to regulate unless there were</i></p>

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Item 9.1.5 - Questions and Points raised		
Councillor	Detail	Response
	council could restrict storage inside the building, or how this condition would be regulated for compliance.	<p><i>concerns from a public health or safety perspective. A Class 10A structure is:</i></p> <p><i>Class 10, A non-habitable building or structure –</i></p> <p><i>(a) Class 10a - a non-habitable building being a private garage, carport, shed, or the like or</i></p> <p><i>(b) Class 10b - a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like</i></p> <p><i>(c) Class 10c - a private bushfire shelter</i></p> <p><i>It is just a non-habitable building. Though whether, given its age, it classifies as a 10A is debatable. For this reason, I would recommend that it be able to operate under any non-conforming use rights and that the only specification needs to be about the structure being non-habitable.</i></p>
<i>Duri</i>	<p>When this item was first bought to Council in September 2021, this building was described as being unsafe structurally and dangerous.</p> <p>The proponent now wishes to retain the building. Can you please advise if this building is structurally sound to be retained?</p> <p>I understand that you clarified the terms “Group Dwelling” and “Ancillary Dwelling” previously, could you please clarify it again for me?</p>	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>The Council can request for the structure to be assessed by a building surveyor. It is unclear at this stage what the current condition of the structure is.</i></p> <p><i>The following are definitions from the R-Codes:</i></p> <p>Ancillary Dwelling</p> <p><i>Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.</i></p> <p>Grouped Dwelling</p> <p><i>A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise and includes a dwelling on a survey strata with common property.</i></p>
<i>McKeown</i>	Has there been an engineering certificate to show the building is unsafe?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>I am not aware of one.</p>

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Councillor	Detail	Response
McKeown	The definition of habitable comes from the building code, does it not; and even a room in a house can be defined as not inhabitable. It is like a room in a house that does not have a window is not inhabitable; but that does not mean that you cannot use that room for something else. If the building is declared uninhabitable it does not mean it cannot be used for storage?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>That is correct. The intent is that the Shire is trying to help Mr Hall with this process. I would like to acknowledge that he was amenable to idea to keep the building. We are acting on the advice we have been supplied with. We are mindful of the circumstances Mr Hall is under. This appears the most reasonable for him to manage.</p> <p>With regards to the storage aspect, this property is not alone in the Shire. There are lots of examples of refuse around. Especially in the LG Act there is a process we can issue a notice to a land owner to clean up a property and it is a good immediate solution to the problem. I have suggested Council might in the future might consider a local law (a few other local governments are doing that). We do not have a lot of say about what can be kept in a structure unless likely to be dangerous, hazardous materials or if there is probably a health risk. We do not have any say about what can be stored.</p>
McKeown	Are their provisions in planning law to add a condition that he cannot use it for storage?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p>There are not.</p>
Pearce	When the item first came to Council was it permitted then for Council to have 2 dwellings on the one title of the property?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>This is an example of where we are learning to deal with matters of planning not frequently seen by this Council. In this instance I was not aware I could apply the grouped dwelling component land use to it. That has been clarified. Yes we could have 2 dwellings on the property if we had classified the buildings as grouped dwellings. If they were two single dwellings you cannot keep both buildings.</i></p> <p><i>The best way for us to manage the situation was to either demolish the structure (agreed to by Council earlier) however it has come to light that there is a better outcome to decommission the structure or to remove the</i></p>

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Councillor	Detail	Response
		<i>demolition condition and condition instead that the building not to be used for human habitation and a note to be put onto the title.</i>
Pearce	Define single dwelling and grouped dwelling	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>The response provided above and below:</i></p> <p>Ancillary (Single) Dwelling</p> <p><i>Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.</i></p> <p>Grouped Dwelling</p> <p><i>A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly, vertically above, or below another, except where special conditions of landscape, or topography dictate otherwise, and includes a dwelling on a survey strata with common property.</i></p> <p>Further explanation</p> <p><i>A multiple dwelling is a block of flats stacked on top of each other; and a grouped dwelling might be a survey strata property where you might have four to six different small houses on the one property.</i></p>
Pearce	Is the property where Mr Hall is a survey strata property?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>If we approved the second dwelling as a grouped dwelling it would be conditional that they'd have to go through that process.</i></p>
Pearce	When it came to Council in September my understanding is that we were asking for it to be strata titled and classed as a group dwelling. Is that correct?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>That is incorrect. We asked for it to be demolished.</i></p>
Pearce	We did ask for it to be demolished, but if it was not to have been demolished would the criteria have been	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>No. There would not be further criteria because there is no statutory requirement</i></p>

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Item 9.1.5 - Questions and Points raised		
Councillor	Detail	Response
	that it must be strata titled to be a group dwelling?	<i>for them to have the property strata titled.</i>
McKeown	What is the legislation saying it has to be a strata titled group dwelling?	<p><u>Manager Development and Regulation responded as follows:</u></p> <p><i>I will take that question on notice.</i></p> <p>Response after meeting:</p> <p>A 'built strata' (such as a typical 'triplex' or 'duplex') will always be considered a Grouped Dwelling. Survey Strata dwellings with no common property are generally considered a 'single house', however if there is a portion of common property, then all dwellings within the strata would be considered 'grouped dwellings'.</p> <p>It appears that there is no legislation giving a formal requirement for a group dwelling to be a strata-titled group. This was tested at the State Administrative Tribunal in Corp and Town of Cambridge [2019] WASAT 65.</p> <p>Contrary to the argument made by the applicant, the Tribunal held that the absence of a strata scheme did not indicate that the proposed development was incapable of being categorised as a grouped or multiple dwelling under the R-Codes. It reached this conclusion for 3 reasons:</p> <p>As a matter of development control there was no basis or requirement for the strata titling of developments. The creation of strata lots through the creation of a strata scheme is less about the facilitation of residential land use and more about the appropriate tenure for dwellings and the ongoing governance and management arrangements between properties.</p> <p>Strata schemes are often proposed well after a development is completed.</p> <p>A consideration of the R-Codes as a whole and their application in a practical and common sense manner did not lead to the conclusion that the absence of strata titles at the time of a development application meant that a proposed residential</p>

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Item 9.1.5 - Questions and Points raised		
Councillor	Detail	Response
		development could not be properly classified as either grouped or multiple dwellings.
McCormick	If we have a condition that the old house is not lived in anymore it would not be a dwelling. If there are not two dwellings under the conditions is he compliant?	<u>Manager Development and Regulation responded as follows:</u> Yes.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 March 2022 - List of Payments

Item 9.2.1 - Questions and Points raised		
Councillor	Detail	Response
Pearce	<p>List of Payments</p> <p>No 73-75. Frontline fire and rescue – various amounts.</p> <p>88, 89 Major Motors – repairs to Julimar 2.4 \$15,000; transfer box \$17,000</p> <p>142-152 143 Westside auto – various payments for Fire Station Julimar 2.4 and Bejoording approx.. \$550 each.</p> <p>250 MM Mechanical repairs to fire truck Morangup 2.4 \$220</p> <p>Would the officer please clarify if these payments are reimbursed by DFES?</p>	<p><u>Project Manager responded as follows:</u></p> <p>The BFS and SES expenses are covered by the DFES grants and are all managed by the CESM with the assistance of Financial Services. Monitoring is undertaken throughout the year to ensure that all BFS and SES expenses are correctly coded (including mechanics wages) to ensure the maximum DFES grants are secured.</p> <p>The major repairs to Julimar 2.4 were for WO.477 - ISUZU FSS550 - BFS JULIMAR 2.4R (BF028)</p> <p>The Transfer Box was for WO.479.1703 - ISUZU FSS550 - BFS MORANGUP 2.4R (BF034)</p> <p>All reported expenses include GST.</p>
Ruthven	<p>69 – Fire Mitigation Services, sand pad for tanks \$14,745 -</p> <p>Could we please have an explanation of this payment as earthwork of this type is</p>	<p><u>Project Manager responded as follows:</u></p> <p>This work is related to the installation of sand pads for nine fire emergency water tanks under a DFES grant (fully funded).</p> <p>Two quotes were received for this work – from Fire Mitigation Services and Avon Earthworks.</p>

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Item 9.2.1 - Questions and Points raised		
Councillor	Detail	Response
	not what FMS usually does?	<i>The work was awarded on Fire Mitigation Services as the most competitive quote. FMS provides of a range earth moving services.</i>
Pearce	There was a payment for a unit of study for Library Officer – is this unit for a qualification the Library Officer is undertaking a part of employment or professional development?	<i>CEO responded as follows: It is both. It is a condition of employment. It is an agreement entered into to undertake study that the Shire would subsidise. It is a library qualification so it is directly related to the Officer's job.</i>
Pearce	When you say subsidise does the Shire pay the whole cost of the qualification?	<i>CEO responded as follows: I will take that question on notice. Response after meeting from Manager Corporate and Community Services: Yes – the Shire covers the full cost of the training, subject to successful completion and continuing employment.</i>

9.3 EXECUTIVE SERVICES

9.3.1 REVISED Member Policies

Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
McKeown	Where there has been a question put onto the team's platform, do those questions get included?	<i>Shire President response as follows: No.</i>
McKeown	How does someone who has not been on the Teams Platform, or a member of the public know what the questions and answers were?	<i>CEO response as follows: It is similar to a workshop situation where the questions and answers are not recorded but the team situation acts as a workshop situation.</i>
McKeown	If someone wanted to reiterate those questions they could do so at the Agenda Briefing?	<i>CEO response as follows: Correct.</i>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
Pearce	<p>Officers Recommendation 5 – Revoke FOI policy</p> <p>Would you please indicate the reason for the revocation?</p> <p>Will this policy be rewritten?</p>	<p><u>Executive Services response:</u></p> <p><i>Section 7 of the Register of Delegations contains information in Delegation EA4 in respect to where legislation prescribes that those decision-making powers and duties are to be performed and exercised by the CEO of the local government.</i></p> <p><i>A local government (Council) cannot make any further directives, through policy, or make amendments to the decision-making powers and/or duties prescribed by legislation to these officeholders. This is the reason the policy is being revoked.</i></p>
Pearce	<p>Copyright Policy: My apologies...At risk of being a grammar control freak and pedantic, I think the spelling in the policy for Creative Common Licence should be licence.</p> <p>In Australia, unlike USA, there is a difference in the spelling using s or c, in licence, depending on whether a noun or verb. E.g. the café has now been licensed to sell alcohol (verb) ...the owner applied for an export licence. (Noun).</p> <p>Would the officer please clarify if the referral to licence should be used as it refers to the noun, not the verb in issuing of a licence?</p>	<p><u>Executive Services response:</u></p> <p><i>Agreed - the policy can be amended to reflect this change i.e. license will be replaced with licence where appropriate.</i></p>
Pearce	<p>The Shire website has the following disclosure:</p> <p>Material from the Shire of Toodyay website can be reproduced for personal and non-commercial use, without permission providing it remains unaltered in its original</p>	<p><u>Executive Services response:</u></p> <p><i>With the copyright notice that appears on the Council website people are asked to contact us.</i></p> <p><i>The policy will state that the user will attribute the use as follows:</i></p>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
	<p>form. Should you wish to reproduce material that is for commercial or non-personal use, you can request permission to do so by contacting us. I.e. no mention of how user will attribute use, whether it can be amended.</p> <p>Would the officer please clarify the category, the Creative common Licence the policy is to address and how the user will display?</p> <p>E.g. Attribution BY, when work is copied, redistributed and the creator is credited, non-commercial NC; non derivative ND allows for distribution, display as is, no changes; Share alike SA, share to do as will.</p>	<p><i>This publication should be attributed in the following way:</i></p> <p><i>© Shire of Toodyay (Year of Publication) - (Name of Publication)</i></p> <p><i>This means our current copyright notice would have to be amended to refer to the policy and to have a link to it.</i></p> <p><i>The licence type information will depend on the user and what they want to use the information for. It does not need to be clarified in the policy.</i></p> <p><i>https://creativecommons.org/licenses/by/4.0/</i></p> <p><i>The user can refer to Shire Officers creating documents using content from other people.</i></p> <p><i>Users can also be people who are seeing content on the Shire website and wanting to copy or reproduce for their own purpose.</i></p>
Pearce	<p>COUNCIL FORUMS POLICY</p> <p>Pg. 82 - attachments</p> <p>Council has initial discussion through forums, workshops to review, amend develop key documents.</p> <p>Would the officer please clarify, once discussion has occurred with Councillors at either workshops or forums, the process of how the policies/documents will be developed and presented to council?</p>	<p><u>Executive Services response:</u></p> <p><i>The following process is being implemented:</i></p> <ul style="list-style-type: none"> <i>An Officer will work on a Shire Policy or other document in word, excel, or publisher.</i> <i>The Policy or other document will be provided to Councillors by way of the Policy Review channel in teams as a File. Councillors will be made aware of this through email. Deadlines will be set when to have comments in by.</i> <i>The policy/document is then presented to a Council workshop and any changes that come out of that workshop will be handled by the Officer writing the report and the revisions to the policy.</i> <i>The policy/document then gets brought to Council for adoption/endorsement.</i>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
		<ul style="list-style-type: none"> Where Council chooses to make further amendments to the policy at an Agenda Briefing, these amendments will be included in an amended Officer's Recommendation to be provided to Council with a copy of the Agenda Briefing Notes, well before the actual day of the Council Meeting.
Madacsi	Is s.5.90 Offense to publish information in certain cases - relevant to the disclosures of interest?	<p><u>Executive Services response:</u> s.5.90 is contained within Division 6 Disclosure of Financial Interests and Gifts within the Local Government Act 1995 which is why it is relevant.</p>
Duri	Council forum policy: 16.2(1) should be 16.2 (2)	<p><u>Executive Services response:</u> Technically it is 16.2(1) and not 16.2(2) because the latter refers to the decision already made but (1) refers to what happens and this is what is highlighted.</p>
Madacsi	Listing twice the same Standing Order is confusing 10.11 should be in brackets or with the word 'and' next to 10.1(g) and a single line entry 'Ruling of the Presiding Member to be disagreed with'	<p><u>Executive Services response:</u> The policy refers to what Standing Orders will still apply at forums. Standing Order 10.1 (g) comes under 10.1 Permissible procedural motions, whilst 10.11 is a standing order that will still apply at forums, and even though Council would not move a motion at a forum; the reason to leave this standing order in as a protocol and procedure means the forum would continue even if the Presidents ruling is not agreed with.</p>
Madacsi	Council Forums Policy: Members of the public are not to be present at these sessions unless invited to attend by, or through the CEO or Shire President.'	<p><u>Executive Services response:</u> Can be amended.</p>
Madacsi	Forums are not open to the public. People from the community are not to be present unless: (c) they have the permission of the Shire	<p><u>Executive Services response:</u> Can be amended.</p>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
	President or CEO to be present. replace with 'and'	
Madacsi	Continuing Professional Development at 2.1 More information please of purpose and content, do Shire Presidents normally attend?	<u>Executive Services response:</u> <i>The Shire President does not usually attend the Local Government Professionals National Congress. This can be removed.</i>
Ruthven	Continuing Professional Development at 5 - accommodation - must comply with both parts in definition of Accommodation. WALGA training in Leederville is <100km from Toodyay.	<u>Executive Services response:</u> <i>Noted</i>
Ruthven	Continuing Professional Development at Wording in definition of Social Gatherings needs clarification or correction.	<u>Executive Services response:</u> <i>More commas can be put into the paragraph in the definition to make it read better. It means individuals, a group of individuals, small and/or medium and/or large community groups.</i>
Ruthven	Wording of definition for training period: Refers to the 12-month period within which the course of mandatory training must be passed from the day on which the Member is elected. from the day on which the Member is elected, within which the course of mandatory training must be passed.	<u>Executive Services response:</u> <i>Can be amended.</i>
Madacsi	Accommodation range needs defining e.g.: no greater than the mid-range accommodation for the area	<u>Executive Services response:</u> <i>Recommend the cheapest 3 or 4 star accommodation which is also the nearest option to the training venue.</i>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
Ruthven	Does Shire of Toodyay mean the town or shire boundary in this case?	<u>Executive Services response:</u> <i>The word 'boundary' could follow the word Toodyay and that would make it clearer.</i>
Ruthven	Attendance at Events Policy 2.2: It is unclear whether the \$150 value is for one ticket or both so can the wording please be changed to clarify?	<u>Executive Services response:</u> <i>The use of the plural tickets means the combination of the ticket for the Shire Officer and partner. Can be amended.</i>
Ruthven	Continuing Professional Development Policy Definitions: Under what conditions would flights from Northam Airport be required?	<u>Executive Services response:</u> <i>Can be removed.</i>
Ruthven	Council Delegates – Roles and Responsibilities Policy The definition of Committee in the Definitions section in this policy does not match the purpose of the policy.	<u>Executive Services response:</u> <i>The introduction section states: Acting as a Delegate on Committees or Organisations can assist engagement, partnership, collaboration, and inform Council decision-making. The definitions provided have set apart Committees (meaning the same as what is in the Shire's Committee book); and Organisations (meaning other committees – also in the Committee book)</i>
Ruthven	Part 6, Provisions, under Voting Rights – Elected Members, there appears to be a word missing after "fiduciary". Should it read "fiduciary responsibility"?	<u>Executive Services response:</u> <i>Agreed. The word responsibility should follow the word fiduciary.</i>
McKeown Forum Policy	The first line of the Policy Statement says that the Shire's of Toodyay informal council forum structure is supported by detailed guidance within the governance framework but in fact, do we not have a	<u>CEO responded as follows:</u> <i>Yes we do have a Council Forum policy</i>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
	Council forums policy at the moment?	
McKeown Forum Policy	The new policy statement says it is an informal structure but we have a formal policy.	<p><u>Shire President responded as follows:</u></p> <p>The format we have been provided in the past with WALGA and still exists with WALGA is that the principle of Forums is that there is a degree of informality around them however the code of conduct still applies and there is provision for meeting procedures to maintain order. It is on the basis of the guidelines on forums that the policy on forums is based.</p> <p><u>CEO responded as follows:</u></p> <p>We could remove the word informal or insert the word relatively before it.</p>
McKeown Forum Policy	Why are the headings called Agenda, Concept or Workshop or Information considerations?	<p><u>Executive Services responded as follows:</u></p> <p>The reason for using the word considerations is that it stipulates for each type of forum the word considerations can be removed and Agenda could have been called Agenda Briefings, Concept Considerations could be Concept Forums, etc.</p>
McKeown Forum Policy	The last paragraph under Agenda Considerations says that notes will be taken to include attendance, questions for further information and interest declared; but it does not mention anything about notes being taken about questions being asked at the Agenda Briefing and responses being given at the briefing being included in the notes.	<p><u>Executive Services responded as follows:</u></p> <p>That was an oversight. The policy talks about questions on notice but does not talk about recording questions and responses. We will make an amendment.</p>
McKeown Forum Policy	Under workshop considerations it says that workshops may be convened to discuss specific issues. Who convenes workshops?	<p><u>Shire President responded as follows:</u></p> <p>Convening is through the direction of either the CEO or a recommendation from the Shire President to the CEO. It is the established practice of how the Council deals with under the Act with Administration.</p> <p><u>CEO responded as follows:</u></p>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
		<i>There is no reason why we cannot include words to say that they will be convened "through the direction of the either the CEO or a recommendation from the Shire President to the CEO."</i>
<i>McKeown</i>	On page 82 section 5 – why is it in the policy at all?	<i>Executive Services responded as follows: That section is in the policy because when the policy was first reviewed at the Council workshop, Councillors requested some inclusion about what the key documents are so that is why the section is included. It was a request of Council.</i>
<i>McKeown</i>	Under section 6 it states that "The Shire of Toodyay Standing Orders Local Law 2008 will not apply to a Council Forum except for the following provisions" Should that not read Council Agenda Briefings?	<i>Executive Services responded as follows: Because it is a council forum policy and council forums cover agenda briefings, forums and workshops that is why the wording is used.</i>
<i>McKeown</i>	Does it mean that those Standing Orders will apply in Council Forums that are not Council Forum Agenda Briefings and Council workshops? Will we have Standing Orders at Council Forums?	<i>Shire President responded as follows: To a certain extent, we are now having an agenda briefing and Standing Orders do apply because they state who convenes meeting, behaviour in the meeting and what we in effect do in any meetings informal of nature we reduce it to hold the meeting efficiently.</i>
<i>McKeown</i>	The Standing Orders will not apply except for these ones for Agenda Briefings but Concept Forums behind closed doors and workshops the same rules will apply except for these ones.	<i>CEO responded as follows: The intent is that the word forum encompasses Agenda Briefings, Workshops and Council Forums. The definition of forum in the front section of the policy does not do that.</i>
<i>Pearce</i>	My understanding is that Standing Orders will not apply except for the ones listed in the policy, so I can see the validity of having them here.	<i>CEO responded as follows: We will look at clarifying that.</i>

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Item 9.3.1 - Questions and Points raised		
Councillor	Detail	Response
McKeown	Is there a timetable with respect to bringing policies to Council?	<u>CEO responded as follows:</u> <i>Yes. We have talked about the number of policies that have come to Council this month and the amount of workload that that presents. We are looking at how we manage the presentation of policies to Council in the future. There was a timetable discussed with Councillors and our ability to adhere to the timetable shifts due to other events.</i>
McKeown	Can Councillors get a copy of that timetable?	<u>Shire President responded as follows:</u> <i>It is a good idea provided that there is flexibility in the timetable and the teams' system means we can get policies up early and be reviewed.</i> <u>CEO responded as follows:</u> <i>Officers are updating the timetable at present and once updated it will be put on the hub and teams under Policy Review.</i>

9.3.2 Administration and Governance Policies

Item 9.3.2 - Questions and Points raised		
Councillor	Detail	Response
Pearce	<i>What are the ramifications if action is not undertaken as there appears no further steps?</i> I have accessed the Act S5.1054); Local Government (Model Code of Conduct) Regulations 2021 (Model Code) This regulation amends the <i>Local Government (Administration) Regulations 1996.</i> The Regulation does not provide the consequences The Shire of Toodyay Code of conduct - there is no list	<u>Executive Services response:</u> <i>Sections 5.106 and 5.107 of the Local Government Act 1995 state what happens and the actions to be taken when a minor breach is thought to have occurred.</i> <i>The policy does not need to duplicate what is already in legislation; however the words below may be included if Council thinks it necessary:</i> <i>"The Complaints Officer for the Shire of Toodyay will comply with s.5.106 and s.5.107 of the Act in respect to an alleged minor breach."</i> <u>CEO responded as follows:</u> <i>It is a very good question because the whole sector is grappling with that at the moment.</i>

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Item 9.3.2 - Questions and Points raised		
Councillor	Detail	Response
	<p>of what occurs if EM does not take required action.</p> <p>I cannot determine what the action will be if EM refuses to undertake the action. Do we need to have a policy that defines what will happen as my understanding a breach has occurred, the member does not undertake the action, so another breach – what is the point?</p>	<p><i>The Local Government Reform that raised these regulations and brought them into the effect does not deal with it very well. It is something the whole sector is grappling with.</i></p>
Pearce	<p>Can we as a Council put something in the policy that will provide for what actions are taken?</p>	<p><u>CEO responded as follows:</u></p> <p><i>Council could choose to put into a policy what it would like the ramifications to be and if there is strong feeling around it then I would suggest the policy be withdrawn and we could workshop it.</i></p> <p><i>Any ramifications will require legal advice to be sought to determine their legality under the legislation.</i></p>
Pearce	<p>Is it a better process to accept the policy and then if and when the Department and Minister decides what will happen we can then amend the policy?</p>	<p><u>CEO responded as follows:</u></p> <p><i>I am happy to leave it on the Agenda and raise it with the Department.</i></p>
Pearce	<p>LEGAL REPRESENTATION POLICY</p> <p>Would it enhance the policy presentation if in table of definitions all have capital letters? E.g. Legal Services</p>	<p><u>Executive Services response:</u></p> <p><i>These words can be amended.</i></p>
Pearce	<p>I found links in the Agenda did not work. This was disappointing as I needed to read the relevant documents or Acts for a greater understanding.</p>	<p><u>Executive Services response:</u></p> <p><i>This was a software error and has been rectified.</i></p>

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Item 9.3.2 - Questions and Points raised		
Councillor	Detail	Response
	<i>I would appreciate, if it could be determined why the links did not work and also the inability of the search facility on the attachment for List of Payments.</i>	
McKeown BFB Revoke	<i>My understanding is that there is crossover between this policy and the SOP's. Given this policy is a policy and the SOP are only a guideline why are we abandoning the policy rather than the SOP's?</i>	<p><u>CEO responded as follows:</u></p> <p><i>It is my understanding that the SOPs are required to be developed. The Bush Fires Act requires establishment of the committees and regulations related to the Act talks about Standard Operating Procedures.</i></p> <p><u>Executive Services response:</u></p> <p><i>When the Bush Fire Operating Procedures were first adopted by Council technically they were adopted as an Interim Policy of Council. This is why on the front cover it actually says "Adopted by Council as Council's Interim Policy on 23 February 2022"</i></p> <p><i>Council adopted it as an interim policy because we did not have a local law at the time and we still do not have a local law.</i></p>
McKeown BFB Revoke	<i>So the problem is that we have 2 slightly contradictory policies?</i>	<p><u>Shire President responded as follows:</u></p> <p><i>Yes.</i></p>
McKeown BFB Revoke	<i>If I look up policies on the Shire Website, will the Bush Fire Operating Procedures be there?</i>	<p><u>CEO responded as follows:</u></p> <p><i>Very good question Councillor. They get reviewed regularly.</i></p> <p><u>Response after the meeting:</u></p> <p>The Bush Fire Operating Procedures were on the Shire Website in the Master Plans area but have now been moved to Governance Policies area.</p>
Hart Acting CEO Policy	<p>The definition of Council is in the Acting CEO policy as:</p> <p><i>The local government, responsible for making decisions in formal meetings held under the</i></p>	<p><u>Executive Services response after meeting:</u></p> <p>The review of policies is attempting to use the same definitions no matter the policy.</p> <p>In the Local Government Operational Guideline number 05 – January 2004 "Council Forums" put out by the</p>

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Item 9.3.2 - Questions and Points raised		
Councillor	Detail	Response
	<p><i>auspices of Part 5 of the Local Government Act 1995 and under the Shire's Standing Orders Local Law 2008.</i></p> <p>Verbose, and possibly over-prescriptive. Suggest "Part 2 Division 2 of the Act."</p>	<p>Department of Local Government, Sport and Cultural Industries the principles of the Act says that Part 5 of the Act sets out the framework whereby elected members meet for the purpose of decision making on behalf of the local government.</p> <p>The term "council" in the Local Government Act 1995 just states that "<i>council</i> means the council of a local government"</p> <p>The other words "responsible for making decisions in formal meetings held under the auspices of" were to marry up the two terms. An amendment can be added to the Officer's Recommendation at the Council Meeting.</p>
Cr Hart	<p>The definition Shire President - Circular definition. Suggest "Defined in s.2.8 of the Act."</p>	<p><u>Executive Services response after meeting:</u></p> <p><i>I do not believe it is necessary.</i></p> <p><i>The role is defined in the Act but not the "term". Definitions in policies are only defining the terms so that we can shorten the wording throughout the policy in some cases, but in this one we did not.</i></p> <p><i>However if you are of a mind to move as an amendment to the policy, you'll have to make the amendment for each policy as the same definition exists in each policy.</i></p>

9.3.3 Total Project Costs - Toodyay Recreation Centre

Item 9.3.3 - Questions and Points raised		
Councillor	Detail	Response
Pearce	<p>I congratulate you on the report for Total Costs of the TRC – Item 9.3.3.</p> <p>I undertook to search and document the costs some time ago due to apparent community angst as too costs. I appreciate the considerable staff time it</p>	<p><i>CEO responded as follows:</i></p> <p><i>Thank you for comments.</i></p>

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Item 9.3.3 - Questions and Points raised		
Councillor	Detail	Response
	would have taken to deliver this comprehensive document. Thank you	

9.4 INFRASTRUCTURE AND ASSETS**9.4.1 Road Upgrade Criteria Policy**

Nil.

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9.5 COMMITTEE REPORTS

9.5.1 EAC - Expression of interest to join Environmental Advisory Committee – Mr Justin von Perger

Item 9.5.1 - Questions and Points raised		
Councillor	Detail	Response
Pearce	Is there any statutory requirement about how many members we can have on the Committee?	<u>Executive Services response:</u> <i>There are no statutory requirements however Council adopted the Committee Book outlining what the requirements are.</i>

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

8 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Cr McKeown Questions previously taken on notice (Responses provided)

As per Council Meeting Agenda with responses provided in the Council Meeting minutes except for the following response:

Question:

Roads that we are no longer proposing to go ahead with – what are they? Geographically I am concerned that the roads may be concentrated in one area – concerned about dropping them as works?

Response:

The roads that were removed from the Capital Works Program 2021/22 include the gravel re-sheeting works for Hall Road (SLK 1.80 to SLK 4.00, \$242k) and Leeming Road (SLK 0.0 to SLK 1.85, \$181k). Both roads are regularly maintained and in decent condition.

Further, it is most likely that the reconstruction of the Dewars Pool Bindoon Road project (SLK 8.95 to 11.15, \$293k) will not be implemented in FY 2021/22 as this project had to be put on hold due to a clearing permit appeal by the Safe and Scenic Toodyay Roads group. As a consequence, the Shire will lose approved RRG funding of \$196,000 for this project.

Question:

In regard to Question 1 - Item 12.1 Cr McKeown questions - OCM 23 February 2022: Why was question 1 (a) answered and question 1(b) not answered? What was the source of the Shire funds used to pay for the overspend?

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Response from the Manager Corporate and Community Services:

Without having the final audited statements, the figures are included in the surplus. We will address the question again once the audited financial statements are finalised.

9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**9.1 MEMBERS**

Nil.

9.2 EMPLOYEES

Nil.

10 CONFIDENTIAL BUSINESS

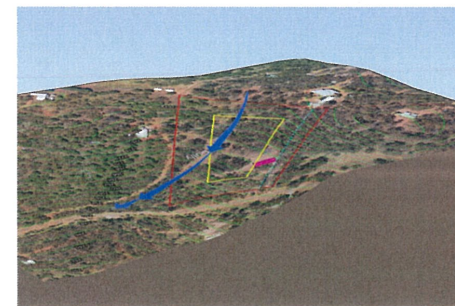
Nil.

11 NEXT MEETINGS

As per Council Meeting Agenda.

12 CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.25pm.



P2022-27
LOT 18 (NO. 42) TIMBER CREEK CRESCENT
COONDLE
PROPOSED SINGLE DWELLING



Dams Local Planning Policy

Introduction

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 25 – Dams an LPP.

Council receives numerous development applications for the construction of dams within the Shire. Concerns regarding environmental, hydrological and landscape impacts associated with dams, particularly those within defined creek lines, identified a need for a policy to properly assess the significance of potential impacts. The assessment of dams is also particularly important as water resources become scarcer.

This policy is designed with intention of providing guidance on the acceptable development of dams within Toodyay.

Objective

The objective of this policy is to provide guidance to Councillors, Shire staff and applicants with regard to proposals for the construction of dams. This policy applies to all applications for the construction of dams excluding those constructed for the purpose of urban drainage management. The policy will also:

- (a) ensure that dams do not have a significant negative impact on the environment;
- (b) ensure that dams are properly designed and constructed; and
- (c) ensure that dam sizes relate to the capability and catchment of the site and the intended use.

Scope

The Shire of Toodyay incorporates a variety of natural environmental features including areas of high conservation value, areas within public drinking water source areas and significant watercourses.

The Shire recognises the important role it plays in relation to protecting and enhancing our natural environment, by ensuring that development activities are conducted in a responsible manner. This Policy has been developed as a guide to landowners and as an aide to assessing development applications.

The Shire recognises that the appropriate siting, design and construction of dams is important from a safety, equitable water supply and sustainable catchment management perspective.

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This policy deals only with applications for approval to commence development required pursuant to the current Shire of Toodyay Local Planning Scheme.

Approval may also be required for the construction of a dam under the Rights in Water and Irrigation Act 1914, the Department of Water and Environmental Regulation should be contacted in this regard.

Definitions

Term	Definition
Dam	means a man-made structure and/or excavation for the purposes of water storage.
On Stream Dam	means a dam located across a watercourse
Off Stream Dam	means a dam not located across a watercourse but into which water is fed from a watercourse.
Catchment Dam	means a dam not located across a watercourse which receives rainfall runoff and/or groundwater seepage only.
Watercourse	means any river, stream or creek as depicted on a plan attached to or associated with the 'Interpretation of Watercourses Policy'.

Policy Statement

The Shire's policy with respect to the development of dams within the Shire of Toodyay is outlined as follows.

1. Purpose of Dam/s

- 1.1 The construction of dams will generally only be supported where there is a demonstrated need for water storage associated with an agricultural use or for domestic purposes.
- 1.2 Dams will generally not be supported where they are solely for aesthetic purposes or on lots with an area of less than 2 hectares, where the scale of rural activities does not normally warrant the provision of a dam.
- 1.3 Where an application is made for a new dam on a lot that contains an existing dam, consideration shall be given to whether the additional dam is justified in order to support the use of the land. Where the existing capacity or the combined capacity of the dams exceeds that necessary to support the existing or proposed land use, the proposed dam will not be supported as it does not reflect sustainable water management.

2. Environmental Considerations


- 2.1 The Shire recognises the potential negative environmental impacts associated with the siting and construction of dams.

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- 2.2 Consideration should be given to natural flow patterns when designing a dam, dams should be designed so that natural flow patterns, particularly summer flows, are not significantly diminished. Off-stream dams should only divert water from watercourses during peak flow periods.
 - 2.3 Placement of a dam within a watercourse should be avoided if possible.
 - 2.4 Dams should be located so as to reduce the potential risk of erosion associated with both the construction and ongoing operation of the dam. Erosion risk is determined by a combination of soil types, vegetation cover and topography.
 - 2.5 Dams should be constructed in a manner which minimises the potential for erosion and rehabilitation of any exposed soils should be undertaken in a timely manner to minimise erosion risk.
 - 2.6 The potential presence of acid sulphate soils should be considered when assessing an application for the construction of a dam.

3. Vegetation Management

- 3.1 Dams should be sited so as not to require the removal of remnant vegetation or to keep any such removal to a minimum.
- 3.2 Revegetation and/or additional planting of appropriate native species shall be required where a dam is considered to have a moderate to high impact or where a dam is visually prominent on the external landscape.
- 3.3 Topsoil is to be spread on any exposed batters and exposed soils are to be revegetated with perennial grasses and appropriate native species as soon as possible after construction.
- 3.4 Where landscaping is required, it should comprise local native species with consideration of shade planting to reduce water lost by evaporation and the planting of sedges and reeds to enhance the water quality and biodiversity. The vegetation, however, should not negatively impact upon the structural integrity of the dam.

4. Impact Assessment Criteria

- 4.1 The potential level of impact of a proposed dam is determined by estimating the potential environmental impact of each characteristic of a proposed dam. This is detailed in Table 1.
- 4.2 A scoring method is provided to assist in determining the potential overall environmental impact of a proposed dam.
- 4.3 The potential impact of a dam is classified as follows:
 - (a) High Impact – where the total score is greater than 10 points;
 - (b) Moderate Impact - where the total score is between 5 – 10 points;
 - (c) Low Impact - where the total score is less than 5 points.

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5. Requirement for Supporting Information

- 5.1 The applicant is to supply detailed information in support of an application for a dam. The information required to be submitted is commensurate with the potential impact of the dam (as defined in Table 1 and is outlined in Table 2.
- 5.2 Notwithstanding the requirements detailed in Table 2, further information may be required where deemed necessary in order to address any of the issues raised in this policy.

6. Setback Requirements

- 6.1 Dams must be setback an appropriate distance to ensure that neighbouring landowners are not detrimentally affected by a dam, taking into consideration the standard setback requirements for the respective zone as specified in the current Shire of Toodyay Local Planning Scheme.
- 6.2 Under no circumstances should a dam be located so as to result in land being inundated outside the boundary of the lot on which the dam is to be located.

7. Dam Assessment

When assessing an application to construct or excavate a dam consideration shall be given to:

- (i) The potential level of impact of the dam, as determined in Table 1;
- (ii) the supporting information provided in accordance with Table 2;
- (iii) the setback requirements of the relevant zone as specified in the current Shire of Toodyay Local Planning Scheme;
- (iv) comments received from other government agencies (where applicable);
- (v) submissions received during the advertising process (where applicable); and any other matter deemed relevant by the Council.

8. Assessment Criteria

The following information is intended to guide applicants in their proposal for the development of dams within the Shire of Toodyay.

8.1 Siting Considerations


- 8.1.1 The positioning of dams is one of the most important consideration when minimising negative impacts on waterways. Dams built within a watercourse will impede the natural flow of water and may also have a tendency to cause erosion resulting in movement of sediment downstream.
- 8.1.2 On-stream dams may also cause disturbance to fringing vegetation and fauna habitat and potentially deprive downstream users of water. Dams constructed within watercourses impede natural base flows and capture out of season rain events.
- 8.1.3 For the reasons outlined above, dams should be constructed away from watercourses where impacts on the environment are more likely to be reduced.

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- 8.1.4 Catchment dams are the most favourable form of dam, as they have minimal impacts on other water users and environmental impacts are reduced due to negligible impedance to natural flow patterns.
- 8.1.5 During construction of dams earthworks may cause soil to be transported into a watercourse. Appropriate sediment and erosion control methods should be installed to protect riparian eco-systems and downstream users.
- 8.2 Cumulative Impact
- 8.2.1 As well as the direct impact that dams may have on the natural environment when they are constructed on a watercourse, dams also have a cumulative impact. A number of dams constructed on the same watercourse can limit the amount of water flow available for downstream users. The increased storage of water within certain areas and decreased flows in a watercourse, may also impact upon environmental attributes of riparian habitats.
- 8.2.2 Catchment dams located 'off-stream' can also have a cumulative impact upon a water catchment area due to reduced run-off to watercourses.
- 8.2.3 The capacity of proposed and existing dams located within the same water catchment area, should not negatively impact upon an adequate amount of water being able to reach the watercourses or recharge groundwater.
- 8.3 Design Considerations
- 8.3.1 The foundations of a dam must be structurally sound. The clay content, water holding capacity, wall design and spillway and summer flow bypass design are also important factors requiring consideration as part of dam construction proposals. An application for a large dam should be accompanied by a report from a suitably qualified professional demonstrating that the design considerations outlined in this policy have been properly addressed.
- 8.3.2 Dam design, safety and construction are the responsibility of the landowner. Once the dam is constructed the landowner may be required to submit a structural engineering certification undertaken by a suitably qualified engineer, certifying that the dam has been constructed to an acceptable standard.
- 8.3.3 On completion of the construction of a dam, an applicant may be required to provide confirmation by a surveyor that the capacity of the dam is consistent with that approved.
- 8.3.4 Dams should incorporate design features to ensure that natural flow patterns, particularly in summer are not compromised. A reduction in summer flows is likely to cause greater environmental stress downstream when compared to a minor reduction in peak flows during peak rainfall months.

9. Application requirements


The following is the base information required for a development application for a dam. Additional information may be required based on the impact of the dam or lake as assessed by this Policy:

- (a) A detailed description of the purpose of the dam or lake.
- (b) A detailed Geotechnical report detailing constraints of the site (if applicable).
- (c) Application Specifics, including:
 - Cross-sections;
 - Location of the proposed dam and any upstream dams within 500m;
 - Areas proposed to be landscaped;
 - Capacity of the dam or lake;
 - Materials to be used;
 - Proposed usage of the material excavated; and
 - Whether the dam will be lined or not and any materials to be used for lining.
 - Location of watercourses.
 - Engineering certification (if applicable).
 - Additional information requirements as per Table 2.

10. Consultation

10.1 High & Moderate Impact Dams

- 10.1.1 Prior to determining an application for a dam, comments shall be sought from adjoining landowners for a period of 28 days. Advertising is to be in the form of letters to property owners located within 200 metres of the subject property boundary, through a notice in a newspaper circulating throughout the Shire of Toodyay and a sign on site.
- 10.1.2 As well as formal advertising being undertaken it is suggested that the applicant/landowner discuss their proposal, prior to lodging an application, with any potentially impacted neighbouring property owners.
- 10.1.3 In addition to the proposal being referred to nearby landowners, the Shire will refer the application to the local catchment group, Land Conservation District Committee or other relevant interest group.
- 10.1.4 Where a proposed dam is determined to have a potentially high impact, is located within a public drinking water source area, within a proclaimed surface water area, or is located within 200 metres of a Conservation Category Wetland, it shall be referred to the Department of Environment and Water Regulation and other relevant State Government agencies prior to consideration by Council.



10.2 Low Impact Dams

10.2.1 Consultation with neighbouring property owners will occur as detailed above for high and moderate impact dams, however consultation will not normally be required with the Department of Water and Environmental Regulation or other State Government agencies.

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11. Appendix I: Table 1 - Dam Construction Assessment based on Potential Impact

DAM CHARACTERISTICS	POTENTIAL IMPACTS			
	HIGH 3 points each)	MODERATE (2 points each)	LOW (1 point each)	NEGLIGIBLE (0 points)
Dam Locations	On-stream, within a public water supply catchment, within a proclaimed surface water area, or within 200 metres of a conservation category wetland	Adjacent to a watercourse but outside of the seasonal flow path.	Greater than 50 metres distance from a watercourse	Greater than 100 metres from the watercourse
Dam Size	Storage capacity exceeding: <ul style="list-style-type: none"> • 500m³, within a watercourse; • 2,500m³, outside of a watercourse; • 5,000m³, greater than 100 metres from a watercourse; or • Greater than 25% of the catchment yield based on an average annual rainfall of 500mm. 	Dam storage capacity no greater than: <ul style="list-style-type: none"> 500m³, within a watercourse; 2,500m³, outside of a watercourse; or 5,000m³, greater than 100 metres from a watercourse 	Dams with storage capacity less than those specified for moderate.	Not applicable.

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DAM CHARACTERISTICS	POTENTIAL IMPACTS			
	HIGH 3 points each)	MODERATE (2 points each)	LOW (1 point each)	NEGLIGIBLE (0 points)
Maintenance of Natural Flow	Watercourse dam (on-stream) with limited devices to maintain summer and winter flows downstream.	Watercourse dam with comprehensive measures to maintain summer and winter flows downstream.	Off-stream dam that only receives flow from a watercourse during a storm event.	Catchment dam which does not receive any water from the watercourse.
Cumulative Impact (upstream, downstream and catchment)	Greater than 25% of the catchment yield based on an average annual rainfall of 500mm.	Greater than 1 dam within a one-kilometre radius and within the same catchment.	1 dam within a one-kilometre radius of the proposed dam location.	No dams within a one-kilometre radius of the proposed dam location.
Vegetation Clearing	Requires extensive clearing of remnant trees, shrubs and sedges to construct the dam.	Requires some clearing of remnant vegetation.	Requires minimal clearing of remnant vegetation.	Does not require any vegetation clearing.

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12. Appendix II: Table 2 - Supporting Information Required

Impact Significance	Supporting Information Required to Accompany an Application for a Dam
High	<ul style="list-style-type: none"> • A comprehensive hydrological report prepared by a suitably qualified hydrologist or engineer providing an assessment of how the structure will affect the summer and winter flow patterns and describe summer and winter flow management provisions; • A certified report on dam structure by a suitably qualified engineer; • A revegetation/landscaping plan; • Detailed plans including a cross-section, site feature survey and locality plan; • The maximum capacity of the dam; and • A report addressing issues outlined within this policy.
Moderate	<ul style="list-style-type: none"> • A brief report of hydrological and/or structural aspects; • A certified report on dam structure by a qualified engineer; • A revegetation/landscaping plan; • Detailed plans including a cross-section, site feature survey and locality plan; • The maximum capacity of the dam; and • A report addressing issues outlined within this policy.
Low	<ul style="list-style-type: none"> • Detailed plans including a cross-section, site feature survey and locality plan; • The maximum capacity of the dam; and • A report addressing issues outlined within this policy.

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13. Appendix III: Checklist for Planning a Dam

When planning to construct a dam care should be taken to ensure that all of the following issues are assessed:

- (a) Examine alternative methods in which water demand could be met taking into consideration:
 - (i) reliability
 - (ii) cost
 - (iii) maintenance
- (b) Assess the size of the dam and the demand for water
- (c) Assess the soil types surrounding the dam site to ensure stability (engineering integrity)
- (d) Determine the level of creek flow and assess whether your dam may alter creek flow
- (e) What is the current water quality of the watercourse?
- (f) Will your dam affect water quality or will your dam impact on the creek system by:
 - (i) altering the local ecosystem
 - (ii) impacting on local vegetation
- (g) Will your dam affect other users of the watercourse through:
 - (i) -alteration of flow
 - (ii) -alteration of supply
 - (iii) -possible effects due to dam burst
- (h) What is the size of the catchment and is your dam suitable for the amount of water generated?
 - (i) Have you planned for storm events and evaporation?
 - (j) What measures do you propose to minimise sedimentation?
 - (k) What measure do you propose to control mosquitoes?
 - (l) Will your dam construction affect salinity levels?
 - (m) What are the safety issues involved in constructing and maintaining a dam?
 - (n) What are the local government requirements for building a dam in your area?
 - (o) Is it in a stream protection area?
 - (p) Is there a local catchment group in the area?
 - (q) Is there a management plan covering the watercourse or catchment in your area?

Reference Information

Shire of Toodyay Local Planning Policies.

Legislation

[Planning and Development Act 2005](#)

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

[Planning and Development Regulations 2009](#)

[Shire of Toodyay Local Planning Scheme No. 4](#)

[State Planning Policy 2.5 - Rural planning – December 2016](#)

[Shire of Toodyay Local Planning Strategy 2018](#)

[State Planning Strategy 2050](#)

Associated documents

[Planning guidelines - Rural planning – December 2016](#)

Draft State Planning Policy 2.9 Planning for Water Guidelines August 2021

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V0	15/05/2012	Adopted new policy	Manager Planning and Development	Council
V1	18/09/2012	Reformatted	Executive Services	
V2	14/04/2022	Revised	Manager Development and Regulation	

Document control information	
Document Theme	Local Planning Policy
Document Category	Development and Regulation
Document Title	Dams
Document ID	LPP.25

14/04/2022 (42.2)

Page 12

Draft V2 – REVISED Dams Local Planning Policy

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Document control information	
Document Owner (position title)	Manager Development and Regulation
Author (position title)	Manager Development and Regulation
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	
Date of next review	February 2025
Archived antecedent documents and previous versions	Adopted OCM 15 May 2012 Reviewed OCM 18 Sept 2012.
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\25 Dams Local Planning Policy (Revised).docx

14/04/2022 (42.2)

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3-6 DOG PERMIT RANGER INSPECTION

Date of Inspection: 7/01/2022

Property Address: 17 BEAUFORT ST, WEST TOODYAY

Name of Owner: BEN HOLLISTER & JODIE RYDER

Phone Number(s): 0433709567/0400336751/95745059

Email(s): benhollister24@outlook.com

Date of Application: 5/01/2022

Ranger(s): McMillan

No. Dogs	Breed	Colour	Name	Sex	Age	Sterilised
1	UNKNOWN(ADOPTED) STAFFYX,LABX,KELPIE	TAN	RUSTY	M	10+ APPROX	YES
	Microchip No.	941000015047652	Rego No.	2100343		
2	STAFFY	BRINDLE&WHITE	STEVE	M	4YRS	YES
	Microchip No.	941000019573603	Rego No.	2100342		
3	LABRADOR	BLACK	DARCY	F	2YRS	NO
	Microchip No.	953010005093250	Rego No.	AWAITING		
4	LABRADOR /RETRIEVER	GOLDEN	KODA	F	7MTHS	NO
	Microchip No.	953010005647366	Rego No.	AWAITING		
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:

Method:



Are the fences and gates capable of confining the dog? YES 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? YES

Are there dog odours in the yard? NO

Approximate size outside dog space?

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

Materials/type and Height of Fencing:

PERMA POLE UPRIGHTS WITH RINGLOCK GALVANISED FENCING.

Modifications required?

NO

**Locking Devises on Gates:**

RURAL CHAIN LATCHES.

Modifications required?

responsibility to maintain this area to effectively confine the dogs as per the *Shire of Toodyay Dogs Local Law/Dog Act 1976*.

Housing:

DOGS HAVE BEDDING OUTSIDE ON RAISED BEDS. ALL DOGS ALSO HAVE THE INSIDE COUCH TO SLEEP ON IN THE LIVING ROOM.

Water Supply:

BUCKETS AND BOWLS INSIDE AND OUT.

Condition of Existing Dogs:

GOOD.

Dog(s)/Owners History:

NO HISTORY.

Application supported by the ranger?

NO

Recommendations:

THE OWNERS HAVE INDICATED TO THE RANGERS ,THE REASON FOR THE TWO FEMALES NOT BEING DESEXED IS FOR BREEDING PURPOSES.
THE TWO FEMALES ARE USED AS THERAPY DOGS AT JODIE RYDERS PLACE OF WORK.
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.



LACY BROS PTY LTD
OFFICE
PO Box 858
TOODYAY WA 6566
Jacquie Lacy 0400 303 324

ABN 39 611 300
YARD
641 Robinson Street
CUE WA 6640
Peter Lacy 0427 384 352

Good Morning Tobie,

Please accept my application to paint the exterior of St Aloysius Boys School / Boarding.
As the wood work is in a fairly advanced state of disrepair I am only submitting this application to paint as it is a priority for us.

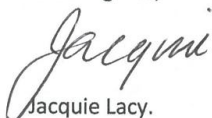
I have attached the colour's that I would like to paint the wood work only which is reasonably close to the colours that are currently on the building.

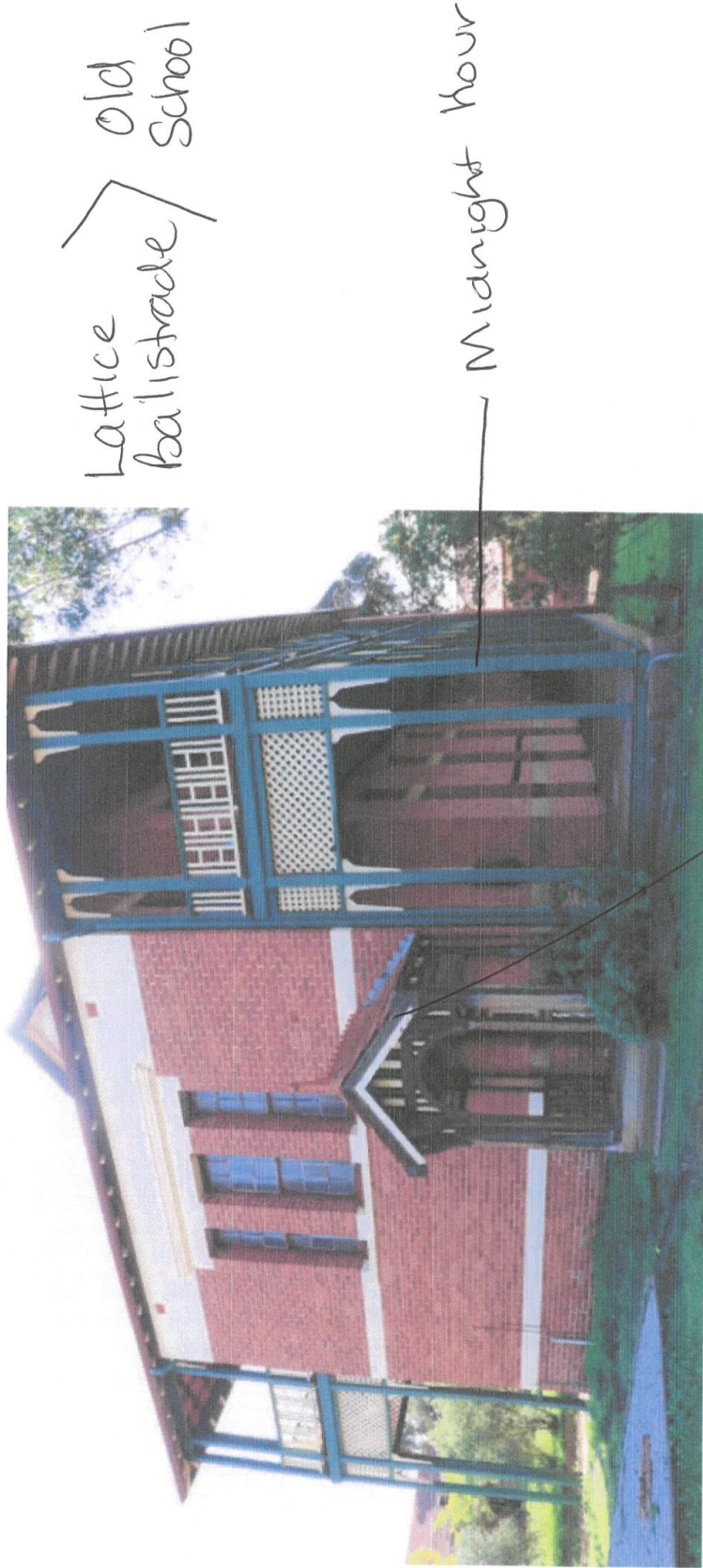
If I have to revert to the Toodyay colour palette I would choose :
P48.e9 for gutters / French doors
P48.e6 for the front door
P11.f13 for portico / balustrade

I look forward to your decision.

Thankyou,

Kind Regards,


Jacquie Lacy.
18/3/2022



Lattice
balustrade } Old
School

Midnight Hour

Midnight Hour

Main Front Door P 48.e6
on Toodyay palette.



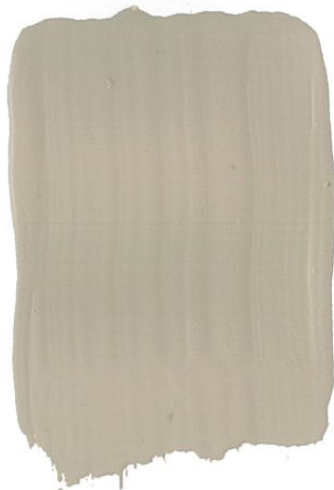
Current photo



Current photo.



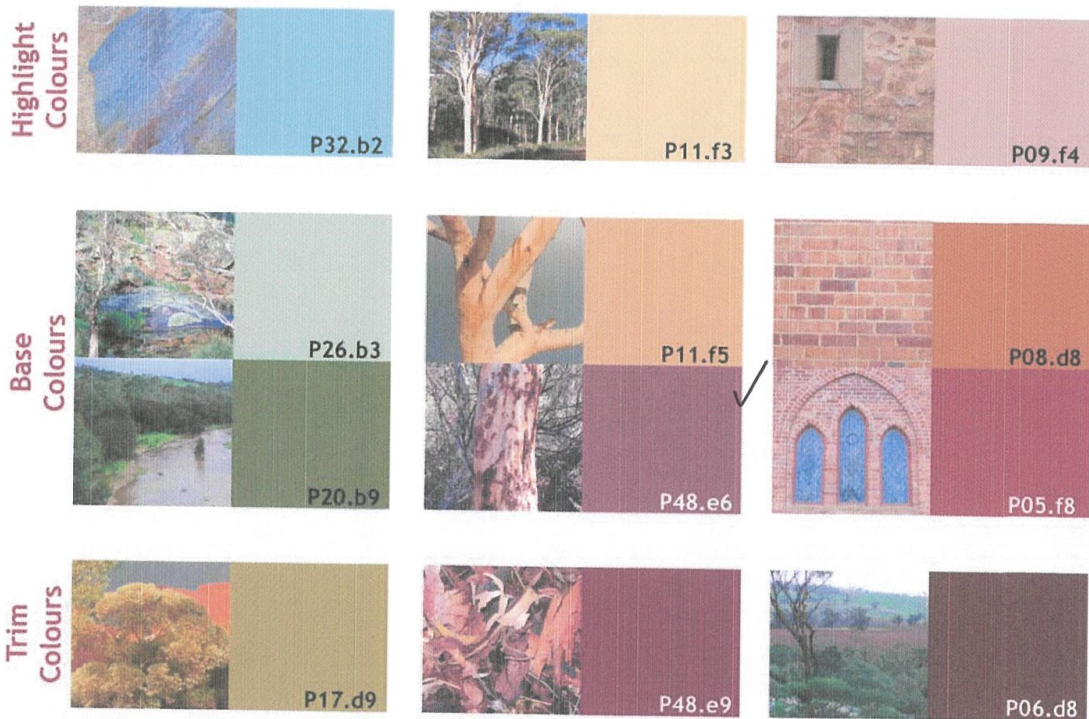
Midnight
Hour



Old School

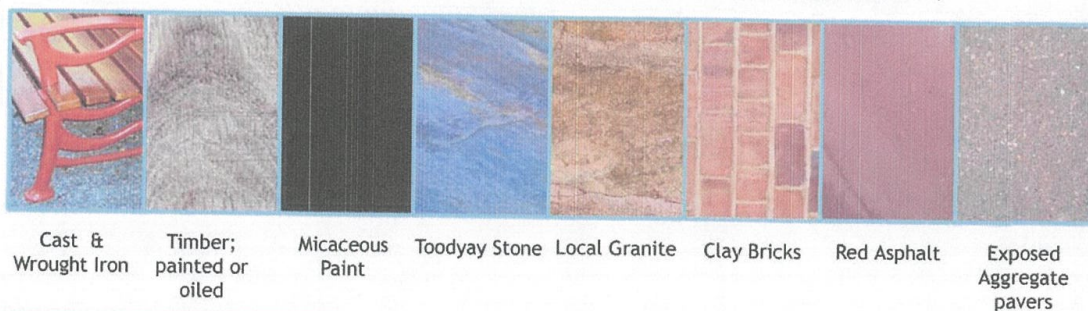
Paint Colour Palette

Colours in Toodyay can be grouped into three broad sets; greens as found in native foliage and Toodyay stone, creams and pinks from the bush, and red-oranges found in the soil, historic buildings and natural stone. These colours harmonise well with each other, and used in the right proportions, can provide a choice of low key or lively colour palettes for the town. Where possible, colours used on heritage buildings should be based on original colours as determined by paint scraping. Please note, the colours shown are indicative (as the printing process is inaccurate), and advice from paint manufacturers and trial patches are recommended before colours are used. The colours shown are from the Dulux Colour Specifier range.



Materials Palette

Materials in keeping with Toodyay's heritage character and setting are suggested below;




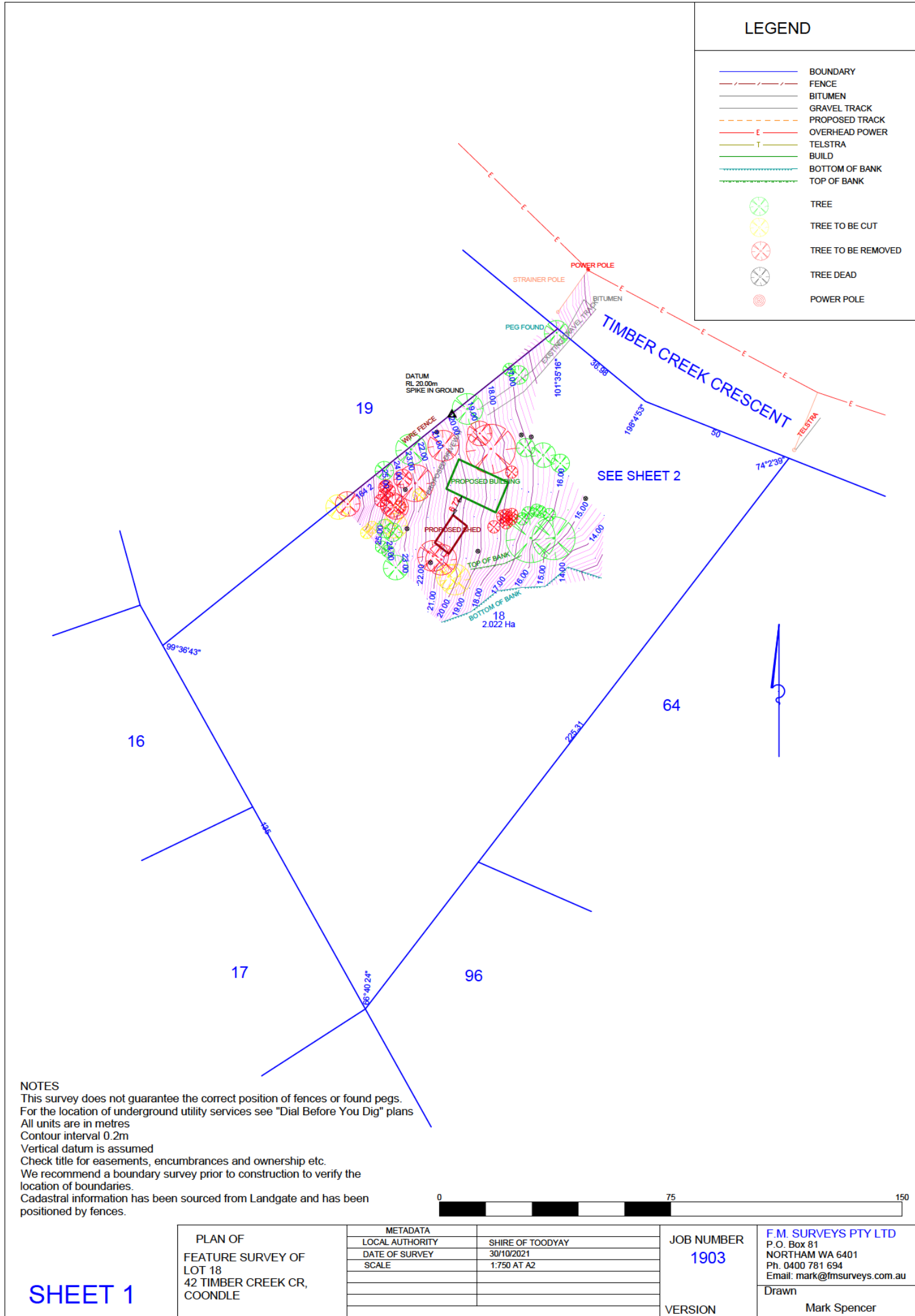
Colour & Material Palette





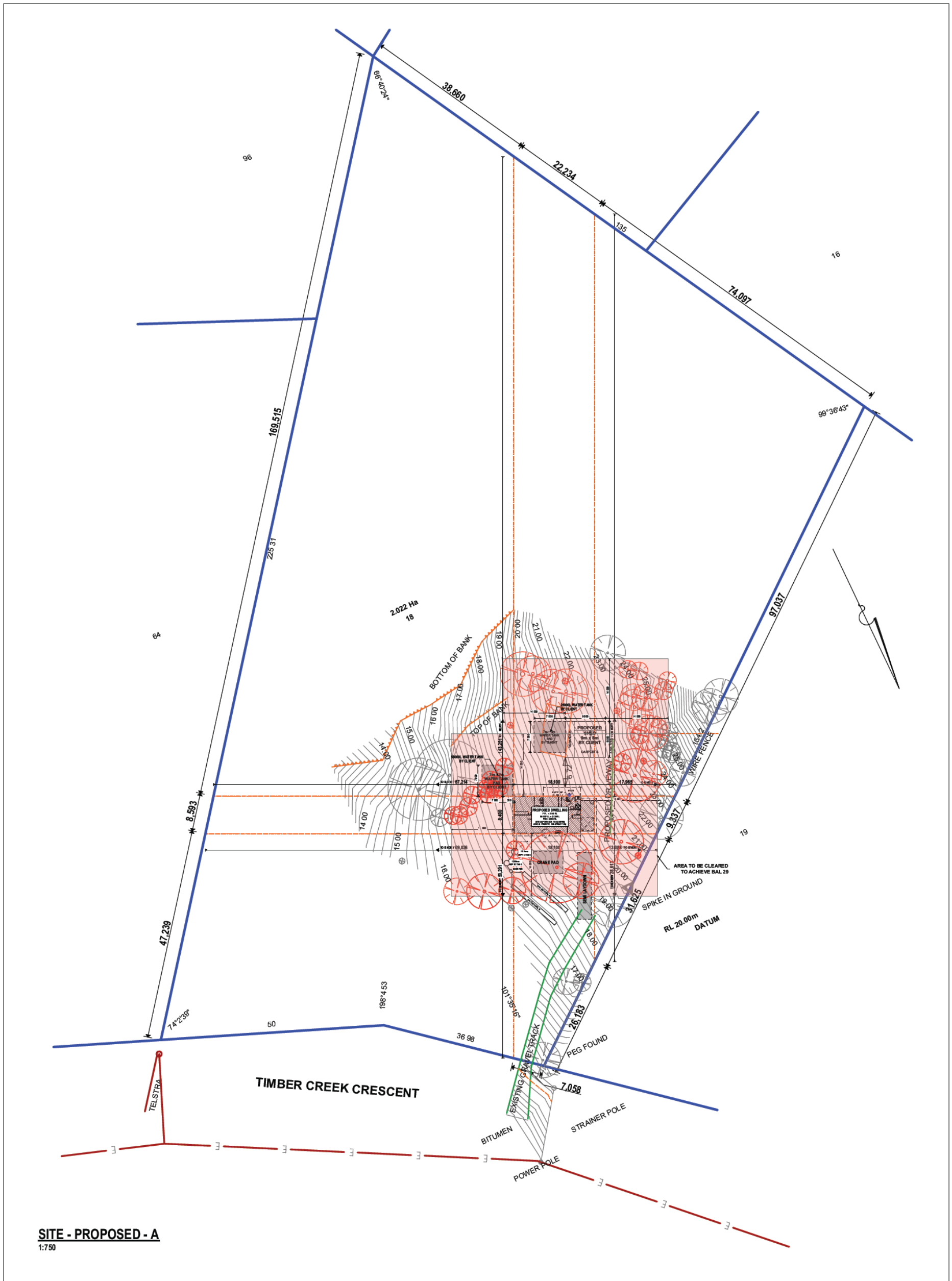
THIS 3D IMAGE IS FOR ILLUSTRATION PURPOSES ONLY. PLEASE SEE ADDENDA & CONTRACT FOR SPECIFIC COLOURS & FINISHES

 <p>EVOKE LIVING HOMES CREATING LIFESTYLES</p>	<p>98 BYFIELD STREET, NORTHAM WA 6401 PHONE: 1300 138 653 EMAIL: sales@elhomes.com.au</p> <p>© COPYRIGHT THIS DRAWING IS THE COPYRIGHT OF WBS MODULAR PTY LTD T/A S EVOKE LIVING HOMES & MAY NOT BE COPIED IN PART OR FULL WITHOUT THE WRITTEN PERMISSION OF EVOKE LIVING HOMES.</p>	SIGNATURES		VARIATIONS		VARIATIONS		CLIENT NAME: SITE ADDRESS: 42 TIMBER CREEK CRESCENT COONDLE	DRAWN: LD	DATE: 03/10/21
		CLIENT:	DATE: 03/10/21	INT: LD	DATE: 23/02/22	INT: RI	DATE: 04/03/22		INT: RI	SALES: SL
		CLIENT:	DATE: 16/11/21	PC				CLIMATE ZONE: 5	WIND REGION: A	
		BUILDER:	DATE: 01/12/21	PC				SHEET No: 1 OF 16	JOB No. 299	
			DATE: 16/12/21	RI						
			DATE: 31/01/22	PC						
			DATE: 18/02/22	RI						




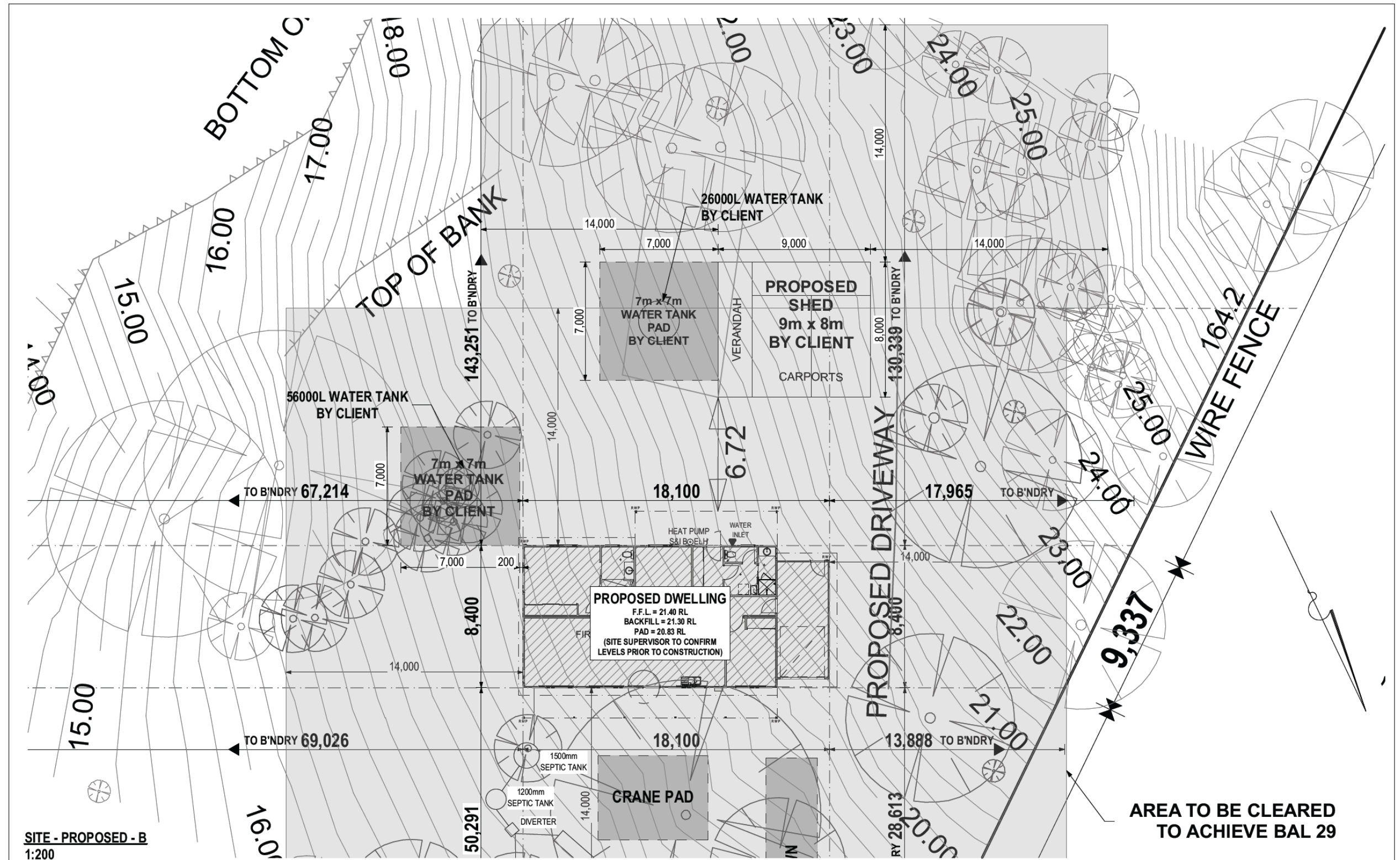
SITE - SURVEY - OVERALL
N.T.S.

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SITE - PROPOSED - A
1:750

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SITE - PROPOSED - B
1:200



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SIGNATURES

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BUILDER:

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VARIATIONS

REVISION	DATE	INT.
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REVI	04/03/22	RI

CLIENT NAME:

42 TIMBER CREEK CRESCENT
COONDLIE

DRAWN: PC	DATE: 31/01/22
SALES: SL	COASTAL: NO
CLIMATE ZONE: 5	WIND REGION: A
SHEET No: 4 OF 16	JOB No. 299

PROPOSED SINGLE DWELLING – LOT 18 TIMBER CREEK CRESCENT, COONDLE



SCHEDULE OF SUBMISSIONS

PROPOSED SINGLE DWELLING – LOT 18 TIMBER CREEK CRESCENT, COONDLE

#	NAME	SUMMARY OF SUBMISSION	DEVELOPMENT SERVICES COMMENTS ONSUBMISSION
1.	Landowner 1	<p>Although the owners to be a nice couple and probably wouldn't interfere with our life here, we have to look to the future and should the setback variation go unopposed and they build as per the plan we then have the potential of the owners deciding that this dwelling isn't for them or is merely an investment for the expected mine at Julimar and then either selling or renting out to people not as nice as themselves leaving us with a problem neighbour closer than we'd like.</p> <p>When we spoke face to face; to the owners said that they have to build close due to the terrain of the land?</p> <p>Our own house was built on some extreme topography that required the necessary earthworks to suit, so we have to question why this is impossible at LOT_18 in order to comply with the setback rule as there appears to be around 70mtrs to their own Eastern Boundary.</p> <p>In a nutshell; although we don't want to alienate our neighbours we prefer that they seek an alternative to encroaching the said 30mtr</p>	<ul style="list-style-type: none"> • Note the submission. • The Scheme recognises this and provides a provision allowing Council to consider varying setback requirements based on lot configuration or topography. Were it not for this provision, many parcels of land, including the subject parcel would never have the opportunity for this kind of development. • Planning decisions are merit based and have a foundation of the principles of orderly and proper planning. Therefore, this development, must be determined on the facts rather than on speculation.

SHIRE OF TOODYAY

Page 1 of 1



9.1.2 Lot 69 Telegraph Road, Toodyay – Proposed single house

Date of Report:	15 September 2021
Applicant or Proponent:	W Hall / Hilburn Construction
File Reference:	P2021-7/A4336/69TEL
Author:	H de Vos – Acting Manager Planning and Development
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-judicial
Attachments:	<ol style="list-style-type: none"> 1. Map – Lot 69 Telegraph Road; 2. Application Plans; and 3. Schedule of submissions.

PURPOSE OF THE REPORT

To determine an application for development approval for a single dwelling (and demolition of an existing dwelling) in the Central Toodyay Heritage Area. Council is required to determine this application as current delegations do not allow for this matter to be determined at officer level.

BACKGROUND

Lot 69 (No. 2) Telegraph Road in Toodyay is an 1815m² property which is zoned Residential with a density code of R10 under the Shire of Toodyay's Local Planning Strategy No. 4.

The property is located within the Central Toodyay Heritage Area and thus due regard must be given to Local Planning Policy No. 20 – *Central Toodyay Heritage Area*. The site is irregularly shaped, and the landowner also owns an adjoining parcel of land – Lot 123 on plan D711 which has an existing shed.

The existing dwelling was built prior to 1960 (according to aerial records) and straddles the boundary of Lot 69 and Lot 123. No records of this build were able to be located.

The property is not on the Shire's Municipal Inventory however it is noted to have been given 'some' level of significance under the Local Planning Policy. For more details, please refer to Attachment 1 – Map Lot 69 Telegraph Road.



Proposal

The Applicant proposes to build a stumped home and to demolish the existing dwelling on site at the completion of the new build. The new dwelling is a weatherboard, timber-framed construction. The proposal involves some variations to the Local Planning Policy No. 20 – namely, a reduced roof pitch of 22.5 degrees in lieu of 25 degrees and the siting of the new dwelling is not in line with existing dwellings. For more details – please refer to Attachment 2 – Application Plans.

Timing

This application was received on 12 July 2021. Regrettably, due to a higher-than-normal volume of development applications and staff vacancies, there has been a delay in processing this application.

In accordance with clause 75(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 60 days of the receipt of the application which is by 10 September 2021. However, once the issue with the local planning policy and the lack of delegation was determined, the matter was discussed with the Applicant and the landowner who have consented to the extension to allow this to be determined at the Ordinary Council Meeting on the 28 September 2021.

The Applicant is not amenable to any further extension as they are concerned about limitations and problems arising from harder ground (as the ground dries out) – making the stumps being driven into the ground significantly more difficult.

Additionally, the landowner is hoping to make use of a grant to assist with development. This runs out on 31 December 2021 – by which time the development must be substantially commenced to qualify. It is acknowledged that this is not a valid planning consideration.

COMMENTS AND DETAILS

The proposed dwelling is considered in keeping with heritage values and is able to demonstrate this through the use of materials, roofing and general architectural design.

The proposed roof pitch, whilst less than that required under the policy is considered to be a more aesthetically pleasing outcome.

The proposed siting of the new dwelling is neither parallel to Telegraph Road nor is it in line with existing developments. However, this is not consistently applied across the Central Toodyay Heritage Area. The new dwelling will be in line with the dwelling to its east on Lot 72.

Demolition

It is noted that there is a presumption against demolition for properties within the Central Toodyay Heritage Area. However, it is also noted that in accordance with the Shire's Local Planning Scheme No. 4, the new development proposal can only occur if the existing dwelling is removed. Additional dwellings may only be considered on Rural zoned land of a certain size and generally are for agricultural purposes.



Therefore, Council, in making its determination, must be careful not to inadvertently sterilise what should be a progressive and enlightened response through the planning system to enable better architecture and design overall – than if strict and rigid rules were the sole basis for decision making.

IMPLICATIONS TO CONSIDER

Consultative:

The application did not undergo any formal public consultation as there was no trigger. However, it was referred to Mrs Robyn Taylor of the Toodyay Historical Society particularly on the matter of the proposed demolition of the existing cottage. It was also referred to Mr Stephen Carrick – the Shire's Heritage Advisor.

Their comments can be viewed under Attachment 3 – Schedule of Submissions.

Neither submissions raised any objection to the demolition on the proviso that a suitable condition be applied to ensure the structure was adequately documented prior to demolition. Stephen Carrick has recommended that an '*Archival Record of the building is prepared to the Department of Planning, Lands and Heritage standard*' is prepared.

<https://www.wa.gov.au/sites/default/files/2021-04/HER-Guide-to-Preparing-an-Archival-Record-2019.pdf>

The following condition is recommended to be applied:

1. *An archival record is to be made of the building to be demolished and submitted to the local government for approval prior to the issue of a Demolition Permit and shall include:*
 - (a) *A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.*
 - (b) *Digital photographs taken of the building (once vacated) to include:*
 1. *a general/overall photo of the building to be demolished;*
 2. *photos of each of the four elevations;*
 3. *internal photos of all rooms (2 photos from different angles of each room); and*
 4. *photos of any all features, such as architraves, skirtings & joinery details.*

Strategic:

Shire of Toodyay – Strategic Community Plan

Objective 1: Provide accountable and transparent leadership for the community

S 1.1 Use the Strategic Community Plan as the blueprint for Council Policy development and decisions.

Objective 2: Ensure our built environment meets community needs

S 2.1 Encourage diverse housing and development options.



Objective 3: Improve processes to support the built environment

S 3.1 Adjust regulatory processes to be more enabling and accessible.

Shire of Toodyay Local Planning Strategy

Toodyay is one of the oldest inland towns in Western Australia and much of its heritage is preserved. A key objective of the LPS is to recognise and encourage the protection of places of cultural heritage value...

7.2 Heritage

Strategic Directions & Strategies

a. Establish a list of places and areas of cultural heritage significance in which development will be subject to assessment in terms of its impact on the particular heritage values of the place or area.

c. Apply design standards and guidelines to encourage retention and enhancement of local character that will contribute to a sense of place and community identity.

d. Review relevant policies to ensure that they encourage appropriate, complementary and sustainable development.

The current dwelling on Lot 69 (No. 2) Telegraph Road is noted to be of some significance. It was not identified at the time the policy was developed in 2009 and in subsequent reviews, to be upgraded to a higher level of significance. Nor was it considered necessary to be included in the Municipal Inventory or Heritage List at the time. It is acknowledged that all three of these documents are in need of review, however it is unclear if this would result in any elevation of this property.

Due regard has been given to the policy provisions and regarding the new dwelling, are largely met, except for the minor variations as previously discussed.

From a strategic perspective – this development can be supported.

Policy related:

State Planning Policy 3.5 – Historic Heritage Conservation

6.3 The difference between heritage areas and urban character areas

It is important to distinguish between “historic heritage significance” and “urban or neighbourhood character”. Not all areas of urban or neighbourhood character have a level of historic heritage significance which warrants protection.

Urban character is essentially identified by built form and age, topography, open space, streetscape, land use and activity, and all areas exhibit some form of urban character. However planning controls in urban character areas do not necessarily require restrictions on demolition or building design.

6.5 Relevant considerations for development assessment

Local governments in considering applications for planning approval to have regard, amongst other things, to—



- *The conservation and protection of any place or area that has been registered in the register of heritage places under the Heritage Act or is the subject of a conservation order under the Act, or which is included in the heritage list under clause 7.1 of the scheme, or which is designated as a heritage area under clause 7.2 of the scheme.*
- *Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.*

Development within a heritage area

- *Whether the proposed development responds sympathetically to the heritage values of the area as a whole and that part of the heritage area in the vicinity of the proposed development.*
- *Whether the siting, scale, style and form, materials and finishes of the proposed development responds sympathetically to the heritage values of the area.*
- *The local planning policy for the heritage area including any places designated of heritage significance and the objectives and guidelines for conservation and enhancement of the heritage area.*

As discussed previously, it is considered that the proposed new dwelling responds sympathetically to the heritage values of the area. The variation to siting is also sympathetic as are the materials being used which are consistent with the Local Planning Policy.

The heritage significance of the existing dwelling has been taken into consideration, and its lack of inclusion or elevated heritage status means that demolition can be supported subject to conditions.

State Planning Policy 3.7 - Planning in bushfire prone areas

The Applicant has advised that one of the primary reasons for locating the proposed development as per the application is to meet the obligations under this policy. Should the Council resolve not to support this application and by default require the development to be re-sited in a future application, this will result in a higher Bushfire Attack level rating and increased development costs.

State Planning Policy 5.4 - Road and rail noise

The proposed development is outside of the 300m buffer area which triggers this policy.

State Planning Policy 7.3 - Residential Design Codes

The proposed development is consistent with the deemed provisions of the R-codes.

Local Planning Policy No. 20 – Central Toodyay Heritage Area

With regards to the new dwelling, the following variations are sought:



Provisions:

3.4.7. *Roof lines shall be hipped or gabled and shall have a minimum slope of 25 degrees. Eave overhangs shall be a minimum of 300mm wide. A skillion roof as an extension of an original roof form may be acceptable.*

3.4.12. *All new residential development and additions, extensions or modifications to existing residential dwellings shall be located parallel to the street and shall observe any established front and side building setbacks of the neighbouring properties in the street.*

These variations are acceptable.

Financial:

The Applicant has paid the required application fee to the Shire of Toodyay as per Schedule 2 of *Planning and Development Regulations 2009 (WA)* and clause 62(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

Should the Council choose to refuse this application, the Applicant has the right of appeal to the State Administrative Tribunal. This could potentially involve ratepayer funds to defend a decision.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Regulations 2009

Shire of Toodyay Local Planning Scheme No. 4

Risk related:

Financial Risk

Should the Council choose to refuse this application, the Applicant has the right of appeal to the State Administrative Tribunal. This could potentially involve ratepayer funds to defend a decision.

Workforce related:

This proposal is not workforce intensive, however, should a Council decision be appealed in the State Administrative Tribunal, it is likely to take considerable Officer time and resources.

VOTING REQUIREMENTS

Simple Majority



OFFICER'S RECOMMENDATION

That Council:

1. Notes the submissions relating to the application for development approval for a single dwelling at Lot 69 Telegraph Road, which involves the proposed demolition of an existing dwelling.
2. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for a single dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
 - (b) The development hereby permitted taking place in accordance with the approved plans.
 - (c) Permanent screening (such as lattice) to be installed between the natural ground level and finished floor level of the development to enclose the void created by the stumps, to the satisfaction of the Shire of Toodyay.
 - (d) Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.
 - (e) 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.
 - (f) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.
3. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for the demolition of the existing dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) Demolition of the existing dwelling must occur within 6 months of the occupation of the approved dwelling which is the subject of Condition 2.
 - (b) An archival record is to be made of the building to be demolished and submitted to the local government for approval prior to the issue of a Demolition Permit and shall include:
 - i. A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
 - ii. Digital photographs taken of the building (once vacated) to include:
 1. a general/overall photo of the building to be demolished;
 2. photos of each of the four elevations;



3. internal photos of all rooms (2 photos from different angles of each room); and
4. photos of any all features, such as architraves, skirtings & joinery details.

Advice Notes:

1. Given that this property is fragmented (two adjacent lots being owned by the same landowner), it is recommended that the landowner considers legally amalgamating Lot 69 and Lot 123 in the future to avoid development issues and to maximise the development potential and future enjoyment of the land;
2. The bricks from the existing dwelling to be demolished are encouraged to be reused/recycled for local use where possible.

The Shire President advised at 4.50pm that there were three possible alternate recommendations to choose from, if a Councillor did not wish to move the original Officer's Recommendation.

ALTERNATE OFFICER'S RECOMMENDATION 1A (provided to Council on 23/09/2021)

That Council:

1. Notes the submissions relating to the application for development approval for a single dwelling at Lot 69 Telegraph Road, which involves the proposed demolition of an existing dwelling.
2. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for a single dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
 - (b) The development hereby permitted taking place in accordance with the approved plans.
 - (c) Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.
 - (d) 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.
 - (e) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.
3. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for the



demolition of the existing dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:

- (a) Demolition of the existing dwelling must occur within 6 months of the occupation of the approved dwelling which is the subject of Condition 2.
- (b) An archival record is to be made of the building to be demolished and submitted to the local government for approval prior to the issue of a Demolition Permit and shall include:
 - i. A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
 - ii. Digital photographs taken of the building (once vacated) to include:
 1. a general/overall photo of the building to be demolished;
 2. photos of each of the four elevations;
 3. internal photos of all rooms (2 photos from different angles of each room); and
 4. photos of any all features, such as architraves, skirtings & joinery details.

Advice Notes:

1. Given that this property is fragmented (two adjacent lots being owned by the same landowner), it is recommended that the landowner considers legally amalgamating Lot 69 and Lot 123 in the future to avoid development issues and to maximise the development potential and future enjoyment of the land;
2. The bricks from the existing dwelling to be demolished are encouraged to be reused/recycled for local use where possible.

ALTERNATE OFFICER'S RECOMMENDATION 1B (provided on 28/09/2021)

That Council:

1. Notes the submissions relating to the application for development approval for a single dwelling at Lot 69 Telegraph Road, which involves the proposed demolition of an existing dwelling.
2. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for a single dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
 - (b) The development hereby permitted taking place in accordance with the approved plans.



- (c) Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.
- (d) 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.
- (e) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.

ALTERNATE OFFICER'S RECOMMENDATION 2 (provided on 28/09/2021)

1. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for a change of use from a single dwelling to a grouped dwelling on Lots 69 on plan P3650 & 123 on plan D711 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) The development hereby permitted taking place in accordance with the approved plans.
 - (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.
 - (c) Lots 69 on plan P3650 and 123 on plan D711 are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the local government, drafted by the local government's solicitors at the expense of the owner. The legal agreement will allow the owner twelve (12) months to amalgamate the lots. The agreement will have to be executed by all parties concerned prior to the commencement of the works hereby permitted.

ALTERNATE OFFICER'S RECOMMENDATION 3 (provided on 28/09/2021)

1. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for a change of use from a single dwelling to an ancillary dwelling on Lots 69 on plan P3650 & 123 on plan D711 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) The development hereby permitted taking place in accordance with the approved plans.



- (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.
- (c) Lots 69 on plan P3650 and 123 on plan D711 are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the local government, drafted by the local government's solicitors at the expense of the owner. The legal agreement will allow the owner twelve (12) months to amalgamate the lots. The agreement will have to be executed by all parties concerned prior to the commencement of the works hereby permitted.

Cr McKeown foreshadowed a motion to move the Alternate Officer's Recommendation No.1B.

Cr McKeown withdrew the foreshadowed motion.

Cr Pearce moved Officer's Alternate Recommendation 1A.

Clarification was sought.

The Shire President invited Mr Hall to sit at the table and respond to any Member questions.

Further clarification was sought.

Cr Rayner seconded the motion.

Debate commenced.

Clarification was sought.

Cr McKeown raised a Point of Order in accordance with Standing Order 8.2 during the debate as the cost of the amalgamation of the lots had already been provided.

Cr Madacsi rejected the Point of Order in accordance with Standing Order 8.5 as one consideration is heritage and the other is the impost of the planning decision upon the Applicant.

Further clarification was sought.

Debate continued.

The motion was put.

**ALTERNATE OFFICER'S RECOMMENDATION 1A***(provided to Council on 23/09/2021)***COUNCIL RESOLUTION NO. 186/09/21****MOVED** Cr Pearce**SECONDED** Cr Rayner

That Council:

1. Notes the submissions relating to the application for development approval for a single dwelling at Lot 69 Telegraph Road, which involves the proposed demolition of an existing dwelling.
2. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for a single dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
 - (b) The development hereby permitted taking place in accordance with the approved plans.
 - (c) Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.
 - (d) 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.
 - (e) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.
3. Pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the development approval for the demolition of the existing dwelling at Lot 69 Telegraph Road in Toodyay, subject to the following conditions:
 - (a) Demolition of the existing dwelling must occur within 6 months of the occupation of the approved dwelling which is the subject of Condition 2.
 - (b) An archival record is to be made of the building to be demolished and submitted to the local government for approval prior to the issue of a Demolition Permit and shall include:
 - i. A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.
 - ii. Digital photographs taken of the building (once vacated) to include:
 1. a general/overall photo of the building to be demolished;
 2. photos of each of the four elevations;



3. internal photos of all rooms (2 photos from different angles of each room); and
4. photos of any all features, such as architraves, skirtings & joinery details.

Advice Notes:

1. Given that this property is fragmented (two adjacent lots being owned by the same landowner), it is recommended that the landowner considers legally amalgamating Lot 69 and Lot 123 in the future to avoid development issues and to maximise the development potential and future enjoyment of the land;
2. The bricks from the existing dwelling to be demolished are encouraged to be reused/recycled for local use where possible.

MOTION CARRIED 4/3

In accordance with Section 5.21(4)(b) of the *Local Government Act 1995*, Cr Madacsi requested that the vote of all members present be recorded. Councillors Madacsi, Ruthven, Rayner and Pearce voted for the motion. Councillors McKeown, Hart and Chitty voted against the motion.

Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
12917	15/03/2022	Department Of Transport	12 months vehicle registration renewal	426.30
12918	15/03/2022	Telstra Corporation Ltd	Telstra account 7852285500 - Feb 2022	130.30
12918	15/03/2022	Telstra Corporation Ltd	Telstra Mobile & Data account - Feb 2022	1,547.10
12918	15/03/2022	Telstra Corporation Ltd	Telstra account 0293288400 - Feb 2022	6,734.53
12919	15/03/2022	Water Corporation	Water account - Northam Toodyay Rd Standpipe 04/01/2022 to 01/03/2022	56,067.92
12920	31/03/2022	Old Gaol Museum	Old Gaol Honorariums - April 2022	500.00
12921	31/03/2022	Shire Of Toodyay	Depot Petty Cash - March 2022	64.40
1	1/03/2022	Bendigo Bank	Bpay Bank fee	366.52
2	1/03/2022	Paymate	Community standpipe controller - Monthly fee	82.50
3	1/03/2022	Bendigo Bank	Bank fee	3.07
4	1/03/2022	Bendigo Bank	Overdraft fee	15.00
5	1/03/2022	Bendigo Bank	Monthly Service fee	15.00
6	1/03/2022	Bendigo Bank	Transfer fee	10.00
7	2/03/2022	Avon Concrete	Drainage Works - Telegraph & Toodyay Bindi Bindi Road - Federal Black Spot	132,000.00
8	2/03/2022	Paymate	Community standpipe controller - Usage fee	1.67
9	2/03/2022	Bendigo Bank	Bank fee	7.48
10	3/03/2022	Paymate	Community standpipe controller - Usage fee	.05
11	3/03/2022	Commonwealth Bank	Merchant fee	165.65
12	3/03/2022	Commonwealth Bank	merchant fee	257.41
13	3/03/2022	Commonwealth Bank	Merchant fee	138.72
14	3/03/2022	Commonwealth Bank	Merchant fee	59.96
15	4/03/2022	Paymate	Community standpipe controller - Usage fee	3.33
16	7/03/2022	Paymate	Community standpipe controller - Usage fee	4.41
17	7/03/2022	Commonwealth Bank	Equigroup - IT Hardware & Software Lease	151.15
18	8/03/2022	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Depot/VC/Library	470.34
19	9/03/2022	Paymate	Community standpipe controller - Usage fee	.69
20	11/03/2022	Commonwealth Bank	Equigroup - IT Hardware & Software Lease	2,635.05
21	14/03/2022	CNH Industriail Capital Aust Pty Ltd	Iveco Truck Lease	3,207.70
22	14/03/2022	Credit Card - MAS	Credit card - MAS	7.09
			Spot Messenger GPS Device Fee	3.00
			International Transaction Fee	0.09
			Card Fee	4.00
23	14/03/2022	Credit Card - CEO	Credit Card - CEO	6646.82
			Burst SMS - Credit top up for Harvest Bans	5095.00
			Accommodation booking for 3 staff to attend contract management training	959.94
			Adobe subscription	587.88
			Card Fee	4.00
24	14/03/2022	Credit Card - CESM	Credit card - CESM	1183.75
			Dunnings Ice for bushfire	10.00
			Dunnings Ice for bushfire - BFS#559289	20.00
			Dunnings Meals - BFS#559289	213.35
			Dunnings Meals - BFS#559289	464.40
			Freemasons Hotel - Meals BFS#559289	207.50
			Freemasons Hotel - Meals BFS#559289	264.50
			Card fee	4.00
25	14/03/2022	Credit Card - MCCS	Credit Card - MCCS	79.80
			Toodyay Bakery - Refreshments	75.80
			Card Fee	4.00
26	15/03/2022	Able Sales Pty Ltd	Road Concrete Cutter	790.00

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
27	15/03/2022	Access Icon P/L T/A Cascada Group	Drainage Components/ 7 Harcourt St,	858.00
28	15/03/2022	Aldo Lamas	Reimbursement - Costs for expenses at Contract Management Workshop	48.58
29	15/03/2022	Aldo Lamas	Reimbursement - Costs for Working from Home	188.00
30	15/03/2022	Alison Cromb	Consignment sales - Feb 2022	26.92
31	15/03/2022	Andrew Carr Welding And Carpentry	Repairs to vandalised picnic table at Millards Pool	200.00
32	15/03/2022	Andrew Carr Welding And Carpentry	Pelham Reserve garden and lookout area maintenance from 1/10/21 to the 31/3/22 (2 hours per week)	1,920.00
33	15/03/2022	Aquarius Freight	Fire Emergency Water - Coondle Fire Station 2 Loads	560.00
34	15/03/2022	Australia Day Council Of WA	Replacement (Of x1 COTY Award Medal) Merchandise for Australia Day 2022	21.45
35	15/03/2022	Australia Post	Postage charges for February 2022 (includes PO box renewal)	1,743.85
36	15/03/2022	AV Truck Services Pty Ltd	Mud Guard/Footplate for T0012	509.74
37	15/03/2022	Avon Skip Bins	Skip Bin empty February 2022 - Memorial Hall	200.00
38	15/03/2022	Avon Skip Bins	Skip Bin empty February 2022 - Sportsground	100.00
39	15/03/2022	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight ending 11/02/2022	15,706.41
40	15/03/2022	Avon Waste - Stondon Pty Ltd	2021/2022 Calendar (Toodyay Shire)	1,736.50
41	15/03/2022	Avon Yard & Maintenance Services	Tree lopping and high pruning along fire breaks on Reserve No. 34608	2,000.00
42	15/03/2022	Barry Keens	Consignment sales - Feb 2022	35.20
43	15/03/2022	Bitumen Surfacing	McKnoe Drive Re-seal Works - 2375m2	13,047.11
44	15/03/2022	Bitumen Surfacing	Reseal Sinclair Place - SLK 0.00 to 1.05	46,182.48
45	15/03/2022	Bitumen Surfacing	Reseal River Road - SLK 5.60 to 7.10	43,876.37
46	15/03/2022	Broderick Waste Solutions	Cartage of waste to Northam - February 2022	4,282.08
47	15/03/2022	Broderick Waste Solutions	Delivery of E-waste for February 2022	660.00
48	15/03/2022	Broderick Waste Solutions	Management of Waste Transfer fortnight ending 08/03/2022	5,500.00
49	15/03/2022	B-Vec Electrical	Carry out ESC and replace smoke detectors prior to Auction - 33 Telegraph Road	321.75
50	15/03/2022	C & F Building Approvals	2 x NCC Compliance & Issue of CDC & 2 x Issue of BP	1,650.00
51	15/03/2022	C & F Building Approvals	4 x NCC Compliance and issue of CDC & 1 x issue of BP	1,815.00
52	15/03/2022	C & F Building Approvals	3 x NCC Compliance & issue of CDC & 1 x Issue of BP	1,430.00
53	15/03/2022	Charles Service Company	Monthly Cleaning of Shire buildings - February 2022	11,215.39
54	15/03/2022	Clear Focus Solutions	Digitisation of museum collection - photograph artworks and remainder of maps	245.00
55	15/03/2022	Clublinks Management Pty Ltd	Venue Hire Community Engagement Sessions	308.00
56	15/03/2022	Clublinks Management Pty Ltd	Venue Hire 2021 SoT Staff and Councillor Christmas Party	352.50
57	15/03/2022	CTI Security	Alarm System Monitoring - Connors Mill/VC Apr to June 2022	192.34
58	15/03/2022	CTI Security	Alarm System Monitoring - Community Centre April to June 2022	192.40
59	15/03/2022	Danielle Wrench	Reimbursement of Travel costs 18/10/2021 to 16/02/2022	874.10
60	15/03/2022	Datacom Solutions (Au) Pty Ltd	Datapay & Direct access for the month of February 2021	275.00
61	15/03/2022	Datacom Solutions (Au) Pty Ltd	Datacom rates support - mileage reimbursement 15/12/21 (Assunta)	157.87
62	15/03/2022	Dave's Property Improvements	SES/BFB Building Maintenance	1,252.90
63	15/03/2022	Deborah Termann	Consignment sales - Feb 2022	12.00
64	15/03/2022	Dunning Investments Pty Ltd	2 x 12Lt water bottles for water cooler at Library	27.60
65	15/03/2022	EAG Electrical Air-Conditioning & Gas	Emergency repairs to Alma Beard Medical - Air Con	176.00
66	15/03/2022	Easifleet	Payroll Salary Sacrifice deductions PPE 01-03-2022	852.19
67	15/03/2022	Equifax	Fit 2 Work Integrity checks February 2022	24.09
68	15/03/2022	Esslemont Estate	Consignment sales - Feb 2022	12.27
69	15/03/2022	Fire Mitigation Services Pty Ltd	Sand Pads for Tanks. 7 x Sites	14,745.00
70	15/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - As per TEN02/2021, Treatment 8175	2,218.25
71	15/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - As per TEN02/2021, Treatment IDs: 8180, 8181	3,480.64
72	15/03/2022	Forpark Australia	Pendulum Steel Post FS142 Swing - LRCI Funded	8,452.40
73	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE	2,290.86
74	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE - Boots	1,275.47

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
75	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE - Boots	1,275.48
76	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE - Boots	1,062.90
77	15/03/2022	Fujifilm Business Innovation Australia Pty Ltd	Photocopier readings - Admin February 2022	429.80
78	15/03/2022	Hempfield Small Engines Services	Replacement fuel tank for Robin transfer pump.	146.30
79	15/03/2022	Hersey Safety Pty Ltd	Depot expendable stores	872.26
80	15/03/2022	Hills Concrete Products	Fire Emergency Water Tanks (WA Recovery Grant), Tank Transport (DWER CWSP Grant)	56,633.50
81	15/03/2022	Hills Fire Equipment Service	2 x 9.0Lt Air Water Extinguishers and 2 x 9.0kg Heavy Duty Vehicle Brackets will be \$451 including GST.	451.00
82	15/03/2022	Industrial Automation Group	Northam Toodyay Road Standpipe - Operational Cost - Cloud Server fee & SCADA subscription - half yearly	666.05
83	15/03/2022	John Butler	Consignment sales - Feb 2022	15.40
84	15/03/2022	Jomar (WA) Pty Ltd	Emergency Propping - Bridge 4081 Telegraph Road	242.00
85	15/03/2022	Landgate	GRV Valuations Schedule G2021/11	149.29
86	15/03/2022	LG Best Practices	Onsite visit and task preparation - Annual Financial Report 2020/21	4,042.50
87	15/03/2022	Lydia Highfield Consultancy	Recruitment Services for Manager, Development and Regulatory Services at the Shire of Toodyay	5,115.50
88	15/03/2022	Major Motors Pty Ltd	Major repairs to Julimar 2.4	15,078.20
89	15/03/2022	Major Motors Pty Ltd	Transfer Box Replacement Morangup 2.4	17,232.36
90	15/03/2022	Mayday Rental	Hire of water cart for the month of February 2022	7,150.00
91	15/03/2022	MM Mechanical Pty Ltd	3/4 Hose assembly - T0006	212.30
92	15/03/2022	Mobile Mouse	Basic Excel Course for staff at the Visitors Centre	510.00
93	15/03/2022	Moore Australia	Attendance Nalukui Mwale - Moore WA -2022 FBT Workshop Thursday 3 March 2022	880.00
94	15/03/2022	Morris Pest And Weed Control Pty Ltd	Rodent Control - Showgrounds Pavilion, Community Centre, Admin & Depot	1,140.00
95	15/03/2022	North Star Security Nominees Pty Ltd	Alarm System monitoring - Admin April to June 2022	145.20
96	15/03/2022	Officeworks	2 x Air Purifiers for public spaces and Depot shared office space (part order)	803.95
97	15/03/2022	One Music Australia - Australasian Performing Right Assoc Ltd	Music for Councils - January to March 2022	125.76
98	15/03/2022	Pila Group Pty Ltd	Supply 1 (one) x new 6m aluminium AFL behind post with galvanised and hinged base plate.	1,193.50
99	15/03/2022	Public Transport Authority Of WA	TransWA ticket sales - February 2022	236.39
100	15/03/2022	Quilts By Robyn	Consignment sales - Feb 2022	95.00
101	15/03/2022	Ronlieeh Pty Ltd, T/A A K Evans Earthmoving	12 Hrs @ \$125+GST DFES Grant & 4.5hrs @ \$125+GST DWER Grant	2,268.75
102	15/03/2022	Safemaster Safety Products Pty Ltd	Morangup Co-located Emergency Facility Roof Safety System Inspection	470.80
103	15/03/2022	Seek Ltd	Advertising - GH/Plant Operator & Supervisor Maintenance & Construction	693.00
104	15/03/2022	Shawmac Pty Ltd	Road Safety Workshop - RRG	1,584.00
105	15/03/2022	Shire Of Gingin	Annual renewal of VELPIC (Contractor and Staff OHS Learning Management System) - costs shared with Avon Regional Shires	949.18
106	15/03/2022	Shire Of Northam	Waste Tipping fees January 2022	11,960.70
107	15/03/2022	Shire Of Northam	Waste Tipping fees February 2022	10,167.03
108	15/03/2022	Snap - West Perth	Business Cards for Admin & New Staff	1,309.00
109	15/03/2022	Southern Sharpening Services	Consignment sales - Feb 2022	34.61
110	15/03/2022	Spacetoco Pty Ltd	Host ParterPro Bundle - Online Facility Bookings - February 2022	165.00
111	15/03/2022	Synergy	Synergy account - New Railway Road Depot 09/02/2022 to 09/03/2022	384.38
112	15/03/2022	Synergy	Electricity account - Streetlights 25/01/2022 to 24/02/2022	3,903.01
113	15/03/2022	Synergy	Electricity Grouped Account - 28/01/2022 to 28/02/2022	588.59
114	15/03/2022	Tanya Stuart	Consignment sales - Feb 2022	26.93
115	15/03/2022	Toll	Toll Freight Charges to 13/02/2022	53.81
116	15/03/2022	Toll	Freight charges to 27/02/2022	89.76
117	15/03/2022	Toodyay Hardware & Farm	2 x Hay Bales	29.00
118	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	25.87
119	15/03/2022	Toodyay Hardware & Farm	5lt Builders Bucket with Spout	3.99

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
120	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	5.49
121	15/03/2022	Toodyay Hardware & Farm	Thread seal tape & reticulation parts	2.98
122	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	32.80
123	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	61.43
124	15/03/2022	Toodyay Hardware & Farm	5 x Drum Taps & 1 x 4 outlet Powerboard	46.24
125	15/03/2022	Toodyay Hardware & Farm	Flat steel & Bolts - Repairs to T0012	36.09
126	15/03/2022	Toodyay Herald	Shire News - February 2022	783.28
127	15/03/2022	Toodyay Herald	Toodyay Herald Advertisement - Proposed Temporary Road Closure - Stirling Terrace from Oddfellow Street to Piesse Street - 2022 Toodyay Moondyne Festival	110.50
128	15/03/2022	Toodyay RSL	Donation to RSL Alma Beard Memorial and Celebrations - From Toodyay Museums	500.00
129	15/03/2022	Toodyay Traders	Stihl BGA 45 Cordless Bower Vac	199.00
130	15/03/2022	Toodyay Traders	Hose Nozzle & Spectrum Jet 360 Stakes	66.35
131	15/03/2022	Toodyay Traders	Jakmak Pro Diamond Core	88.00
132	15/03/2022	Toodyay Traders	Reticulation parts	29.00
133	15/03/2022	Toodyay Traders	Pipe Pressure Class 12	17.30
134	15/03/2022	Toodyay Traders	Camlock coupler, Bush poly & Connector	32.45
135	15/03/2022	Toodyay Traders	Riser removal tool & Seasol Advanced 2 Lt	21.90
136	15/03/2022	Total Green Recycling	E-waste recycling 17/02/2022	864.57
137	15/03/2022	Transwest WA	Supply of MRWA spec gravel for drainage and road reconstruction works	5,530.80
138	15/03/2022	Transwest WA	Supply of MRWA spec gravel for drainage and road reconstruction works	3,625.60
139	15/03/2022	Truckline	Supply new springs for rubber guards on truck 12	47.65
140	15/03/2022	URL Networks Pty Ltd	SIP Trunks - PAYG , Landlines & Mobiles for February 2022	356.71
141	15/03/2022	Wendouree Tearooms	Catering SOT Staff and Councillor Christmas Party 2021	375.00
142	15/03/2022	West Wide Auto Electrics	Julimar 2.4 Beacon replacement	507.50
143	15/03/2022	West Wide Auto Electrics	Bejoording 1.4 Aux Power outlet repair	517.50
144	15/03/2022	West Wide Auto Electrics	Installation of FLIR chargers x5	800.00
145	15/03/2022	West Wide Auto Electrics	Beacon system repairs FSV2	820.00
146	15/03/2022	West Wide Auto Electrics	Toodyay 12.2 Water Level Indicator and Intercom Audit	550.00
147	15/03/2022	West Wide Auto Electrics	Coondle 1.4 Water Level Indicator and Intercom Audit	550.00
148	15/03/2022	West Wide Auto Electrics	Morangup 2.4 Tank Level Indicator and Intercom Audit	550.00
149	15/03/2022	West Wide Auto Electrics	Morangup 1.4 Tank Level Indicator and Intercom Audit	550.00
150	15/03/2022	West Wide Auto Electrics	Central 1.4 Tank Level Indicator and Intercom Audit	550.00
151	15/03/2022	West Wide Auto Electrics	Julimar 1.4 Tank Level Indicator and Intercom Audit	550.00
152	15/03/2022	West Wide Auto Electrics	Central 4.4 Tank Level Indicator and Intercom Audit	550.00
153	15/03/2022	Winc Australia P/L	Admin Stationery - part order	501.55
154	15/03/2022	Winc Australia P/L	Admin Stationery - part order	57.28
155	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Part order	2,046.98
156	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Part order	295.64
157	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Part order	104.18
158	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Final	113.85
159	15/03/2022	Wren Oil	Collection of waste oil and used filters from Toodyay Waste Transfer Station 25/02/2022	16.50
160	15/03/2022	Wright Express Aust Pty Ltd	SES Fuel card Fees - February 2022	20.64
161	15/03/2022	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Admin	370.70
162	15/03/2022	Commonwealth Bank	Bpoint fee	39.01
163	15/03/2022	Toyota Finance	BRPC Vehicle Lease	1,381.45
164	16/03/2022	Komatsu Australia Pty Ltd	Front Wheel Loader Lease	4,901.37
165	16/03/2022	Bendigo Bank	Bank fee	7.48
166	16/03/2022	Bendigo Bank	Bank fee	8.91
167	17/03/2022	Paymate	Community standpipe controller - Usage fee	1.61

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
168	18/03/2022	Gear Select	Drum Roller Lease	2,296.91
169	23/03/2022	Muresk Institute Of Agriculture	WALGA GRANT - Animal Welfare in Emergencies Training	9,405.00
170	23/03/2022	Bendigo Bank	Bank fee	.11
171	24/03/2022	Komatsu Australia Pty Ltd	Grader Lease	4,560.99
172	24/03/2022	Paymate	Community standpipe controller - Usage fee	.67
173	30/03/2022	Paymate	Community standpipe controller - Usage fee	.67
174	30/03/2022	Bendigo Bank	Bank fee	7.48
175	31/03/2022	Access Icon P/L T/A Cascada Group	Drainage Components/ 7 Harcourt St	341.00
176	31/03/2022	Access Icon P/L T/A Cascada Group	Phillips Rd - 4 x Culvert Headwalls	1,364.00
177	31/03/2022	AFGRI Equipment Australia Pty Ltd	T0007 Grader inserts for blades	859.41
178	31/03/2022	AFGRI Equipment Australia Pty Ltd	Replacement suction control valve for John Deere Grader	1,510.71
179	31/03/2022	Applied Industrial Technologies Pty Ltd	Supply bearings for drum roller	37.62
180	31/03/2022	ASV Sales And Service	Replacement ignition key	10.78
181	31/03/2022	Autopro Northam	Supply service trolley for workshop	258.50
182	31/03/2022	Autopro Northam	Replacement air filters for possie track.	347.78
183	31/03/2022	Autopro Northam	Supply oil for servicing	1,358.51
184	31/03/2022	Autopro Northam	Service kits for 5 Shire Vehicles	479.71
185	31/03/2022	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight ending 25/02/2022	15,029.52
186	31/03/2022	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight ended 11/03/2022	15,745.18
187	31/03/2022	Avon Yard & Maintenance Services	Firebreak tree works and dumped rubbish removal - S of T Lot 9508	1,100.00
188	31/03/2022	Bee Happy Apiaries	VC Stock	576.00
189	31/03/2022	Benjamin Bell	Councillor Telecommunication Allowance - Jan to Mar 2022	16.44
190	31/03/2022	Beth Ruthven	Member Monthly Attendance Allowance - March 2022	1,484.92
191	31/03/2022	Beth Ruthven	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
192	31/03/2022	Bitumen Surfacing	Reseal Coondle West Road - SLK 1.00 to 3.56 & 4.56 to 4.84	107,589.87
193	31/03/2022	Bitumen Surfacing	Morangup Community Hall - Car Park - Spray Seal Works	11,077.25
194	31/03/2022	Bitumen Surfacing	Reseal Salt Valley Road - SLK 0.00 to 2.24 & 4.23 to 6.15	195,819.58
195	31/03/2022	Bitumen Surfacing	Reseal of Red Brook Circle - SLK 0.00 to 3.74	99,175.41
196	31/03/2022	Bitumen Surfacing	Reseal Ferguson Road - SLK 0.00 to 0.65	23,920.82
197	31/03/2022	Blackwell Plumbing	Backflow testing and certification of device at Aquatics Centre	268.95
198	31/03/2022	Brickmart WA	Supply 1 x pack (8) Natural Earth blocks 1000x350x350 mm	245.96
199	31/03/2022	C & F Building Approvals	2 x NCC Compliance assessments & 1 x Issue of BP	1,045.00
200	31/03/2022	C & F Building Approvals	4 x NCC Compliance Assessments & 2 x Issue of BP	2,090.00
201	31/03/2022	Carolyn Satie	Refund of Pensioner Rebate and Overpayment	818.00
202	31/03/2022	Charles Service Company	Additional Services - Admin & Youth hall 17/01/2022 to 18/02/2022	2,178.00
203	31/03/2022	Charles Service Company	Monthly Cleaning services of Shire building - March 2022	11,215.39
204	31/03/2022	Charmeine Duri	Member Monthly Attendance Allowance - March 2022	1,022.92
205	31/03/2022	Charmeine Duri	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
206	31/03/2022	Chelsea Phelps	Refund of non sterilised Dog registration - dog now sterilised	51.66
207	31/03/2022	Christmas 360 - Sean Byron	Christmas Activity for Library - Table decorations	385.00
208	31/03/2022	Christmas 360 - Sean Byron	Christmas decorations for 2021	7,500.00
209	31/03/2022	Corsign (WA) Pty Ltd	ARC-060 brackets	638.00
210	31/03/2022	Danielle Wrench	Member Monthly Attendance Allowance - March 2022	1,022.92
211	31/03/2022	Danielle Wrench	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
212	31/03/2022	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS Fee - February 2022	3,300.00
213	31/03/2022	David Demeur, Tonia Demeur	Refund of Pensioner Rebate for A4806	794.00
214	31/03/2022	Dymark Australia Pty Ltd	Supply line marking paint.	383.77
215	31/03/2022	Easifleet	Payroll Salary Sacrifice deductions PPE 15/03/2022	852.19
216	31/03/2022	Easifleet	Payroll Salary Sacrifice deductions PPE 29/03/2022	852.19

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
217	31/03/2022	Fire & Safety WA	BFS Scott Promask Filters	2,750.00
218	31/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - As per TEN02/2021, Treatment 12998	11,600.00
219	31/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - Treatments 12999, 13000, 13001, 13002, 13003	28,720.00
220	31/03/2022	Fire Mitigation Services Pty Ltd	Installation of Culverts on Wallaby Way Reserve Crossing	3,025.00
221	31/03/2022	Flick Anticimex Pty Ltd	Delivery & Service of extra Sanitary Bin at Julimar Fire Station 2021/2022	120.70
222	31/03/2022	Frontline Fire & Rescue Equipment	Repairs to BFB Appliances	5,639.50
223	31/03/2022	Frontline Fire & Rescue Equipment	Protek 360 Servicing	1,463.88
224	31/03/2022	Frontline Fire & Rescue Equipment	Replacement Lay Flat hoses	5,638.66
225	31/03/2022	Fuel Distributors Of Western Australia	18000litres Diesel & 2000 Litres Unleaded	36,694.72
226	31/03/2022	Fullpower Electrics	Resetting of CCTV Codes - Julimar and Coondle	115.50
227	31/03/2022	Galapagos Pty Ltd	Provision of Data Archival Solution to retain searchable and readable Records currently in Synergy Soft prior to exit from IT Vision as our provider - 50%	15,915.90
228	31/03/2022	Geofabrics Australasia Pty Ltd	Toodyay St Reconstruction - Megaflo Subsoil Drainage - 450m	1,806.75
229	31/03/2022	Geoffrey Carter, Kerrie-Ann Carter	Refund of Pensioner Rebate A2630	794.00
230	31/03/2022	Graham Barber	Refund of Pensioner Rebate A1575	794.00
231	31/03/2022	James Silvester, Gwen Silvester	Refund of pensioner rebate for A643	794.00
232	31/03/2022	JCB Construction Equipment Australia	Wear Strips - T0005 - JCB Backhoe	470.89
233	31/03/2022	Jive Media Solutions	Design of the 2022 Toodyay Brochure	3,385.80
234	31/03/2022	John Haggas, Julie Haggas	Refund of excess rates due to rates paid in full and new pensioner concession applied.	544.54
235	31/03/2022	John Stamenkovic	Reimbursement cost of PPE - New Staff member	79.98
236	31/03/2022	Kelyn Training Services	Advanced Traffic Management Training - A Lamas & G Rodger	2,160.00
237	31/03/2022	Kleen West Distributors	Cleaning Equipment/Consumables - BFB	982.08
238	31/03/2022	Kleen West Distributors	Admin Building Consumables - toilet roll & hand towels	107.97
239	31/03/2022	Komatsu Australia Pty Ltd	Supply service kit for Komatsu Grader.	210.02
240	31/03/2022	Komatsu Australia Pty Ltd	Supply new indicator for Komatsu Grader.	86.74
241	31/03/2022	Landworx	Reinstate firebreak and trim trees on Reserve Street Reserve.	770.00
242	31/03/2022	Landworx	Clear verge trees - Settlers Ridge & Pioneer Place	1,650.00
243	31/03/2022	Landworx	Remove dead tree from train station carpark	660.00
244	31/03/2022	Lorna Williams	Refund of Pensioner Rebate A899	794.00
245	31/03/2022	Mark Hearn, Stacey Hearn	Overpayment of Rates after settlement	100.00
246	31/03/2022	Merridith Morrell	Refund of Pensioner Rebate A372	794.00
247	31/03/2022	Michael McKeown	Member Monthly Attendance Allowance - March 2022	1,022.92
248	31/03/2022	Michael McKeown	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
249	31/03/2022	MM Mechanical Pty Ltd	Emergency call out - clutch lip on truck T0011	207.13
250	31/03/2022	MM Mechanical Pty Ltd	Repair cracks - Morangup 2.4 Fire Truck	220.00
251	31/03/2022	MM Mechanical Pty Ltd	Modify Hose location on Skid Steere bucket	363.56
252	31/03/2022	MM Mechanical Pty Ltd	Parts for Wash Pad Pressure Cleaner	40.52
253	31/03/2022	Moore Australia	Nalukui Mwale -Attendance at Moore Australia Budget Workshop on 25 March 2022	1,045.00
254	31/03/2022	Multicon Commercial Constructions (Stallion Homes)	Julimar Fire Station - January Claim	7,100.06
255	31/03/2022	Narelle Rodger	Reimbursement costs of Travel & refreshments - Training	171.31
256	31/03/2022	North Metropolitan Tafe	Training Carrie Skinner - Diploma Library & Information Services - Unit # BSBOPS404 - Implement customer service strategies	1,360.65
257	31/03/2022	Northam Towing	Northam Towing - Hyundai Elantra from Julimar Road to Shire Depot	165.00
258	31/03/2022	Northam Towing	Towing of SES Ute to Northam (Valley Ford)	385.00
259	31/03/2022	Officeworks	Air Purifiers for public spaces and Depot shared office space - Final order	1,202.95
260	31/03/2022	Parchem Construction Supplies Pty Ltd	Materials to fix concrete decking at Carroll Rd Floodway	1,244.25
261	31/03/2022	Peter Keogh, Cara-Lynne Keogh	Refund of Pensioner Rebate - A1849	794.00
262	31/03/2022	Philip Hart	Member Monthly Attendance Allowance - March 2022	1,022.92
263	31/03/2022	Philip Hart	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
264	31/03/2022	Professional Lockservice	Fire padlocks x 20	2,557.50
265	31/03/2022	Professional PC Support Pty Ltd	Managed ITC Agreement billable hours - Ticket 99369	11.00
266	31/03/2022	Rebecca Hunt	Refund of pensioner rebate - A1759	356.37
267	31/03/2022	Rosemary Madacsi	Member Monthly Attendance Allowance - March 2022	3,114.92
268	31/03/2022	Rosemary Madacsi	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
269	31/03/2022	S F Fitzgerald Plumbing & Gas	Emergency Grave Works - Toodyay Cemetery - Hire of Mini Digger	242.00
270	31/03/2022	Sanitair Perth East	Sanitisation of Air Con units - Shire Buildings	800.00
271	31/03/2022	Steven McCormick	Member Monthly Attendance Allowance - March 2022	1,022.92
272	31/03/2022	Steven McCormick	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
273	31/03/2022	Stewart & Heaton Clothing Co Pty Ltd	BFS PPE - J115 Jacket Size 112	177.13
274	31/03/2022	Susan Pearce	Member Monthly Attendance Allowance - March 2022	1,022.92
275	31/03/2022	Susan Pearce	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
276	31/03/2022	Toll	Toll Freight Charges to 06/03/2022	144.22
277	31/03/2022	Toll	Toll Freight Charges to 13/03/2022	12.25
278	31/03/2022	Toll	Toll Freight Charges to 20/03/2022	110.50
279	31/03/2022	Toodyay Hardware & Farm	Solenoid Cable Connector x 12	23.40
280	31/03/2022	Toodyay Hardware & Farm	Camlock male adapter & Poly Bushes	3.33
281	31/03/2022	Toodyay Hardware & Farm	Poly Bushes	3.16
282	31/03/2022	Toodyay Hardware & Farm	Poly Joiners and Hacksaw	16.39
283	31/03/2022	Toodyay Hardware & Farm	Poly Bushes	4.18
284	31/03/2022	Toodyay Hardware & Farm	PVC reticulation reducing coupling	2.80
285	31/03/2022	Toodyay Hardware & Farm	19mm Poly Saddle x 8	3.20
286	31/03/2022	Toodyay Hardware & Farm	60 x 20Kg Bags Postcrete	445.50
287	31/03/2022	Toodyay Hardware & Farm	Plumbing fittings for Water Tanks	643.80
288	31/03/2022	Toodyay Hardware & Farm	Watering Can	18.95
289	31/03/2022	Toodyay Hardware & Farm	50 x 5 x 6m Flat Steel x 1	32.76
290	31/03/2022	Toodyay Hardware & Farm	Painter masking Tape	17.38
291	31/03/2022	Toodyay Hardware & Farm	25Kg Organic Dynamic Lifter	22.50
292	31/03/2022	Toodyay Hardware & Farm	Pop up sprinklers	10.50
293	31/03/2022	Toodyay Hardware & Farm	25Kg Steamed Rolled oats	22.50
294	31/03/2022	Toodyay Hardware & Farm	1 Box of N95 Masks for BFB (Original PO 2442) previous goods receipt was for full amount but only \$1100 was used of the 1200 was used	155.00
295	31/03/2022	Toodyay Tyre & Exhaust	Replacement tyres - T0000	705.50
296	31/03/2022	Toodyay Tyre & Exhaust	1 x AT30 Tyre for 1HJG647 - (John Hansen)	467.00
297	31/03/2022	Toodyay Tyre & Exhaust	Replacement of 4 tyres - T0010	1,668.00
298	31/03/2022	Toodyay Tyre & Exhaust	Puncture repair x 2	110.00
299	31/03/2022	Truckline	Supply rubber guard kit for truck 12	625.37
300	31/03/2022	Valley Ford - Northam Hyundai	Engine repairs to SES Ford Ranger.	837.81
301	31/03/2022	Veris Australia Pty Ltd - Corporate Office (Head Office)	Toodyay St - Set-up point for Concrete Kerbing	2,079.00
302	31/03/2022	Verlindens Electrical Service (WA)	Repair Water Pump Switch - Depot Water Tanks	1,015.30
303	31/03/2022	Vernice Pty Ltd	Dry Hire of 3 tone Drum Roller	220.00
304	31/03/2022	Vernice Pty Ltd	Supply & Deliver gravel - Toodyay St & Toodyay Bindi Bindi Rd	30,430.03
305	31/03/2022	WA Refuelling	Calibration, service and repair of fuel bowsers	907.50
306	31/03/2022	West Wide Auto Electrics	Coondle 3.4 Water Level Indicator and Intercom Audit	550.00
307	31/03/2022	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - Library 07/02/2022 to 16/03/2022	216.84
308	31/03/2022	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - VC 07/02/2022 to 16/03/2022	1,616.84
309	31/03/2022	Wurth Australia Pty Ltd	Workshop expendables	131.46

Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
310	31/03/2022	ZC & JJE Norman	Supply of gravel for Toodyay Dewars Pool Rd Capital works project. Supplied from Majee Springs farm.	33,001.65
	2/03/2022	Payroll PPE 01/03/2022	Payroll PPE 01/03/2022	97,750.28
	2/03/2022	Aware Super	Superannuation PPE 01/03/2022	22,542.73
	16/03/2022	Payroll PPE 15/03/2022	Payroll PPE 15/03/2022	111,187.27
	16/03/2022	Aware Super	Superannuation PPE 15/03/2022	23,658.45
	30/03/2022	Payroll PPE 29/03/2022	Payroll PPE 29/03/2022	98,059.83
	30/03/2022	Aware Super	Superannuation PPE 29/03/2022	20,677.94
				1,721,141.33

Direct Debit	\$29,090.52
Trust Chqs	\$0.00
EFT	\$1,252,703.76
DD Payroll	\$373,876.50
DD Loans	\$0.00
Muni Chqs	\$65,470.55
TOTAL	\$1,721,141.33

Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
12917	15/03/2022	Department Of Transport	12 months vehicle registration renewal	426.30
12918	15/03/2022	Telstra Corporation Ltd	Telstra account 7852285500 - Feb 2022	130.30
12918	15/03/2022	Telstra Corporation Ltd	Telstra Mobile & Data account - Feb 2022	1,547.10
12918	15/03/2022	Telstra Corporation Ltd	Telstra account 0293288400 - Feb 2022	6,734.53
12919	15/03/2022	Water Corporation	Water account - Northam Toodyay Rd Standpipe 04/01/2022 to 01/03/2022	56,067.92
12920	31/03/2022	Old Gaol Museum	Old Gaol Honorariums - April 2022	500.00
12921	31/03/2022	Shire Of Toodyay	Depot Petty Cash - March 2022	64.40
1	1/03/2022	Bendigo Bank	Bpay Bank fee	366.52
2	1/03/2022	Paymate	Community standpipe controller - Monthly fee	82.50
3	1/03/2022	Bendigo Bank	Bank fee	3.07
4	1/03/2022	Bendigo Bank	Overdraft fee	15.00
5	1/03/2022	Bendigo Bank	Monthly Service fee	15.00
6	1/03/2022	Bendigo Bank	Transfer fee	10.00
7	2/03/2022	Avon Concrete	Drainage Works - Telegraph & Toodyay Bindi Bindi Road - Federal Black Spot	132,000.00
8	2/03/2022	Paymate	Community standpipe controller - Usage fee	1.67
9	2/03/2022	Bendigo Bank	Bank fee	7.48
10	3/03/2022	Paymate	Community standpipe controller - Usage fee	.05
11	3/03/2022	Commonwealth Bank	Merchant fee	165.65
12	3/03/2022	Commonwealth Bank	merchant fee	257.41
13	3/03/2022	Commonwealth Bank	Merchant fee	138.72
14	3/03/2022	Commonwealth Bank	Merchant fee	59.96
15	4/03/2022	Paymate	Community standpipe controller - Usage fee	3.33
16	7/03/2022	Paymate	Community standpipe controller - Usage fee	4.41
17	7/03/2022	Commonwealth Bank	Equigroup - IT Hardware & Software Lease	151.15
18	8/03/2022	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Depot/VC/Library	470.34
19	9/03/2022	Paymate	Community standpipe controller - Usage fee	.69
20	11/03/2022	Commonwealth Bank	Equigroup - IT Hardware & Software Lease	2,635.05
21	14/03/2022	CNH Industriail Capital Aust Pty Ltd	Iveco Truck Lease	3,207.70
22	14/03/2022	Credit Card - MAS	Credit card - MAS	7.09
			Spot Messenger GPS Device Fee	3.00
			International Transaction Fee	0.09
			Card Fee	4.00
23	14/03/2022	Credit Card - CEO	Credit Card - CEO	6646.82
			Burst SMS - Credit top up for Harvest Bans	5095.00
			Accommodation booking for 3 staff to attend contract management training	959.94
			Adobe subscription	587.88
			Card Fee	4.00
24	14/03/2022	Credit Card - CESM	Credit card - CESM	1183.75
			Dunnings Ice for bushfire	10.00
			Dunnings Ice for bushfire - BFS#559289	20.00
			Dunnings Meals - BFS#559289	213.35
			Dunnings Meals - BFS#559289	464.40
			Freemasons Hotel - Meals BFS#559289	207.50
			Freemasons Hotel - Meals BFS#559289	264.50
			Card fee	4.00
25	14/03/2022	Credit Card - MCCS	Credit Card - MCCS	79.80
			Toodyay Bakery - Refreshments	75.80
			Card Fee	4.00
26	15/03/2022	Able Sales Pty Ltd	Road Concrete Cutter	790.00

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
27	15/03/2022	Access Icon P/L T/A Cascada Group	Drainage Components/ 7 Harcourt St,	858.00
28	15/03/2022	Aldo Lamas	Reimbursement - Costs for expenses at Contract Management Workshop	48.58
29	15/03/2022	Aldo Lamas	Reimbursement - Costs for Working from Home	188.00
30	15/03/2022	Alison Cromb	Consignment sales - Feb 2022	26.92
31	15/03/2022	Andrew Carr Welding And Carpentry	Repairs to vandalised picnic table at Millards Pool	200.00
32	15/03/2022	Andrew Carr Welding And Carpentry	Pelham Reserve garden and lookout area maintenance from 1/10/21 to the 31/3/22 (2 hours per week)	1,920.00
33	15/03/2022	Aquarius Freight	Fire Emergency Water - Coondle Fire Station 2 Loads	560.00
34	15/03/2022	Australia Day Council Of WA	Replacement (Of x1 COTY Award Medal) Merchandise for Australia Day 2022	21.45
35	15/03/2022	Australia Post	Postage charges for February 2022 (includes PO box renewal)	1,743.85
36	15/03/2022	AV Truck Services Pty Ltd	Mud Guard/Footplate for T0012	509.74
37	15/03/2022	Avon Skip Bins	Skip Bin empty February 2022 - Memorial Hall	200.00
38	15/03/2022	Avon Skip Bins	Skip Bin empty February 2022 - Sportsground	100.00
39	15/03/2022	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight ending 11/02/2022	15,706.41
40	15/03/2022	Avon Waste - Stondon Pty Ltd	2021/2022 Calendar (Toodyay Shire)	1,736.50
41	15/03/2022	Avon Yard & Maintenance Services	Tree lopping and high pruning along fire breaks on Reserve No. 34608	2,000.00
42	15/03/2022	Barry Keens	Consignment sales - Feb 2022	35.20
43	15/03/2022	Bitumen Surfacing	McKnoe Drive Re-seal Works - 2375m2	13,047.11
44	15/03/2022	Bitumen Surfacing	Reseal Sinclair Place - SLK 0.00 to 1.05	46,182.48
45	15/03/2022	Bitumen Surfacing	Reseal River Road - SLK 5.60 to 7.10	43,876.37
46	15/03/2022	Broderick Waste Solutions	Cartage of waste to Northam - February 2022	4,282.08
47	15/03/2022	Broderick Waste Solutions	Delivery of E-waste for February 2022	660.00
48	15/03/2022	Broderick Waste Solutions	Management of Waste Transfer fortnight ending 08/03/2022	5,500.00
49	15/03/2022	B-Vec Electrical	Carry out ESC and replace smoke detectors prior to Auction - 33 Telegraph Road	321.75
50	15/03/2022	C & F Building Approvals	2 x NCC Compliance & Issue of CDC & 2 x Issue of BP	1,650.00
51	15/03/2022	C & F Building Approvals	4 x NCC Compliance and issue of CDC & 1 x issue of BP	1,815.00
52	15/03/2022	C & F Building Approvals	3 x NCC Compliance & issue of CDC & 1 x Issue of BP	1,430.00
53	15/03/2022	Charles Service Company	Monthly Cleaning of Shire buildings - February 2022	11,215.39
54	15/03/2022	Clear Focus Solutions	Digitisation of museum collection - photograph artworks and remainder of maps	245.00
55	15/03/2022	Clublinks Management Pty Ltd	Venue Hire Community Engagement Sessions	308.00
56	15/03/2022	Clublinks Management Pty Ltd	Venue Hire 2021 SoT Staff and Councillor Christmas Party	352.50
57	15/03/2022	CTI Security	Alarm System Monitoring - Connors Mill/VC Apr to June 2022	192.34
58	15/03/2022	CTI Security	Alarm System Monitoring - Community Centre April to June 2022	192.40
59	15/03/2022	Danielle Wrench	Reimbursement of Travel costs 18/10/2021 to 16/02/2022	874.10
60	15/03/2022	Datacom Solutions (Au) Pty Ltd	Datapay & Direct access for the month of February 2021	275.00
61	15/03/2022	Datacom Solutions (Au) Pty Ltd	Datacom rates support - mileage reimbursement 15/12/21 (Assunta)	157.87
62	15/03/2022	Dave's Property Improvements	SES/BFB Building Maintenance	1,252.90
63	15/03/2022	Deborah Termann	Consignment sales - Feb 2022	12.00
64	15/03/2022	Dunning Investments Pty Ltd	2 x 12Lt water bottles for water cooler at Library	27.60
65	15/03/2022	EAG Electrical Air-Conditioning & Gas	Emergency repairs to Alma Beard Medical - Air Con	176.00
66	15/03/2022	Easifleet	Payroll Salary Sacrifice deductions PPE 01-03-2022	852.19
67	15/03/2022	Equifax	Fit 2 Work Integrity checks February 2022	24.09
68	15/03/2022	Esslemont Estate	Consignment sales - Feb 2022	12.27
69	15/03/2022	Fire Mitigation Services Pty Ltd	Sand Pads for Tanks. 7 x Sites	14,745.00
70	15/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - As per TEN02/2021, Treatment 8175	2,218.25
71	15/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - As per TEN02/2021, Treatment IDs: 8180, 8181	3,480.64
72	15/03/2022	Forpark Australia	Pendulum Steel Post FS142 Swing - LRCI Funded	8,452.40
73	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE	2,290.86
74	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE - Boots	1,275.47

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
75	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE - Boots	1,275.48
76	15/03/2022	Frontline Fire & Rescue Equipment	BFB PPE - Boots	1,062.90
77	15/03/2022	Fujifilm Business Innovation Australia Pty Ltd	Photocopier readings - Admin February 2022	429.80
78	15/03/2022	Hempfield Small Engines Services	Replacement fuel tank for Robin transfer pump.	146.30
79	15/03/2022	Hersey Safety Pty Ltd	Depot expendable stores	872.26
80	15/03/2022	Hills Concrete Products	Fire Emergency Water Tanks (WA Recovery Grant), Tank Transport (DWER CWSP Grant)	56,633.50
81	15/03/2022	Hills Fire Equipment Service	2 x 9.0Lt Air Water Extinguishers and 2 x 9.0kg Heavy Duty Vehicle Brackets will be \$451 including GST.	451.00
82	15/03/2022	Industrial Automation Group	Northam Toodyay Road Standpipe - Operational Cost - Cloud Server fee & SCADA subscription - half yearly	666.05
83	15/03/2022	John Butler	Consignment sales - Feb 2022	15.40
84	15/03/2022	Jomar (WA) Pty Ltd	Emergency Propping - Bridge 4081 Telegraph Road	242.00
85	15/03/2022	Landgate	GRV Valuations Schedule G2021/11	149.29
86	15/03/2022	LG Best Practices	Onsite visit and task preparation - Annual Financial Report 2020/21	4,042.50
87	15/03/2022	Lydia Highfield Consultancy	Recruitment Services for Manager, Development and Regulatory Services at the Shire of Toodyay	5,115.50
88	15/03/2022	Major Motors Pty Ltd	Major repairs to Julimar 2.4	15,078.20
89	15/03/2022	Major Motors Pty Ltd	Transfer Box Replacement Morangup 2.4	17,232.36
90	15/03/2022	Mayday Rental	Hire of water cart for the month of February 2022	7,150.00
91	15/03/2022	MM Mechanical Pty Ltd	3/4 Hose assembly - T0006	212.30
92	15/03/2022	Mobile Mouse	Basic Excel Course for staff at the Visitors Centre	510.00
93	15/03/2022	Moore Australia	Attendance Nalukui Mwale - Moore WA -2022 FBT Workshop Thursday 3 March 2022	880.00
94	15/03/2022	Morris Pest And Weed Control Pty Ltd	Rodent Control - Showgrounds Pavilion, Community Centre, Admin & Depot	1,140.00
95	15/03/2022	North Star Security Nominees Pty Ltd	Alarm System monitoring - Admin April to June 2022	145.20
96	15/03/2022	Officeworks	2 x Air Purifiers for public spaces and Depot shared office space (part order)	803.95
97	15/03/2022	One Music Australia - Australasian Performing Right Assoc Ltd	Music for Councils - January to March 2022	125.76
98	15/03/2022	Pila Group Pty Ltd	Supply 1 (one) x new 6m aluminium AFL behind post with galvanised and hinged base plate.	1,193.50
99	15/03/2022	Public Transport Authority Of WA	TransWA ticket sales - February 2022	236.39
100	15/03/2022	Quilts By Robyn	Consignment sales - Feb 2022	95.00
101	15/03/2022	Ronlieeh Pty Ltd, T/A A K Evans Earthmoving	12 Hrs @ \$125+GST DFES Grant & 4.5hrs @ \$125+GST DWER Grant	2,268.75
102	15/03/2022	Safemaster Safety Products Pty Ltd	Morangup Co-located Emergency Facility Roof Safety System Inspection	470.80
103	15/03/2022	Seek Ltd	Advertising - GH/Plant Operator & Supervisor Maintenance & Construction	693.00
104	15/03/2022	Shawmac Pty Ltd	Road Safety Workshop - RRG	1,584.00
105	15/03/2022	Shire Of Gingin	Annual renewal of VELPIC (Contractor and Staff OHS Learning Management System) - costs shared with Avon Regional Shires	949.18
106	15/03/2022	Shire Of Northam	Waste Tipping fees January 2022	11,960.70
107	15/03/2022	Shire Of Northam	Waste Tipping fees February 2022	10,167.03
108	15/03/2022	Snap - West Perth	Business Cards for Admin & New Staff	1,309.00
109	15/03/2022	Southern Sharpening Services	Consignment sales - Feb 2022	34.61
110	15/03/2022	Spacetoco Pty Ltd	Host ParterPro Bundle - Online Facility Bookings - February 2022	165.00
111	15/03/2022	Synergy	Synergy account - New Railway Road Depot 09/02/2022 to 09/03/2022	384.38
112	15/03/2022	Synergy	Electricity account - Streetlights 25/01/2022 to 24/02/2022	3,903.01
113	15/03/2022	Synergy	Electricity Grouped Account - 28/01/2022 to 28/02/2022	588.59
114	15/03/2022	Tanya Stuart	Consignment sales - Feb 2022	26.93
115	15/03/2022	Toll	Toll Freight Charges to 13/02/2022	53.81
116	15/03/2022	Toll	Freight charges to 27/02/2022	89.76
117	15/03/2022	Toodyay Hardware & Farm	2 x Hay Bales	29.00
118	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	25.87
119	15/03/2022	Toodyay Hardware & Farm	5lt Builders Bucket with Spout	3.99

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
120	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	5.49
121	15/03/2022	Toodyay Hardware & Farm	Thread seal tape & reticulation parts	2.98
122	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	32.80
123	15/03/2022	Toodyay Hardware & Farm	Reticulation parts	61.43
124	15/03/2022	Toodyay Hardware & Farm	5 x Drum Taps & 1 x 4 outlet Powerboard	46.24
125	15/03/2022	Toodyay Hardware & Farm	Flat steel & Bolts - Repairs to T0012	36.09
126	15/03/2022	Toodyay Herald	Shire News - February 2022	783.28
127	15/03/2022	Toodyay Herald	Toodyay Herald Advertisement - Proposed Temporary Road Closure - Stirling Terrace from Oddfellow Street to Piesse Street - 2022 Toodyay Moondyne Festival	110.50
128	15/03/2022	Toodyay RSL	Donation to RSL Alma Beard Memorial and Celebrations - From Toodyay Museums	500.00
129	15/03/2022	Toodyay Traders	Stihl BGA 45 Cordless Bower Vac	199.00
130	15/03/2022	Toodyay Traders	Hose Nozzle & Spectrum Jet 360 Stakes	66.35
131	15/03/2022	Toodyay Traders	Jakmak Pro Diamond Core	88.00
132	15/03/2022	Toodyay Traders	Reticulation parts	29.00
133	15/03/2022	Toodyay Traders	Pipe Pressure Class 12	17.30
134	15/03/2022	Toodyay Traders	Camlock coupler, Bush poly & Connector	32.45
135	15/03/2022	Toodyay Traders	Riser removal tool & Seasol Advanced 2 Lt	21.90
136	15/03/2022	Total Green Recycling	E-waste recycling 17/02/2022	864.57
137	15/03/2022	Transwest WA	Supply of MRWA spec gravel for drainage and road reconstruction works	5,530.80
138	15/03/2022	Transwest WA	Supply of MRWA spec gravel for drainage and road reconstruction works	3,625.60
139	15/03/2022	Truckline	Supply new springs for rubber guards on truck 12	47.65
140	15/03/2022	URL Networks Pty Ltd	SIP Trunks - PAYG , Landlines & Mobiles for February 2022	356.71
141	15/03/2022	Wendouree Tearooms	Catering SOT Staff and Councillor Christmas Party 2021	375.00
142	15/03/2022	West Wide Auto Electrics	Julimar 2.4 Beacon replacement	507.50
143	15/03/2022	West Wide Auto Electrics	Bejoording 1.4 Aux Power outlet repair	517.50
144	15/03/2022	West Wide Auto Electrics	Installation of FLIR chargers x5	800.00
145	15/03/2022	West Wide Auto Electrics	Beacon system repairs FSV2	820.00
146	15/03/2022	West Wide Auto Electrics	Toodyay 12.2 Water Level Indicator and Intercom Audit	550.00
147	15/03/2022	West Wide Auto Electrics	Coondle 1.4 Water Level Indicator and Intercom Audit	550.00
148	15/03/2022	West Wide Auto Electrics	Morangup 2.4 Tank Level Indicator and Intercom Audit	550.00
149	15/03/2022	West Wide Auto Electrics	Morangup 1.4 Tank Level Indicator and Intercom Audit	550.00
150	15/03/2022	West Wide Auto Electrics	Central 1.4 Tank Level Indicator and Intercom Audit	550.00
151	15/03/2022	West Wide Auto Electrics	Julimar 1.4 Tank Level Indicator and Intercom Audit	550.00
152	15/03/2022	West Wide Auto Electrics	Central 4.4 Tank Level Indicator and Intercom Audit	550.00
153	15/03/2022	Winc Australia P/L	Admin Stationery - part order	501.55
154	15/03/2022	Winc Australia P/L	Admin Stationery - part order	57.28
155	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Part order	2,046.98
156	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Part order	295.64
157	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Part order	104.18
158	15/03/2022	Winc Australia P/L	Admin Stationery, COVID supplies, Bulk Copy Paper - Final	113.85
159	15/03/2022	Wren Oil	Collection of waste oil and used filters from Toodyay Waste Transfer Station 25/02/2022	16.50
160	15/03/2022	Wright Express Aust Pty Ltd	SES Fuel card Fees - February 2022	20.64
161	15/03/2022	Fujifilm Business Innovation Australia Pty Ltd	Photocopier Lease - Admin	370.70
162	15/03/2022	Commonwealth Bank	Bpoint fee	39.01
163	15/03/2022	Toyota Finance	BRPC Vehicle Lease	1,381.45
164	16/03/2022	Komatsu Australia Pty Ltd	Front Wheel Loader Lease	4,901.37
165	16/03/2022	Bendigo Bank	Bank fee	7.48
166	16/03/2022	Bendigo Bank	Bank fee	8.91
167	17/03/2022	Paymate	Community standpipe controller - Usage fee	1.61

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Shire of Toodyay				
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168	18/03/2022	Gear Select	Drum Roller Lease	2,296.91
169	23/03/2022	Muresk Institute Of Agriculture	WALGA GRANT - Animal Welfare in Emergencies Training	9,405.00
170	23/03/2022	Bendigo Bank	Bank fee	.11
171	24/03/2022	Komatsu Australia Pty Ltd	Grader Lease	4,560.99
172	24/03/2022	Paymate	Community standpipe controller - Usage fee	.67
173	30/03/2022	Paymate	Community standpipe controller - Usage fee	.67
174	30/03/2022	Bendigo Bank	Bank fee	7.48
175	31/03/2022	Access Icon P/L T/A Cascada Group	Drainage Components/ 7 Harcourt St	341.00
176	31/03/2022	Access Icon P/L T/A Cascada Group	Phillips Rd - 4 x Culvert Headwalls	1,364.00
177	31/03/2022	AFGRI Equipment Australia Pty Ltd	T0007 Grader inserts for blades	859.41
178	31/03/2022	AFGRI Equipment Australia Pty Ltd	Replacement suction control valve for John Deere Grader	1,510.71
179	31/03/2022	Applied Industrial Technologies Pty Ltd	Supply bearings for drum roller	37.62
180	31/03/2022	ASV Sales And Service	Replacement ignition key	10.78
181	31/03/2022	Autopro Northam	Supply service trolley for workshop	258.50
182	31/03/2022	Autopro Northam	Replacement air filters for possie track.	347.78
183	31/03/2022	Autopro Northam	Supply oil for servicing	1,358.51
184	31/03/2022	Autopro Northam	Service kits for 5 Shire Vehicles	479.71
185	31/03/2022	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight ending 25/02/2022	15,029.52
186	31/03/2022	Avon Waste - Stondon Pty Ltd	Fortnightly Rubbish Collection charges fortnight ended 11/03/2022	15,745.18
187	31/03/2022	Avon Yard & Maintenance Services	Firebreak tree works and dumped rubbish removal - S of T Lot 9508	1,100.00
188	31/03/2022	Bee Happy Apiaries	VC Stock	576.00
189	31/03/2022	Benjamin Bell	Councillor Telecommunication Allowance - Jan to Mar 2022	16.44
190	31/03/2022	Beth Ruthven	Member Monthly Attendance Allowance - March 2022	1,484.92
191	31/03/2022	Beth Ruthven	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
192	31/03/2022	Bitumen Surfacing	Reseal Coondle West Road - SLK 1.00 to 3.56 & 4.56 to 4.84	107,589.87
193	31/03/2022	Bitumen Surfacing	Morangup Community Hall - Car Park - Spray Seal Works	11,077.25
194	31/03/2022	Bitumen Surfacing	Reseal Salt Valley Road - SLK 0.00 to 2.24 & 4.23 to 6.15	195,819.58
195	31/03/2022	Bitumen Surfacing	Reseal of Red Brook Circle - SLK 0.00 to 3.74	99,175.41
196	31/03/2022	Bitumen Surfacing	Reseal Ferguson Road - SLK 0.00 to 0.65	23,920.82
197	31/03/2022	Blackwell Plumbing	Backflow testing and certification of device at Aquatics Centre	268.95
198	31/03/2022	Brickmart WA	Supply 1 x pack (8) Natural Earth blocks 1000x350x350 mm	245.96
199	31/03/2022	C & F Building Approvals	2 x NCC Compliance assessments & 1 x Issue of BP	1,045.00
200	31/03/2022	C & F Building Approvals	4 x NCC Compliance Assessments & 2 x Issue of BP	2,090.00
201	31/03/2022	Carolyn Satie	Refund of Pensioner Rebate and Overpayment	818.00
202	31/03/2022	Charles Service Company	Additional Services - Admin & Youth hall 17/01/2022 to 18/02/2022	2,178.00
203	31/03/2022	Charles Service Company	Monthly Cleaning services of Shire building - March 2022	11,215.39
204	31/03/2022	Charmeine Duri	Member Monthly Attendance Allowance - March 2022	1,022.92
205	31/03/2022	Charmeine Duri	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
206	31/03/2022	Chelsea Phelps	Refund of non sterilised Dog registration - dog now sterilised	51.66
207	31/03/2022	Christmas 360 - Sean Byron	Christmas Activity for Library - Table decorations	385.00
208	31/03/2022	Christmas 360 - Sean Byron	Christmas decorations for 2021	7,500.00
209	31/03/2022	Corsign (WA) Pty Ltd	ARC-060 brackets	638.00
210	31/03/2022	Danielle Wrench	Member Monthly Attendance Allowance - March 2022	1,022.92
211	31/03/2022	Danielle Wrench	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
212	31/03/2022	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SaaS Fee - February 2022	3,300.00
213	31/03/2022	David Demeur, Tonia Demeur	Refund of Pensioner Rebate for A4806	794.00
214	31/03/2022	Dymark Australia Pty Ltd	Supply line marking paint.	383.77
215	31/03/2022	Easifleet	Payroll Salary Sacrifice deductions PPE 15/03/2022	852.19
216	31/03/2022	Easifleet	Payroll Salary Sacrifice deductions PPE 29/03/2022	852.19

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Pay Type	Date	Name	Description	Amount
217	31/03/2022	Fire & Safety WA	BFS Scott Promask Filters	2,750.00
218	31/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - As per TEN02/2021, Treatment 12998	11,600.00
219	31/03/2022	Fire Mitigation Services Pty Ltd	MAF 21/22 - Treatments 12999, 13000, 13001, 13002, 13003	28,720.00
220	31/03/2022	Fire Mitigation Services Pty Ltd	Installation of Culverts on Wallaby Way Reserve Crossing	3,025.00
221	31/03/2022	Flick Anticimex Pty Ltd	Delivery & Service of extra Sanitary Bin at Julimar Fire Station 2021/2022	120.70
222	31/03/2022	Frontline Fire & Rescue Equipment	Repairs to BFB Appliances	5,639.50
223	31/03/2022	Frontline Fire & Rescue Equipment	Protek 360 Servicing	1,463.88
224	31/03/2022	Frontline Fire & Rescue Equipment	Replacement Lay Flat hoses	5,638.66
225	31/03/2022	Fuel Distributors Of Western Australia	18000litres Diesel & 2000 Litres Unleaded	36,694.72
226	31/03/2022	Fullpower Electrics	Resetting of CCTV Codes - Julimar and Coondle	115.50
227	31/03/2022	Galapagos Pty Ltd	Provision of Data Archival Solution to retain searchable and readable Records currently in Synergy Soft prior to exit from IT Vision as our provider - 50%	15,915.90
228	31/03/2022	Geofabrics Australasia Pty Ltd	Toodyay St Reconstruction - Megaflo Subsoil Drainage - 450m	1,806.75
229	31/03/2022	Geoffrey Carter, Kerrie-Ann Carter	Refund of Pensioner Rebate A2630	794.00
230	31/03/2022	Graham Barber	Refund of Pensioner Rebate A1575	794.00
231	31/03/2022	James Silvester, Gwen Silvester	Refund of pensioner rebate for A643	794.00
232	31/03/2022	JCB Construction Equipment Australia	Wear Strips - T0005 - JCB Backhoe	470.89
233	31/03/2022	Jive Media Solutions	Design of the 2022 Toodyay Brochure	3,385.80
234	31/03/2022	John Haggas, Julie Haggas	Refund of excess rates due to rates paid in full and new pensioner concession applied.	544.54
235	31/03/2022	John Stamenkovic	Reimbursement cost of PPE - New Staff member	79.98
236	31/03/2022	Kelyn Training Services	Advanced Traffic Management Training - A Lamas & G Rodger	2,160.00
237	31/03/2022	Kleen West Distributors	Cleaning Equipment/Consumables - BFB	982.08
238	31/03/2022	Kleen West Distributors	Admin Building Consumables - toilet roll & hand towels	107.97
239	31/03/2022	Komatsu Australia Pty Ltd	Supply service kit for Komatsu Grader.	210.02
240	31/03/2022	Komatsu Australia Pty Ltd	Supply new indicator for Komatsu Grader.	86.74
241	31/03/2022	Landworx	Reinstate firebreak and trim trees on Reserve Street Reserve.	770.00
242	31/03/2022	Landworx	Clear verge trees - Settlers Ridge & Pioneer Place	1,650.00
243	31/03/2022	Landworx	Remove dead tree from train station carpark	660.00
244	31/03/2022	Lorna Williams	Refund of Pensioner Rebate A899	794.00
245	31/03/2022	Mark Hearn, Stacey Hearn	Overpayment of Rates after settlement	100.00
246	31/03/2022	Merridith Morrell	Refund of Pensioner Rebate A372	794.00
247	31/03/2022	Michael McKeown	Member Monthly Attendance Allowance - March 2022	1,022.92
248	31/03/2022	Michael McKeown	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
249	31/03/2022	MM Mechanical Pty Ltd	Emergency call out - clutch lip on truck T0011	207.13
250	31/03/2022	MM Mechanical Pty Ltd	Repair cracks - Morangup 2.4 Fire Truck	220.00
251	31/03/2022	MM Mechanical Pty Ltd	Modify Hose location on Skid Steere bucket	363.56
252	31/03/2022	MM Mechanical Pty Ltd	Parts for Wash Pad Pressure Cleaner	40.52
253	31/03/2022	Moore Australia	Nalukui Mwale -Attendance at Moore Australia Budget Workshop on 25 March 2022	1,045.00
254	31/03/2022	Multicon Commercial Constructions (Stallion Homes)	Julimar Fire Station - January Claim	7,100.06
255	31/03/2022	Narelle Rodger	Reimbursement costs of Travel & refreshments - Training	171.31
256	31/03/2022	North Metropolitan Tafe	Training Carrie Skinner - Diploma Library & Information Services - Unit # BSBOPS404 - Implement customer service strategies	1,360.65
257	31/03/2022	Northam Towing	Northam Towing - Hyundai Elantra from Julimar Road to Shire Depot	165.00
258	31/03/2022	Northam Towing	Towing of SES Ute to Northam (Valley Ford)	385.00
259	31/03/2022	Officeworks	Air Purifiers for public spaces and Depot shared office space - Final order	1,202.95
260	31/03/2022	Parchem Construction Supplies Pty Ltd	Materials to fix concrete decking at Carroll Rd Floodway	1,244.25
261	31/03/2022	Peter Keogh, Cara-Lynne Keogh	Refund of Pensioner Rebate - A1849	794.00
262	31/03/2022	Philip Hart	Member Monthly Attendance Allowance - March 2022	1,022.92
263	31/03/2022	Philip Hart	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00

W:\Accounts\Council\2021-2022\9. List of Payments - March 2022

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Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
264	31/03/2022	Professional Lockservice	Fire padlocks x 20	2,557.50
265	31/03/2022	Professional PC Support Pty Ltd	Managed ITC Agreement billable hours - Ticket 99369	11.00
266	31/03/2022	Rebecca Hunt	Refund of pensioner rebate - A1759	356.37
267	31/03/2022	Rosemary Madacsi	Member Monthly Attendance Allowance - March 2022	3,114.92
268	31/03/2022	Rosemary Madacsi	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
269	31/03/2022	S F Fitzgerald Plumbing & Gas	Emergency Grave Works - Toodyay Cemetery - Hire of Mini Digger	242.00
270	31/03/2022	Sanitair Perth East	Sanitisation of Air Con units - Shire Buildings	800.00
271	31/03/2022	Steven McCormick	Member Monthly Attendance Allowance - March 2022	1,022.92
272	31/03/2022	Steven McCormick	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
273	31/03/2022	Stewart & Heaton Clothing Co Pty Ltd	BFS PPE - J115 Jacket Size 112	177.13
274	31/03/2022	Susan Pearce	Member Monthly Attendance Allowance - March 2022	1,022.92
275	31/03/2022	Susan Pearce	Councillor Telecommunication Allowance - Jan to Mar 2022	100.00
276	31/03/2022	Toll	Toll Freight Charges to 06/03/2022	144.22
277	31/03/2022	Toll	Toll Freight Charges to 13/03/2022	12.25
278	31/03/2022	Toll	Toll Freight Charges to 20/03/2022	110.50
279	31/03/2022	Toodyay Hardware & Farm	Solenoid Cable Connector x 12	23.40
280	31/03/2022	Toodyay Hardware & Farm	Camlock male adapter & Poly Bushes	3.33
281	31/03/2022	Toodyay Hardware & Farm	Poly Bushes	3.16
282	31/03/2022	Toodyay Hardware & Farm	Poly Joiners and Hacksaw	16.39
283	31/03/2022	Toodyay Hardware & Farm	Poly Bushes	4.18
284	31/03/2022	Toodyay Hardware & Farm	PVC reticulation reducing coupling	2.80
285	31/03/2022	Toodyay Hardware & Farm	19mm Poly Saddle x 8	3.20
286	31/03/2022	Toodyay Hardware & Farm	60 x 20Kg Bags Postcrete	445.50
287	31/03/2022	Toodyay Hardware & Farm	Plumbing fittings for Water Tanks	643.80
288	31/03/2022	Toodyay Hardware & Farm	Watering Can	18.95
289	31/03/2022	Toodyay Hardware & Farm	50 x 5 x 6m Flat Steel x 1	32.76
290	31/03/2022	Toodyay Hardware & Farm	Painter masking Tape	17.38
291	31/03/2022	Toodyay Hardware & Farm	25Kg Organic Dynamic Lifter	22.50
292	31/03/2022	Toodyay Hardware & Farm	Pop up sprinklers	10.50
293	31/03/2022	Toodyay Hardware & Farm	25Kg Steamed Rolled oats	22.50
294	31/03/2022	Toodyay Hardware & Farm	1 Box of N95 Masks for BFB (Original PO 2442) previous goods receipt was for full amount but only \$1100 was used of the 1200 was used	155.00
295	31/03/2022	Toodyay Tyre & Exhaust	Replacement tyres - T0000	705.50
296	31/03/2022	Toodyay Tyre & Exhaust	1 x AT30 Tyre for 1HJG647 - (John Hansen)	467.00
297	31/03/2022	Toodyay Tyre & Exhaust	Replacement of 4 tyres - T0010	1,668.00
298	31/03/2022	Toodyay Tyre & Exhaust	Puncture repair x 2	110.00
299	31/03/2022	Truckline	Supply rubber guard kit for truck 12	625.37
300	31/03/2022	Valley Ford - Northam Hyundai	Engine repairs to SES Ford Ranger.	837.81
301	31/03/2022	Veris Australia Pty Ltd - Corporate Office (Head Office)	Toodyay St - Set-up point for Concrete Kerbing	2,079.00
302	31/03/2022	Verlindens Electrical Service (WA)	Repair Water Pump Switch - Depot Water Tanks	1,015.30
303	31/03/2022	Vernice Pty Ltd	Dry Hire of 3 tone Drum Roller	220.00
304	31/03/2022	Vernice Pty Ltd	Supply & Deliver gravel - Toodyay St & Toodyay Bindi Bindi Rd	30,430.03
305	31/03/2022	WA Refuelling	Calibration, service and repair of fuel bowsers	907.50
306	31/03/2022	West Wide Auto Electrics	Coondle 3.4 Water Level Indicator and Intercom Audit	550.00
307	31/03/2022	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - Library 07/02/2022 to 16/03/2022	216.84
308	31/03/2022	WOBM - Wheatbelt Office Of Business Machines - Northam	Photocopier readings - VC 07/02/2022 to 16/03/2022	1,616.84
309	31/03/2022	Wurth Australia Pty Ltd	Workshop expendables	131.46

Shire of Toodyay				
List of Payments Presented to Council for Period 1 March 2022 to 31 March 2022				
Pay Type	Date	Name	Description	Amount
310	31/03/2022	ZC & JJE Norman	Supply of gravel for Toodyay Dewars Pool Rd Capital works project. Supplied from Majee Springs farm.	33,001.65
	2/03/2022	Payroll PPE 01/03/2022	Payroll PPE 01/03/2022	97,750.28
	2/03/2022	Aware Super	Superannuation PPE 01/03/2022	22,542.73
	16/03/2022	Payroll PPE 15/03/2022	Payroll PPE 15/03/2022	111,187.27
	16/03/2022	Aware Super	Superannuation PPE 15/03/2022	23,658.45
	30/03/2022	Payroll PPE 29/03/2022	Payroll PPE 29/03/2022	98,059.83
	30/03/2022	Aware Super	Superannuation PPE 29/03/2022	20,677.94
				1,721,141.33

Direct Debit	\$29,090.52
Trust Chqs	\$0.00
EFT	\$1,252,703.76
DD Payroll	\$373,876.50
DD Loans	\$0.00
Muni Chqs	\$65,470.55
TOTAL	\$1,721,141.33



Attendance at Events

Introduction

This policy is made in accordance with s.5.90A of the *Local Government Act 1995* (the Act).

Objective

To provide transparency about the attendance at events of Elected Members, the Chief Executive Officer or other Shire Officers.

Scope

This policy addresses attendance at any events, whether free of charge, part of a sponsorship agreement, or paid by the local government.

This policy applies to Members, the CEO and to other Shire Officers, where applicable.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
Conflict of interest	Pertains to the Interests relating to a gift and a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. <i>Receipt of a gift – any gift, whether or not in a person’s capacity as council member or CEO – will create a relationship of a closely associated person and therefore an interest (sections 5.60 and 5.62).</i>
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire’s Standing Orders Local Law 2008.</i>
Events	includes the following — (a) a concert; (b) a conference; (c) a function; (d) a sporting event; (e) an occasion of a kind prescribed for the purposes of this definition.

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Term	Definition
Interest	(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and (b) includes an interest arising from kinship, friendship or membership of an association.
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
organisations prescribed https://www.dlgsc.wa.gov.au/docs/default-source/local-government/circulars/departamental-circular-11-2019---new-gifts-framework.pdf?sfvrsn=6bc50fd3_4	<ul style="list-style-type: none"> • WALGA (but not LGIS); • Local Government Professionals Australia (WA); • Australian Local Government Association; • A department of the public service; • A government department of another State, a Territory or the Commonwealth; and • A local government or regional local government.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay.
Shire President	Shire President

Policy Statement

If a Member, CEO, or other Shire Officer attends an event in accordance with this policy, then no conflict of interest arises. Receipt of gifts will still be required under the gift and interest provisions in the Act. Acceptance of tickets and attendance at an event other than in accordance with this policy may also give rise to an interest.

1. Provision of Tickets to Events

1.1 Invitations

All invitations or offers of tickets for a Member, CEO or Shire Officer to attend an event should be in writing and addressed to the CEO; either via email, or in person at the Shire's Administration Centre, 15 Fiennes Street, Toodyay.

Any invitation or offer of tickets received directly by a Member, or Shire Officer, not addressed to the CEO; should be referred to the CEO for consideration.

Where a Member or Shire Officer chooses to not refer the invitation or offer to the CEO for consideration, the Member or Shire Officer must ensure that it be disclosed in accordance with gift and interest provisions in the Act and provide a copy of that disclosure to the Shire President or the CEO, respectively.

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1.2 Authorised Events

A list of events and attendees authorised by the Shire in advance of the event is provided in the table below. These Attendees are authorised to attend the events listed in accordance with this policy.

Event	Date of Event	Attendees	Contribution to cost
Targa West <i>(launch, pre-event and post event)</i>	March / August	Shire President and CEO Partners	Nil
Avon Descent <i>(4 VIP Functions)</i>	August	Shire President and CEO All Councillors Partners	Nil
Toodyay Race Club	October	Shire President and CEO Partners	Nil
Toodyay Agricultural Show	Sept/October	Shire President and CEO Partners	Nil
Toodyay District High School	Presentation of Awards throughout the year	Shire President and / or CEO	Nil
Sandakhan Scholarship Presentation	November	Shire President and / or CEO	Nil
Anzac Day	April	Shire President and CEO All Councillors	Free Event
Remembrance Day	November	Shire President and CEO All Councillors	Free Event

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2. Approval of Attendance

Applications may be made to the Shire President (for Members) and the CEO (for Shire Officers) regarding any events not captured at Clause 1.2 above.

2.1 Member Considerations

When making a decision regarding attendance applications, the Shire President will consider:

- (a) who is providing the invitation or ticket to the event;
- (b) the location of the event in relation to the local government (within the district or out of the district);
- (c) the role of the Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- (d) whether the event is sponsored by the local government;
- (e) the benefit of local government representation at the event;
- (f) the number of invitations / tickets received; and
- (g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

2.2 Shire Officer Considerations

Where the CEO makes a discretionary decision regarding attendance applications, authorisation to attend may be given in regard to:

- (a) Events which meet a reasonable continuing professional development objective that is in accordance with the provisions of the Continuing Professional Development Policy; or
- (b) Professional Development activities within the provisions of the CEO's contract of employment;
- (c) Local events where the nominal value of tickets is less than \$150 for the Shire Officer and their partner; or
- (d) Invitations provided by:-
 - (i) organisations prescribed in the Department of Local Government, Sport and Cultural Industries Circular 11-2019; or
 - (ii) Regional Development Australia; or
 - (iii) a Local Government that is a member of the Avon Regional Organisation of Councils (AROC).

3. Payments in respect of attendance

- 3.1 Where an invitation or ticket to an event is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value, subject to Council Policy.

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- 3.2 For any events where a member of the public is required to pay, unless previously approved and listed in Clause 1.2 above; Council will determine whether it is in the best interests of the local government for a Member or the CEO or another Shire Officer to attend on behalf of the Council.
- 3.3 If the Council determines that a Member or the CEO should attend a paid event, the Shire will pay the cost of attendance and reasonable expenses, such as travel and accommodation subject to the Continuing Professional Development Policy.
- 3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

Reference Information

- Local Government Payments and Gifts to Members (GOV8);
- Continuing Professional Development Policy (GOV9);
- Council Delegates Roles and Responsibilities Policy (GOV12); and
- Risk Management (ADM18) – containing the Risk Matrix tables.
- https://www.dlgsc.wa.gov.au/docs/default-source/local-government/circulars/departmental-circular-11-2019---new-gifts-framework.pdf?sfvrsn=6bc50fd3_4

Legislation

Local Government Act 1995

- 5.90A. Policy for attendance at events;
- s.5.99A. Allowances for council members in lieu of reimbursement of expenses;
- s.5.100A. Gifts to council members.

Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)

- r.31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3)).

Associated documents

Expense Reimbursement Form.

Gift Registration Form.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	25/02/2020	Adopted	CEO	Council
V2	02/03/2022	Draft	Executive Services	
V3	18/03/2022	Revised Draft	Executive Services	

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Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Attendance at Events
Document ID	GOV14
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	25/02/2020 (CRN 61/02/20)
Date of next review	February 2025
Archived antecedent documents and previous versions	Not applicable
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Attendance at Events.docx

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Copyright

Introduction

To ensure that the Shire adopts the Creative Commons Attribution 4.0 Australia License as the standard form copyright license that applies to material used or published by the Shire.

Objective

To ensure that the Shire obtain a license prior to sharing third party materials; and to permit the Shire to share materials with other third parties, through a license.

Scope

The Shire frequently uses materials produced by other organisations. This policy addresses standards for copying, communicating or adapting and using third party materials.

This policy applies to Members, the CEO and to other Shire Officers, where applicable.

Definitions

Term	Definition
Act	<i>Copyright Act 1968</i>
ALRC	Australian Law Reform Commission (link: https://www.alrc.gov.au/publication/copyright-and-the-digital-economy-ip-42/fair-dealing-exceptions/)
CEO	Chief Executive Officer
Copyright	Copyright protects the form of expression of ideas, rather than the ideas, information or concepts expressed.
Copyright Act 1968	The Copyright Act 1968 (Cth) (Copyright Act) regulates copyright in Australia in relation to original literary, dramatic, musical and artistic works, and subject matter other than works (which means sound recordings, film, tv broadcasts and published editions of books).
License	This means use of the Creative Commons Attribution 4.0 Australia License as the standard form copyright license.
Material	This means any type of document containing images and information.
Member	Means in the <i>Local Government Act 1995</i> : Council Member; Elected Member; or Councillor.

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Term	Definition
Moral Rights	<p>Moral rights protect the personal relationship between a creator and their work even if the creator no longer owns the work, or the copyright in the work. Moral rights concern the creator's right to be properly attributed or credited, and the protection of their work from derogatory treatment. There are three types of moral rights as follows:</p> <ol style="list-style-type: none"> 1. <u>Right of attribution</u>: this is the right of an author to be identified and named as the author of his/her work; 2. <u>Right against false attribution</u>: this is the right of an author to stop someone else being credited as the author of their work; and 3. <u>Right of integrity</u>: this is the right of an author to ensure that his/her work is not subjected to derogatory treatment which is any act in relation to the work that is in any manner harmful to the author's honour or reputation.
Shire	The Shire of Toodyay.
Third party	an individual or entity that is involved in a transaction but is not one of the principals and, thus, has a lesser interest in the transaction.
Third party copyright	This is when the rights to material belong to someone other than the Shire such as images and long excerpts of text. If the Shire uses material in its documents or publications, permission is required to be sought from the person or company that owns the rights; before using it.

Policy Statement

A license will apply to all material produced by the Shire, unless otherwise specified.

This will allow work to be shared, communicated and adapted so long as the Shire content is attributed and other license conditions are met.

The CEO may give permission for the use of Shire of Toodyay graphics, shire owned logos or other material by third parties.

1. Shire copyright notice

All Shire material will carry the following copyright notice:

With the exception of Shire of Toodyay logos, and Shire of Toodyay photographs and graphics, copyright in this publication is licensed under a Creative Commons Attribution 4.0 Australia License.

A summary of the license terms is available from:
<https://creativecommons.org/licenses/by/4.0/>

The full license terms are available from:

<https://creativecommons.org/licenses/by/4.0/legalcode>

This publication should be attributed in the following way:

© Shire of Toodyay (Year of Publication) - (Name of Publication)

2. Use of non-Shire of Toodyay copyright material

Except where a fair dealing exception applies; material which is copyrighted (applications, audio, video, graphics, images, photographs, and publications) will not be used, unless prior written consent is obtained from the creator, or copyright owner, and the original author, or source of the material, is acknowledged.

2.1 Request for use of copyright material

A form may be created by the Shire for this purpose. The copyright notice appearing on the website states the following:

All material that appears on the Shire of Toodyay website, including website pages, documents, graphics, audio and video is protected by the operation of the Act, and is owned by the Shire of Toodyay unless otherwise referenced as being from another source.

Material from the Shire of Toodyay website can be reproduced for personal and non-commercial use, without permission providing it remains unaltered in its original form. Any individual or group wishing to reproduce material that is for commercial or non-personal use, can request permission to do so by [contacting us](#).

The Copyright Act does not define a 'fair dealing'. Rather, specific fair dealing exceptions exist for the purposes of:

- research or study;
- criticism or review;
- parody or satire;
- reporting news; and
- A legal practitioner, registered patent attorney or registered trademarks attorney giving professional advice.

Information on fair dealing was sourced from the ALRC.

The ALRC considers that fair use is compatible with recognising the moral rights of creators. Further, it is no less compatible with moral rights than many existing exceptions, such as the fair dealing exceptions for parody and satire.

Only individuals can have moral rights so if the film producer is a corporation, it has no moral rights in the film. However a group of individuals may all be able to claim moral rights as co-creators.

Moral rights cannot be bought or sold or given away; however after the creator passes away, the moral rights can be exercised by the personal representative of the creator, for example, the executor or administrator of the creator's estate.

The duration of moral rights depends on the nature of the moral right and the nature of the creative work.

The moral right of attribution and the moral right against a false attribution all continue in force until copyright in the artistic, literary, dramatic or musical work or film expires – usually 70 years following the creator's death.

Information on moral rights was sourced from the Arts & Law Centre of Australia <https://www.artslaw.com.au/information-sheet/moral-rights/>.

Reference Information

- Risk Management (ADM18).

Legislation

Copyright Act 1968 (Federal Law) <https://www.legislation.gov.au/Details/C2021C00407>

Associated documents

Online contact form

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	23/06/2015	Adopted	CEO	Council
V2	06/04/2022	Revised	Executive Services	


Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Copyright
Document ID	GOV3
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	

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Document control information	
Date of next review	February 2025
Archived antecedent documents and previous versions	Adopted OCM 23 June 2015 Res. No 122/06/15
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Copyright Policy.docx

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Continuing Professional Development

Introduction

This policy is made in accordance with Division 10 – Training and Development (s.5.126, s.5.127 and s.5.128) of the *Local Government Act 1995* (the Act).

Objective

To provide transparency about the continuing professional development of Members.

Scope

This policy applies to Members to ensure that they have:

- access to mandatory training within the training period in accordance with regulations prescribed under s.5.126 of the Act.
- equitable access to a range of relevant training and professional development opportunities to enhance their ability to fulfil their roles and responsibilities as Members and to provide good governance to the Shire.

Members are encouraged to participate in training and professional development opportunities in accordance with this policy.

Definitions

Term	Definition
Accommodation	Means accommodation paid for by the Shire where: <ul style="list-style-type: none"> (a) attendance at an event, conference or training “location” is more than 100km away from the Shire of Toodyay; and (b) it is not possible to commute back and forth in instances where the event, conference or training is held over more than one day.
Accredited qualification	Is formal confirmation that the course: <ul style="list-style-type: none"> • is nationally recognised and meets quality assurance requirements. • meets an established industry, enterprise, educational, legislative or community need. • provides appropriate competency outcomes and a satisfactory basis for assessment.
Act	<i>Local Government Act 1995</i> .
Airfare costs	Return flights to and from Perth or Northam Airports, and insurance costs related to flight bookings.

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Term	Definition
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Equitable access	Every Member has the same opportunity as any other to undertake professional development training and have access to course materials.
Mandatory Training	a course of training titled <i>Council Member Essentials</i> that — (a) consists of the following modules — (i) Understanding Local Government; (ii) Serving on Council; (iii) Meeting Procedures; (iv) Conflicts of Interest; (v) Understanding Financial Reports and Budgets; and (b) is provided by any of the following bodies — (i) North Metropolitan TAFE; (ii) South Metropolitan TAFE; (iii) WALGA.
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Parking costs	Street parking costs, airport parking costs, and parking in secure parking businesses (e.g. Wilsons Parking).
Professional Development Support	The Shire supports enrolments into training courses or conferences provided by other Registered Training Organisations (RTO's) such as TAFE, LG Professionals, the Australian Institute of Company Directors, Australian Institute of Management, Economic Development Australia or the Australian Institute of Public Administration.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay
Shire President	Shire President

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Term	Definition
Social gatherings	Pre-conference receptions, gala dinners, morning teas, luncheons, or other dinners, or suppers where invitations have been extended by an individual diversity of individuals of all abilities in small, medium and large groups for social and community purposes.
Training Period	Refers to the 12-month period within which the course of mandatory training must be passed from the day on which the Member is elected.

Policy Statement

Council shall ensure adequate resources are allocated annually in the Shire's Annual Budget to provide the opportunity for Members to participate in mandatory training and professional development.

1. Mandatory Training

The CEO, and other Shire Officers, shall take all reasonable steps, having regard to the costs to the Shire, to facilitate access to training, included but not limited to:

- Liaison with neighbouring Shires, and training providers, to facilitate combined local delivery; and
- Providing access to alternative delivery options including online training when available.

2. Authorised Training / Conferences

Training opportunities not requiring further Council authorisation are below:

Training / Conferences
<ul style="list-style-type: none"> • WALGA Elected Member Training Modules (in addition to compulsory modules) in the nationally accredited Diploma of Local Government (Elected Member) during their first two years as Councillors;
<ul style="list-style-type: none"> • WALGA Annual Local Government Week Conference and associated training courses; and
<ul style="list-style-type: none"> • Wheatbelt Conferences held by the Avon Midland Country Zone.

2.1 Additional Conference Opportunities

In addition to the above training opportunities, the Shire President may attend one or more of the following conferences:

- the annual Local Government Professionals National Congress;
- the Australian Local Government Association (ALGA) National General Assembly; and

- The Prime Minister's Australian Council for Local Government Mayors and Presidents annual forum.

In the event that the President is unable, or declines to attend, then the Deputy Shire President may represent Council.

If the Deputy Shire President is unable, or declines to attend, the opportunity to attend will be offered to other Members, via the Office of the CEO. Other Members will be given the opportunity to put forward a case for attending to the CEO; copying in all Councillors via email. The best case put forward will be chosen at the discretion of the CEO, subject to budget parameters.

3. Professional Development

Council will provide professional development support opportunities for participation by Members in legitimate industry recognised professional development, relevant to the business of Council, even if they are not part of an accredited qualification.

3.1 Delegation to the CEO

The CEO is authorised to approve requests from Members for professional development training and conference attendance without referral to Council providing that:

- The entire cost per elected member does not exceed \$1,200 for any single instance or \$3,000 in any 12-month period;
- The CEO is satisfied that it is a legitimate industry recognised conference or course that is appropriate for the needs of the Member, and relevant to the business of Council; and
- The financial allocation to individual Members is in addition to participation in WALGA Member Training Modules.

3.2 Training Opportunities requiring Council Approval

Members may request Council approval for conferences or training opportunities that:

- Do not meet the criteria set out on the policy;
- Where the costs are in excess of the specified limits; or
- Involve interstate or overseas travel.

Such requests will be in writing to the CEO, a minimum of three weeks prior to an Agenda Briefing.

4. Reporting

The CEO is required to prepare a report each financial year on the training completed by Members to comply with s.5.127 of the Act.

This report will be published on the Shire's website and included in the Shire's Annual Report.

Where Members complete additional training or professional development not funded by the Shire of Toodyay, they may request this training be included in the report, by notifying the CEO in writing.

5. Training / Conference Costs

Council will meet the full cost of registration, travel, accommodation, meals, transport, parking, and incidentals; verified through the provision of receipts, subject to the Local Government Payments and Gifts Council Policy, and other conditions as follows:

Training	What is covered
WALGA Member Training Modules	training and the accreditation
Local Government Conferences	Accommodation, airfares, parking, other conference costs and associated insurance costs.
Extension of stay in accommodation	Not covered by the Shire. This is a Member's Expense.
Another person accompanying the member to a conference or dinner associated with an Event	The Shire will meet the costs associated with attendance of a partner at social gatherings prior to a conference, or as part of a dinner associated with the event. Meal costs, airfare costs, and/or accommodation costs outside of these parameters are to be met by the Member.
Partner Programs (if any), additional meals and airfares for the accompanying person	Not covered by the Shire. This is a Member's Expense.

Reference Information

- Local Government Payments and Gifts to Members (GOV8);
- Council Delegates Roles and Responsibilities Policy (GOV12); and
- Risk Management (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995 - Division 10 – Training and Development

- s.5.126. Training for council members;
- s.5.127. Report on training;
- s.5.128. Policy for continuing professional development;
- s.5.90A. Policy for attendance at events;
- s.5.99A. Allowances for council members in lieu of reimbursement of expenses;

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- s.5.100A. Gifts to council members.

Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)

- r.31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3));
- r.35. Training for council members (Act s. 5.126(1)).

Associated documents

Expense Reimbursement Form.

Gift Registration Form.

Training Record.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	17/09/2013	Adoption	CEO	Council
V2	25/02/2020	Amended	CEO	Council
V3	02/03/2022	Reviewed	Executive Services	


Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Continuing Professional Development
Document ID	GOV9
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	25/05/2020

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Document control information	
Date of next review	February 2025
Archived antecedent documents and previous versions	17 Sept 2013 OCM (CRN 61/02/20) 25 Feb 2020 OCM (CRN 62/02/20)
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Continuing Professional Development.docx

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Council Delegates – Roles and Responsibilities

Introduction

This policy is intended to ensure that where Delegates have been nominated by Council to represent the Shire of Toodyay on Other Committees or Organisations, that Elected Members comply with legislative provisions contained in Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations).

Objective

To provide guidance to Delegates in respect to their roles and responsibilities that will assist them in fulfilling their representative role.

Scope

This policy applies to all Members and Shire Officers nominated or appointed onto Other Committees or Organisations.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Appointment	Means appointment as a Member on a Committee or Organisation
CEO	Chief Executive Officer.
Committee	Means Council Committees or Mandated Committees as per the descriptions contained in the Committee Book endorsed by Council.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Councillor hub	Means the BIGTINCAN Platform utilised by the Shire of Toodyay to relay and provide pertinent information to all Elected Members.
Delegate	Representative nominated by the Shire of Toodyay through a decision of Council made after a local government election or as required.
Meetings	Scheduled Meetings – Committee or Organisation Meetings
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.

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Term	Definition
Organisations	This means Other Committees or Organisations that may include local community group Committees or Boards or Management Committees of an Organisation. This meaning will include groups or organisations that are either Incorporated Associations or non-incorporated Associations.
Regulations	Local Government (Model Code of Conduct) Regulations 2021.
Shire	the Shire of Toodyay.
Shire Officer	Employee of the Local Government
Shire President	Shire President

Policy Statement

The role of Members or Shire Officers who are appointed to represent the Shire on Committees or Organisations is generally to provide advice, identify strategic opportunities and act as a conduit between the Shire and the community.

This Policy sets the manner by which those nominated as delegates to Committees or Organisations may fulfil their representative role. It provides guidance to Members, Shire Officers and the CEO on the Roles and Responsibilities of a Delegate.

1. Introduction

Acting as a Delegate on Committees or Organisations can assist engagement, partnership, collaboration, and inform Council decision-making.

Council is often asked to nominate one or more delegates to represent Council. Member Delegates perform an important role that carries with it a high level of responsibility because, as a Member, you are representing the Shire of Toodyay.

It is important to ensure that the most appropriate person is appointed as a delegate, and that clear guidance is given as to the obligations of the role.

2. Authority

An individual Member has no authority to make decisions or to participate in the day-to-day management or operations of the Shire. This includes making any form of representation on behalf of the Council or the Shire unless they are specifically authorised by Council to do so.

The Code of Conduct for Council Members, Committee Members and Candidates also prevents Elected Members from undertaking tasks that contribute to the administration.

Sign-off of any joint document involving the Shire of Toodyay must occur through formal Council resolution unless formally delegated by Council.

3. Determined position

Delegates will communicate and be cognisant of Council's determined position on any matter that is consistent with a formally established Council position, or with the Council's known strategic vision or direction.

The determinations made, if any, may be determined from:-

- Resolutions of Council dealing specifically with a matter at hand;
- Resolutions of Council dealing generally with a matter at hand;
- Relevant statements of the Council's position contained in adopted Council policies or the Shire of Toodyay's Strategic Community Plan;
- If Council has not previously established a position, the Delegate should give due consideration to the potential sensitivity and/or risk inherent to the matter i.e. potential for negative environmental or social impact, or risk of community conflict.

Council recognises that whilst it requires a delegate to communicate the Shire's position to a Committee or Organisation it is not Council's intention to bind the delegate's vote on any particular matter.

This does not entitle a delegate to substitute their personal beliefs for Council's position.

Delegates should bring any significant matters to Council for discussion and direction where any matter may fall outside current Council policy positions or known strategic direction.

If a matter arises requiring a decision, which may be inconsistent with established policies; strategies; or vision; these matters will always be referred to the Council, through the Shire President, for discussion and direction, and any pressures for early decision on such matters will be resisted.

4. Principles

Where possible, within the parameters of this policy, delegates will have the ability to explore new ideas and possible solutions freely, and to achieve consensus with other members.

Delegates to any Committee or Organisation will always advocate for their community, but also should seek, where possible, wider outcomes which benefit other communities, provided the interests of the Shire of Toodyay community are not adversely affected.

Members who are private members of an Organisation receiving financial assistance from the Council, or with a financial interest in the outcomes of any its deliberations, will not be appointed as a delegate to that Organisation.

Where conflict arises between the statutory obligations as a Member and fidelity to an Organisation, Members should consider their position on the Organisation.

4.1 Non-delegate participation

It may be appropriate or necessary for Members who are not Council's resolved delegate to attend meetings held by Organisations.

In such situations, Members should carefully consider the reputational and collegial impacts of attending and inform Council's delegate of their attendance

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prior to the meeting. Members are public officials and participation could be interpreted or perceived as participation as a Member.

4.2 Being an Observer at Meetings

Members or Shire Officers attending the meeting of an Organisation where access is not generally available to the public are only permitted to attend as an observer subject to:

- Seeking prior consent of the Organisation's Presiding Member, as a matter of courtesy, before attending as an observer;
- Being invited by an Organisation to attend the meeting;
- Acting within the meeting protocols established by the Organisation;
- Communicating with the meeting only through Council's nominated delegate or only at the request of the Presiding Member of that meeting; being mindful of not interfering with due process or the role of Council's nominated delegate;
- the standards set out in the Shire of Toodyay's Code of Conduct;
- the Member or Shire Officer attending only in the capacity of a private person, if access to the meeting is generally available to the public; making clear to the meeting that opinions or positions stated are their own and not those of Council, nor the Shire.

5. Delegate Reporting

Where a nominated delegate attends a meeting of an Organisation, it is expected that they will provide a summary of points to the Shire President who will include them in the President's briefing to the CEO; that is then provided to Council.

When delegates are appointed, Shire Officers will notify organisations of the relevant appointments, and request to receive a copy of the minutes of the Organisation, when they become available, for upload to the Councillor hub.

These tasks ensure that Council and the Shire of Toodyay is kept informed of the activities and achievements of the Organisation in a timely manner.

Where confidentiality requirements exist over either Council or the Organisation's business the Member and Shire Officer must ensure that confidentiality is appropriately maintained and protected.

6. Provisions

Appointment of Delegates

Council will consider the appointment of a delegate to a Committee where:

- it is a Committee of Council in accordance with the Act; and
- it is a Mandatory Committee of Council in accordance with the provisions of relevant legislation, as detailed in the Committee Book endorsed by Council.

Council will only consider the appointment of a delegate to an Organisation that:

- represents local interests and the group occupies Shire property;

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- represents local interests and the Council has any direct or indirect financial or strategic interest in the affairs of that group;
- represents state or regional interests that are likely to have an impact on the Shire;
- it is considering to or working in partnership with; related to matters or issues of significant strategic interest to Council. This may be confined to local interests, involve state or regional matters, or be issue based at any level.

Review of Appointments

The Shire's Committee Book contains a listing of Committee and Organisations with Member and Shire Officer representation.

Council will review its appointments to Committees and Organisations in conjunction with the regular election cycle.

Review of the Committee Book occurs prior to the Ordinary Election to ensure that copies of relevant constitutions or terms of reference can be updated and provided to Members to enable the Shire to identify any potential, real, or perceived conflicts associated with appointment of a Council delegate.

Nomination of Delegates

The CEO will call for the nomination of delegates to all relevant Committees and Organisations as soon as possible after the local government elections and appointment of Members to their positions. Where a position arises outside this process, the CEO will call for nominations within ten days of notification of the position becoming available.

Conduct

Where a Member has been approved as Council's delegate for a Committee or Organisation, the delegate shall understand that their appointment is as a representative of the Council and is by virtue of their position with Council.

Members shall also perform the functions and duties of a delegate in accordance with the principles set out in this policy and the standards set out in the Shire's Code of Conduct.

Although a representative of the Shire, the Shire's or Council's position on all matters should be taken into account. The appointment of a delegate often requires them to act independently and to represent the interests of the organisation they have been appointed to – often referred to the concept of "wearing two hats".

Member Attendance at Meetings

Where a Member has been endorsed as a Delegate on a Committee or Organisation the delegate shall ensure their availability to attend meetings.

If unable to attend a meeting a delegate must:

- Provide a written apology to the respective Presiding Member, prior to a meeting;
- Notify organisations of their approved leave of absence, approved by Council;
- Advise the relevant Deputy Delegate (where appointed) to ensure that they will be replaced at the meeting.
- Ensure that where Council has nominated a proxy or deputy delegate, that the proxy is provided with early advice and adequate information to facilitate their attendance and participation in meetings where the delegate is unable to attend.
- Advise the CEO of the arrangements made and the name of the delegate who will be in attendance.

It is preferable that at least 24 hours' notice is afforded.

Shire Officer Attendance at Meetings

Shire Officers who are a Delegate on a Committee or Organisation shall ensure their availability to attend meetings.

If unable to attend a meeting a delegate must advise the CEO and provide a written apology to the respective Presiding Member prior to a meeting.

It is preferable that at least 48 hours' notice is afforded.

Commitment

Where a delegate has failed to attend three successive committee or organisation meetings without an apology, during a period where leave of absence has not been granted, the CEO shall liaise with the Delegate in respect to their commitment status.

If a delegate is unable to fulfil their commitment to a committee or an organisation they must advise the CEO in writing so that a report can be put to Council to consider the appointment of a replacement delegate.

Voting Rights – Elected Members

A Member appointed as a delegate may have to participate in the decision-making process of the Committee or Organisation. This would mean they would be entitled to vote on matters coming before the Committee or Organisation. As a delegate they will have a fiduciary to participate in decision-making processes and vote in accordance with obligations to act in good faith for the purposes for which the Committee or Organisation was established.

Voting Rights – Shire Officers

A Shire Officer does not have voting rights on Council Committees but may participate in decision-making processes if not statutorily prohibited. They are appointed as members to these Committees for the provision of support and advice.

However, where a Shire Officer has been appointed as a delegate or member of a Mandatory Committee or Organisation they are entitled to vote on matters being considered by the Mandatory Committee or Organisation.

Shire Officers have a duty to participate in decision-making processes and vote in accordance with obligations to act in good faith for the purposes for which the Mandatory Committee or Organisation was established.

Communication

Both the delegate and Council have a shared responsibility to ensure that effective communication between delegates and Council occurs before and after meetings of external organisations.

This is to enable Council to deliberate and discuss relevant matters and to consider and inform future decision making.

One of the primary purposes of appointing Council delegates to Committees and Organisations is to inform Council decision-making and Member delegates should carefully consider managing situations where Committees or Organisations wish to discuss confidential matters.

Reference Information

- Committee Book endorsed by Council Resolution 241/11/21 at an Ordinary Council Meeting held on 23 Nov 2021.
- *State Records Act 2000*.
- Risk Management (ADM18) – containing the Risk Matrix tables.
- Attendance at Events (GOV14).
- Legal Representation and Costs Indemnification (ADM4).

Legislation

Local Government Act 1995

- s.2.7 *Role of council;*
- s.2.10 *Role of councillors;*
- s.5.103. *Model code of conduct for council members, committee members and candidates*

Local Government (Model Code of Conduct) Regulations 2021 (Division 3 – Behaviour)

- r.8. *Personal integrity*
- r.9. *Relationship with others*
- r.10. *Council or committee meetings*

Local Government (Model Code of Conduct) Regulations 2021 (Division 4 – Rules of conduct)

Associated documents

Code of Conduct for Council Members, Committee Members and Candidates

Standing Orders Local Law 2008

Governance Framework

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Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	23/09/2014	Initial	CEO	Council
V2	28/02/2022	Re-drafted	Executive Services	

Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Council Delegates – Roles and Responsibilities
Document ID	GOV12
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Assistant
Date of approval	t.b.a.
Approving authority	Council
Access restrictions	Nil
Date Published	t.b.a.
Date of last review	Not applicable
Date of next review	February 2025
Archived antecedent documents and previous versions	Policy M.7 Adopted at OCM 23 Sept 2014 (CR279/09/14)
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Council Delegates - Roles and Responsibilities.docx

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Council Forums

Introduction

This policy ensures that when a Council Forum is held, in relation to matters before Council, or to discuss matters relating to the operation, and affairs of the Shire of Toodyay, outside the formal Council Meeting Framework; that Elected Members and Shire Officers comply with legislative provisions contained in Division 2 (Part 5) of the *Local Government Act 1995* (the Act).

Objective

To provide guidance to Elected Members and Shire Officers in relation to the holding of Council Forums, consistent with the principles of transparency and accountability.

Scope

This policy applies to all Council Forums that involve Shire Officers and Elected Members.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Briefing	Agenda Briefing as per 8.2.3 of the Governance Framework that refers to an "agenda forum" being an Agenda Briefing.
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Forum	Concept Forum as per 8.2.4 of the Governance Framework.
Key documents	Integrated Planning Strategies; Annual Budgets and Reports; Community Strategic Plans; Concept Plans; Project Briefs; Long-term Financial Plans; Asset Management Plans; Officer reports; Register of Delegations; Policies; and frameworks.
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Notes	Refers to Agenda Briefing Notes taken during a Briefing.
Regulations	<i>Local Government (Administration) Regulations 1996.</i>
Sessions	Information Sessions are where Elected Members are briefed in respect to matters that may be of Public Interest by representatives

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Term	Definition
	from public, community, or government organisations, Parliamentarians, or businesses.
Shire	the Shire of Toodyay.
Shire Officer	Employee of the Local Government
Shire President	Shire President
Workshops	Council workshops as per 8.2.2 of the Council Meeting Schedule of the Governance Framework.

Policy Statement

The Shire of Toodyay's informal Council Forum structure is supported by detailed guidelines within the Governance Framework, adopted by Council.

The difference between Council Meetings and Council Forums is that Council can only make decisions in formal meetings held under the auspices of Part 5 of the *Local Government Act 1995* and under the *Shire's Standing Orders Local Law 2008*.

1. Agenda Considerations

Briefings provide an opportunity for Members to ask questions about upcoming agenda items for formal meetings.

Wherever possible, questions are to be provided in advance to give Shire Officers and the CEO an opportunity to research and provide accurate and comprehensive information, dependent upon time constraints.

The CEO and Shire Officers may also brief Councillors on matters that arise through discussion at these briefings.

Notes will be taken to include attendance, requests for further information and interests declared. Where questions are taken on notice, the responses will be included in the Notes which will be distributed to all Members and Shire Officers prior to the Ordinary Council Meeting.

The Briefing is open to the public and is livestreamed to the community.

2. Concept Considerations

Forums involve Members and Shire Officers meeting to discuss and explore philosophies, ideas, strategies and concepts relating to the development of the Shire.

Examples of the type of matters that may be canvassed are:

- Reports from Working Groups, consultation forums or other non-formal activities involving Members or Shire Officers;
- Emerging changes to the local government sector and implications for the Shire;
- Matters that may be brought to Council as items for a decision to be made;
- Matters relating to the future development of the Shire;

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- Current matters of a local or regional significance;
- Projects that are in the early planning stage; and
- Cross-agency relationships.

At Forums where matters may require a future decision of Council, Shire Officers are looking for general guidance from Members so that they may research the matter further and finalise their report.

Forums are not open to the public.

People from the community are not to be present unless:

- (a) they are invited to attend at the request of a Shire Officer;
- (b) they are presenting information at the Forum; or
- (c) they have the permission of the Shire President or CEO to be present.

3. Workshop Considerations

Workshops may be convened to discuss specific issues that will provide Members with a better understanding of those issues.

No formal decisions are made at workshops.

Some specific issues brought to council workshops may include:

- Development of Key documents;
- Risk Management Projects Review;
- Annual Budgetary Deliberations and Review.
- Significant revenue-raising requirements or expenditure needs; and
- Development of selection criteria and performance objectives for the CEO.

Members of the public are not to be present at workshops unless invited to attend by the Shire President or the CEO.

At workshops, where issues may require a future decision of Council, Shire Officers are looking for general guidance from Members so that they may make improvements to their reports and relevant attachments.

Any actions or outcomes from workshops is the responsibility of relevant Shire Officers in attendance to make note of.

4. Information Considerations

Information sessions involve Members and Shire Officers attending to listen to information being provided about a particular matter.

These sessions involve opportunities for Members and Shire Officers to ask questions in relation to the information being provided.

Members of the public are not to be present at these sessions unless invited to attend at the request of whomever is presenting the information.

5. Development of Key documents under the Local Government Act

Council has initial discussions through forums or workshops that assist Shire Officers to initiate, amend and undertake review of key documents.

Attendance at forums or workshops allows Members to absorb the context of general information so that the intentions of Shire Officers presenting key documents can be understood and where required, ideas may be gradually developed with the intention of improving the look and the content of key documents.

While there are no decisions made, it is important that the information provided and the developing ideas are documented at briefings, forums, sessions and workshops so that the information may be included as consultation material in any formal report to Council.

5.1 Financial Planning

The Manager Corporate and Community Services has the opportunity at workshops or forums to provide information to Members and Shire Officers in relation to Budget Review matters or Annual Budget deliberation.

Project Briefs may be presented through this process to Members in relation to considering significant revenue-raising requirements or expenditure needs and the development of the Annual Budget and the review of the Annual Report.

5.2 Strategic Planning

Integrated Strategic Planning and Reporting gives local governments a framework for establishing local priorities and to link this information to operational functions.

The CEO and Administration leads the process in the preparation of the strategies after taking into consideration all key inputs and influences.

Workshops provide the opportunity to review the Strategic Community Plan (r.19C) and the Corporate Business plan (r.19DA) in accordance with regulations.

Informing strategies such as long-term financial plans, asset management plans and workforce plans may also be brought to workshops.

5.3 Delegation and Policy Development

The Register of Delegations and any Policies that are reviewed, amended, or developed will be presented to Members and Shire Officers for review as and when required.

6. Protocols and Procedures

Standing Orders Local Law 2008

The *Shire of Toodyay Standing Orders Local Law 2008* will not apply to a Council Forum except for the following provisions:

- 7.15 Adverse Reflection;
- 7.16 Withdrawal of Offensive language;
- 8.1 Presiding Member to preserve order;

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- 10.1 (g) That the ruling of the Presiding Member to be disagreed with;
10.11 Ruling of the Presiding Member to be disagreed with;
16.2 (1) Where Standing Orders do not apply.

For the avoidance of doubt these provisions apply only as a matter of policy and failure to comply with these provisions cannot result in any of the penalties set out in the Local Law.

Presiding Member

The Shire President will chair Council forums. In the absence of the Shire President the Deputy President will chair the forum. In the absence of both the President and the Deputy President, a Member will be appointed to chair the meeting by the Members present.

Disclosure of Interests

Members and Shire Officers will disclose financial or proximity interests and interests affecting impartiality in relation to matters discussed at forums.

Members and Shire Officers disclosing a financial or proximity interest will leave the room while the matter in which they have declared an interest is discussed;

Debate

Debate does not occur and decisions are not made at Council Forums.

Additional Matters

Members may request that matters be included on the Forum and Workshop Agenda, through the Shire President and/or the CEO.

Members may also ask questions, provide feedback, or propose ideas, in relation to other additional matters that may not be on the agenda.

Frequency of Meetings

Council will set the date and time of Council Forums and Workshops when adopting its annual Council and Committee Meetings schedule.

6.1 Conduct

Members and Shire Officers shall adhere to the provisions of the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates in relation to their conduct at all Forums.

6.2 Quorum

A quorum does not apply to Forums however if deemed necessary, the CEO in consultation with the Shire President may reschedule a Forum, Session or Workshop.

6.3 Managing Conflicts of Interest

No Member nor Shire Officer shall raise any matter at a Forum for which they have or may perceive to have a Financial or Proximity Interest.

As a matter of probity and integrity, Members and Shire Officers are required to make disclosures of interest in accordance with s.5.59 to s.5.90 of the Act (Financial and Proximity Interests) and clause 22 of the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates.

It may be noted that this is above or beyond the scope of legislation, however, it is required to ensure a high level of governance and transparency.

Members shall make written disclosures of Interest to the Presiding Member at all Forums.

Where the declaration is Financial, or a Proximity Interest the Member or Shire Officer shall leave the room for the duration of the discussions regarding the item so as not to add to the discussion in any manner and ensure appropriate independence for those Members and Shire Officers remaining.

Reference Information

- Local Government Operational Guideline Council Forums;
- Council Delegates Roles and Responsibilities Policy (GOV12);
- Live Streaming and Recording of Council Meetings Policy (GOV19);
- Risk Management (ADM18) – containing the Risk Matrix tables.
- <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/intergrated-planning-and-reporting>
- <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/intergrated-planning-and-reporting/informing-strategies>

Legislation

Local Government Act 1995

- s.5.20 *Decisions of councils and committees.*
- 5.56. *Planning for the future.*

Local Government (Administration) Regulations 1996

- 19B. *Information to be included in annual report (Act s. 5.53(2)(g) and (i))*
- 19C. *Strategic community plans, requirements for (Act s. 5.56)*

Associated documents

Code of Conduct for Council Members, Committee Members and Candidates

Standing Orders Local Law 2008

Governance Framework

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	27/05/2014	Initial	CEO	Council
V2	14/07/2020	Full revision	CEO	CEO
V3	28/07/2020	Timing of Concept Forums	Council	Council
V4	25/02/2022	Re-drafted	Executive Services	

Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Council Forums
Document ID	GOV10
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Assistant
Date of approval	To be applied.
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied.
Date of last review	July 2020
Date of next review	February 2025
Archived antecedent documents and previous versions	M.5 Policy Adopted at OCM 27 May 2014 (CR127/05/14) M.5 Policy Amended at OCM 28 July 2020 (CR229/07/20)
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Council Forums Policy.docx

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Appointment of Acting CEO

Introduction

This policy is intended to ensure continuity of service by the Chief Executive Officer (CEO) to the Shire of Toodyay in periods of limited absence, in accordance with Section 5.39C(1)(a) and (b) of the *Local Government Act 1995* (the Act).

Objective

To meet the requirements of the following legislative provisions:

- Section 5.36(5A) of the Act requires local governments to propose that the position of CEO be filled by a person in a prescribed class.
- Section 5.36(2)(a) of the Act requires local governments not appoint a person to the position of CEO unless they believe that the person is suitably qualified for the position.
- Section 5.36(3) of the Act states that a local government is not to employ a person in any other position unless the CEO believes the person is suitably qualified for the position and is satisfied with proposed arrangements relating to the persons employment.
- Section 5.44(1) and (5) of the Act statutorily legislates power to a CEO to delegate to any employee of the local government the exercise of any of the CEO's powers or discharge of any of the CEO's duties under the Act other than the power of delegation subject to the person having appropriate qualifications..

Scope

This policy applies to the position of the CEO and will outline the process for the appointment of an Acting CEO to cover periods of personal leave, sick leave, compassionate leave, annual leave and long service leave as well as during periods of unforeseen prolonged absence of the CEO for more than five working days.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008.</i>
Executive Managers	Means the Managers defined as Senior Workers that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i> :

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Term	Definition
	<ul style="list-style-type: none"> • Manager Corporate and Community Services; • Manager Infrastructure and Assets; and • Manager Development and Regulation.
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay.
Shire President	Shire President

Policy Statement

The CEO is required to give a minimum of three weeks' notice to the Shire President and all parties that may be affected by this policy, in respect to applications for annual or long service leave of more than two weeks. A Council resolution is required for periods of leave exceeding two months.

1. Applications for Leave

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Shire President.

2. Appointment of an Acting CEO

Where there are periods of annual leave, long service leave or other periods of extended absence of the CEO, it is appropriate for a person to perform the duties of the CEO to enable the efficient functioning of the local government's administration.

Executive Managers will be appointed to the role of Acting CEO, at the discretion of the CEO, subject to officer performance, and dependent on availability, and operational requirements. Appointment to the role of Acting CEO must be made in writing by the CEO.

Appointment to the role of Acting CEO may be only made by the CEO for periods of leave up to two months. Where the CEO appoints a person to the position of Acting CEO, the CEO is to advise all Members in writing of the appointment, and the period to which the appointment covers.

3. Unexpected absence or Vacancy

In the event that the CEO is required to take unexpected leave, or is otherwise incapacitated, or the position falls unexpectedly vacant, and no appointment has been made, the following line of succession shall apply until Council appoints an Acting CEO:

- Manager Corporate and Community Services;
- Manager Infrastructure and Assets; and

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- Manager Development and Regulation.

Should the Acting CEO, whether appointed by the CEO or otherwise, become incapacitated as well, the Manager who is next in the rotation of appointments as Acting CEO; is appointed as Acting CEO.

Reference Information

- Execution of Documents Policy (ADM22); and
- Risk Management (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995

- s.5.36. Local government employees
- s.5.39C. Policy for temporary employment or appointment of CEO
- s.5.44. CEO may delegate powers and duties to other employees

Associated documents

Application for Leave Form.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	09/06/2021	New Policy Adopted	Executive Services	Council
V2	02/03/2022	Reformatted Policy	Executive Services	

Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Appointment of Acting CEO
Document ID	GOV15
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	22 June 2021 (CRN132/06/21)

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Document control information	
Approving authority	Council
Access restrictions	Nil
Date Published	23 June 2021
Date of last review	22 June 2021 (CRN132/06/21)
Date of next review	February 2025
Archived antecedent documents and previous versions	Previously a Members Policy.
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Appointment of Acting CEO.docx

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Execution of Documents

Introduction

This policy ensures that documents are executed, and the Common Seal is used, in accordance with legislative provisions contained in Division 3 of the *Local Government Act 1995* (the Act).

Objective

To provide guidance to all workers as to who can sign various types of documents representing the Shire of Toodyay (the Shire), including when to apply the Common Seal.

Scope

This policy applies to the Chief Executive Officer (CEO), Shire Officers and Authorised Agents; preparing documents for execution and/or who have been authorised either by a specific resolution of Council, or through the provisions of delegation, to execute documents on behalf of the Shire of Toodyay.

Definitions

Term	Definition
Act	<i>Local Government Act 1995</i> .
Authorised Agent	The Shire's legal advisor(s) or settlement agent(s), as appointed from time to time, who are authorised to the extent described within a written instruction approved by Council to execute documents on behalf of the Shire.
Common Seal	The official stamp of the Shire of Toodyay, confirming the Shire's consent to the provisions contained in the document to which it is affixed.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Delegated Officer	means an Officer of the Shire who has the appropriate delegated authority to execute documents on behalf of the Council.
Document	means, in accordance with the <i>Freedom of Information Act 1992</i> : (a) any record; or (b) any part of a record; or (c) any copy, reproduction or duplicate of a record; or

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Term	Definition
	(d) any part of a copy, reproduction or duplicate of a record. The above includes any written paper or electronic document including Notices, flyers, letters, memorandums and emails that: i. Convey a decision; or ii. Establish an obligation on the Shire; or iii. are ceremonial.
Execute	Doing all that is ready to make the deed, agreement or document operative.
Senior Employee	means an employee designated as a Senior Employee by Council under s.5.37 of the <i>Local Government Act 1995</i> including the CEO and Senior Management Group.
Shire	Shire of Toodyay
Shire Officers	means an employee of the Shire who has the appropriate authorisation to sign a document on behalf of the Shire.
Workers	Employees, contractors and volunteers are now all classed as workers as per the WHS legislation and regulations.

Policy Statement

This Policy covers four categories of documents as outlined below and is supported by Clause 20.1 of the *Shire of Toodyay Standing Orders Local Law 2008* and Authorisation by way of an Instrument of Delegation ES2 – Execution of Documents in the Shire's Register of Delegations.

1. Category One Documents - documents requiring both the CEO and the Shire President to execute

These types of documents will require a specific resolution of Council to enter into an agreement as well as an authority to affix the common seal to that type of document in accordance with s.9.49A(2) of the Act.

The Shire President and CEO will execute documents under the provisions of s.9.49A(3) of the Act.

Documents may be executed by another Shire Officer or an agent of the local government in accordance with s.9.49A(4) provided that there has been authority given by way of a Council Resolution or through an instrument of delegation.

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2. Category Two Documents – documents requiring the CEO only to authorise

Under s.9.49A(4) of the Act Council authorises the CEO, listed in the Instrument of Delegation ES2 Execution of Documents, to sign documents and/or deeds on behalf of the Shire.

Documents may be executed by another Shire Officer or an agent of the local government in accordance with s.9.49A(4) provided that there has been authority given by way of a Council Resolution or through an instrument of delegation .

Category 2 documents can be described as documents arising out of a matter that:

- Requires Council approval;
- Arises out of delegated authority from Council; or
- Are operational in nature and due to its significance should only be signed by the CEO, as a delegated representative of the Shire.

The CEO is permitted, through this policy, to execute documents that:

- Have an unlimited \$ value subject to “Budget constraint;”
- Have a commitment period that is specifically resolved by Council or in any other case, no greater than a seven-year period; and/or
- Moderate or lesser level of financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.

3. Category Three Documents - documents within Delegated Authority

Under s.9.49A(4) of the Act Council authorises Delegated Officers, listed in the Instrument of Delegation ES2 Execution of Documents, to sign documents and/or deeds on behalf of the Shire. These Delegated Officers only have authority where the documents are related to their area of responsibility.

Category 3 documents can be described as documents arising out of a matter that:

- Requires Council approval;
- Arises out of delegated authority from Council; or
- Are operational in nature and due to its significance should only be signed by a Senior Employee as defined in the Act.

The positions of Manager Corporate and Community Services, Manager Infrastructure and Assets and the Manager Development and Regulation are permitted, through this policy, to execute documents that:

- Are to the value of \$250,000 or less;
- Have a commitment no greater than a five-year period; and/or
- Moderate or lesser level of financial risk, legal complexity or political sensitivity.

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4. Category Four Documents - documents operational in nature.

These types of documents will include correspondence relating to day-to-day routine communications or transactions related to the operations of the Shire. They will include documents that are created in the normal course of business to discharge the duties of an Officer's position in a manner consistent with Shire policies and procedures.

Category 4 documents do not require specific authorisation through Council as they are subject of s.5.41(d) of the Act which provides that it is the function of the CEO to manage the day-to-day operations of the Shire. Shire Officers undertake such duties "acting through" another person, in accordance with s.5.45 of the Act.

Category 4 documents are to be executed by the CEO, a Manager, or a Shire Officer where the authority and accountability has been extended through an authorisation, policy, procedure, or a position description.

It is therefore important to have a good knowledge of the documents that relate to the team that is responsible for the document.

Shire Officers, with the relevant authority are permitted, through this policy, to execute documents that:

- Are to the value of \$50,000 per annum or less;
- Have a commitment no greater than a two-year period; and/or
- Minor or lesser level of financial risk, legal complexity or political sensitivity.

5. Signing documents (other than by Common Seal) during temporary or unplanned absence of the CEO

A temporary, unplanned absence refers to the CEO being unable to carry out the duties as described in this policy due to but not limited to:

- Delayed travel arrangements;
- Incapacitation due to accident or illness; and
- Personal reasons.

If the temporary, unplanned absence is not expected to exceed 48 hours, the appointment of an Acting CEO via a line of succession shall be in accordance with Appointment of Acting or Temporary CEO Council Policy.

Where:

- The CEO is temporarily unavailable or incapacitated to execute documents requiring the CEO's signature; and
- An Acting CEO has not been appointed by Council

The Shire's Senior Managers are authorised to execute documents that the CEO is authorised to sign where it is predicted that delaying the execution of a document would have financial or legislative repercussions for the Shire.

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6. Consequences

This policy represents the formal policy and expected standards of the Shire. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected Members and Shire officers are reminded of their obligations under Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Shire.

7. Execution Clause

The correct execution clause for Shire of Toodyay documents is below. Officers must ensure the document being executed contains the correct execution clause.

(a) Executed as an Agreement (Council Resolution)

THE COMMON SEAL OF THE)
 SHIRE OF TOODYAY WAS)
 HEREUNTO AFFIXED BY)
 AUTHORITY OF COUNCIL)
 AND IN THE PRESENCE OF:)

 Shire President

 Chief Executive Officer

 Name of Shire President
 (PLEASE PRINT)

 Name of Chief Executive Officer
 (PLEASE PRINT)

 Date

 Date

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(b) Executed as an agreement (non-Council resolution)

THE COMMON SEAL OF THE)
SHIRE OF TOODYAY WAS)
HEREUNTO AFFIXED IN THE)
PRESENCE OF:)

CEO

Shire President

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8. Roles and Responsibilities & Documents Table

The roles and responsibilities of the Shire President, CEO, Senior Managers and Shire Officers with respect to the execution of documents are outlined in the table below.

It is the responsibility of the executing parties to ensure they fully understand what they are executing on behalf of the Shire and any queries are addressed before this process is completed.

On the occasions where a Common Seal is required of the Shire, it is the responsibility of all executing parties to ensure that the Common Seal Register is updated and the Shire is notified of its application as part of the Council Information Bulletin.

Relevant Council Policies ought to be referred to as consideration must be given to the potential risks exposed to the Shire of Toodyay when executing a document. This includes the potential financial, service commitments, service interruption, environmental, reputation and compliance implications.

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Adoption, Amendment or Repeal of a local law	1	✓	✓	✓	✓
Any document where the Common Seal is requested by other party or legally required	1	✓	✓	x	x
Deeds in respect to sale, or purchase relating to property including equitable interests	1	✓	✓	x	x
Documents of a ceremonial nature (where affixing the common seal is for posterity rather than a legal requirement).	1	✓	✓	x	x

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<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Documents that enable compliance with a local government statutory obligation which, if not signed, constitutes a possible risk to the Shire.	1	✓	✓	✓	✓
Easements and the surrender or modification of easements.	1	✓	✓	✓	✓
Offer and Acceptance forms and associated documents required to enact a decision of Council to purchase or to sell land. <i>This does not include mortgage and Transfer of Land documents.</i>	1	✓	✓	x	x
Other legally binding contracts outside of the normal course of business (e.g. confidentiality, indemnity, licensing, novation and sponsorship agreements)	1	✓	✓	✓	✓
Power of Attorney to act for the Shire	1	✓	✓	x	x
Communication on behalf of the Shire, relevant to the day-to-day operations of the Shire which are the subject of a level of political sensitivity or potential risk to the Shire.	2	x	✓	x	x
Memorandum of Understanding	2	✓	✓	✓	✓

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Other documentation not listed in the Appendix Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Authority to sign documents on behalf of the Shire: <ul style="list-style-type: none"> • That are within the scope of an Officer's position description; or • That has been extended through a Council decision; • That has been extended through an authorised officer appointment; • That has been extended through delegated authority or policy. 	3	x	✓	✓	✓
Commercial Leases / Peppercorns (including assignment of, extensions, renewals, variations, sub-leases and surrender)	3	✓	✓	✓	✓
Communications on behalf of the Shire: <ul style="list-style-type: none"> • To Commonwealth or government ministers; • To Commonwealth or government department heads; • To Industry representative bodies; • Concerning day-to-day operations that are politically sensitive or a potential risk to the Shire. 	3	✓	✓	✓	✓

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Community & User Agreement Licenses or Lease / Peppercorns (including assignment of, extensions, renewals, variations, sub-leases, and surrender)	3	✓	✓	✓	✓
Contract documents arising from tenders	3	x	✓	✓	✓
Deeds of Settlement – employee matters	3	x	✓	✓	✓
Documents arising out of instances that require Officers to enact a decision of Council or the Development Assessment Panel	3	✓	✓	✓	✓
Documents related to approvals for Subdivision, Survey Strata, Strata Title or Development Approvals or provisions of a Structure Plan, Activity Centre Plan or Local Development Plan	3	✓	✓	✓	✓
Documents required to enact a decision made under delegated authority or as a condition or approval given under delegated authority	3	✓	✓	✓	✓
Employment Contracts (Managers – casual contracts only)	3	✓	✓	✓	✓
Enterprise Bargaining Agreements	3	x	✓	✓	✓

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Other documentation not listed in the Appendix Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
<p>Land Transaction documents where the Shire is required to sign as a landowner. This includes but is not limited to:</p> <ul style="list-style-type: none"> • Landgate documents and/or deeds including lodgement, removal, withdrawn, surrender/cancel or modification of documents such as: <ul style="list-style-type: none"> ➢ Notifications in accordance with section 70A of the Transfer of Land Act 1893; ➢ Covenants, easements and caveats under the Transfer of Land Act 1893; ➢ Reciprocal easements and/or parking agreements; ➢ Rights of carriageway agreements; ➢ Amalgamations ➢ Easements or deeds of easement under the Land Administration Act 1997 and/or Strata Titles Act 1985. • Documents and/or deeds required in the management of land as a landowner or where the land is a reserve vested to the Shire; and • Deeds of Agreement and Release in respect to sale or purchase relating to Shire land including equitable interests. 	3	✓	✓	✓	✓

<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Licences to occupy land or premises	3	✓	✓	✓	✓
Local Planning Scheme and any Planning Scheme Amendments	3	x	✓	✓	✓
Management statements and withdrawal or variation of management statements	3	x	✓	✓	✓
Mortgages, loans and debenture documents for loans which Council has resolved to raise	3	x	✓	✓	✓
Other statements of intent and terms and conditions such as: <ul style="list-style-type: none"> • Letters of employment for casual employees; • Hire agreements for Shire Facilities; or • Higher duties for positions. 	3	x	✓	✓	✓
Prosecution notices and court documents	3	x	✓	✓	✓
Regular hire arrangements	3	✓	✓	✓	✓
Residential tenancy leases	3	✓	✓	✓	✓

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<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Service agreements / Contract as a result of procurement process (above Manager delegation)	3	x	✓	✓	✓
State, Commonwealth or other funding agreements (within delegation)	3	✓	✓	✓	✓
When a responsible officer has a specific role such as applying for and organising receipt of grants, and which required them to sign documents relevant to the grant.	3	x	✓	✓	✓
When a responsible officer is authorised by relevant laws or is delegated authority by Council to issue notices and infringements.	3	x	✓	✓	✓
Agreements in the normal course of business for the purchase of goods or services identified within the department's budget (other than for tenders) and conforming to the requirements for the Shire's Purchasing Policy and other relevant policies.	4	x	✓	✓	✓
Any type of legally binding contract, instrument or service agreement binding the organisation to some form of commitment	4	x	✓	✓	✓

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<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Documents arising out of any matter in which delegated authority has been exercised	4	✓	✓	✓	✓
Documents to authorise funding allocations for various community groups.	4	x	✓	✓	✓
Documents which arise out of the general operation of a department directorate and/or a matter an Officer of a directorate has the authority to deal with	4	✓	✓	✓	✓
Goods and/or Service agreements / Contracts as a result of procurement process (where total consideration is within delegation).	4	x	✓	✓	✓
Grants applications and Grant funding agreements	4	x	✓	✓	✓
Heritage agreements	4	x	✓	✓	✓
Letters, correspondence and other documents that reflect an operational or procedural action required in the ordinary course of business.	4	x	✓	✓	✓

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<i>Other documentation not listed in the Appendix</i> Liaise with your Manager or Compliance Officer for advice		Signatures Required			
Document	Document Category	Shire President	CEO	Senior Employee / Manager	Authorised Shire Officers
Licences	4	✓	✓	✓	✓
Lodgement, modification and withdrawal of caveats	4	x	✓	✓	✓
Lodgement, registration, modification, transfer and/or withdrawal of memorials	4	x	✓	✓	✓
Notifications on title and withdrawal or variation of same	4	x	✓	✓	✓
Outgoing general correspondence for a departmental team	4	x	✓	✓	✓
Reciprocal access agreements and withdrawal or variation of reciprocal access agreements	4	x	✓	✓	✓
Restrictive Covenants – under s.129B of the Transfer of Land Act 1893 and any discharge or variation of covenants	4	x	✓	✓	✓
Rights of carriageway agreements and withdrawal or variation of rights and carriageway agreements	4	x	✓	✓	✓

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Reference Information

The following Council Policies ought to be referred to as consideration must be given to the potential risks exposed to the Shire of Toodyay when executing a document. This includes the potential financial, service commitments, service interruption, environmental, reputation and compliance implications.

- All Purchasing Policies;
- Risk Management (ADM18) – containing the Risk Matrix tables;
- Internal Control (ADM19);
- Legislative Compliance (ADM20);
- Appointment of Acting or Temporary CEO (GOV15).

Legislation

Local Government Act 1995

- s.5.41 functions of CEO.
- s.5.45 Other matters relevant to delegations under Division 4 (local government employees).
- s.9.49A (1) document executed by person under an authority is permitted to do so by this authorisation.
- s.9.49 'documents, how authenticated'

Local Government (Functions and General) Regulations 1996

- r.34 Common seal, unauthorised use of

Interpretation Act 1984

- Terms used in written laws - **sign** includes the affixing or making of a seal, mark or thumbprint;

Associated documents

Instrument of Delegation: ES2 Execution of Documents contained in the Shire of Toodyay Register of Delegations.

Shire of Toodyay Local Law (Standing Orders) 2008.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	21/02/2022	Draft	Executive Services	

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Document control information	
Document Theme	Governance
Document Category	Administration
Document Title	Execution of Documents
Document ID	ADM22
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	Not applicable
Date of next review	February 2025
Archived antecedent documents and previous versions	Not applicable
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Execution of Documents.docx

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Legal Representation Costs Indemnification

Introduction

This policy is designed to protect the interests of Elected Member and Shire Officers (including past Members and former Shire Officers) where they become involved in legal proceedings due to their official functions.

s.9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything an Elected Member or Shire Officer has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law.

s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

s.6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a Council can expend funds to provide legal representation for Members and Shire Officers, as long as it believes that the expenditure falls within the scope of the local government's function.

Objective

To provide transparency where Council makes a determination as to whether assistance will be given to Members or Shire Officers with legal costs and other liabilities.

The Shire's approval to pay legal representation costs incurred by an individual Councillor or Shire Officer will rely on the determination that it is reasonably concluded that the expenditure provides for the good governance of the district.

This policy does not apply to legal advice and representation that is obtained by the Shire in the normal course of fulfilling the functions and exercising the powers of a local government.

Scope

This policy applies to Council and the Shire; providing guidelines regarding any financial assistance that may be provided by Council or the Shire in making determinations as to whether assistance will be provided to Members and/or Shire Officers for legal representation, including costs and other liabilities.

This policy will:

- clarify what issues Council will offer financial assistance for; and
- ensure that all requests for financial assistance are treated equitably.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>

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Term	Definition
approved lawyer	<ol style="list-style-type: none"> 1. a 'certified practitioner' under the Professions Act 2008; 2. approved in writing by the Council or the CEO under delegated authority.
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Executive Manager	<p>Means the Managers defined as Senior Workers that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i>:</p> <ul style="list-style-type: none"> • Manager Corporate and Community Services; • Manager Infrastructure and Assets; and • Manager Development and Regulation.
legal proceedings	May be civil, criminal or investigative.
legal representation	<p>the provision of legal services, to or on behalf of a Member or Shire Officer, by an approved lawyer that are in respect of:</p> <ol style="list-style-type: none"> 1. a matter or matters arising from the performance of the functions of the Member or Shire Officer; and 2. legal proceedings involving the Member or Shire Officer that have been, or may be, commenced.
legal representation costs	the costs, including fees and disbursements, properly incurred in providing legal representation.
legal services	includes advice, representation or documentation that is provided by an approved lawyer.
Member	means a current or former Council Member in the Act; Elected Member; or Councillor. In respect to this policy it also means a non-elected member of a council committee.
Payment of Costs	Means payments by the Shire of legal representation costs either by a direct payment to the approved lawyer (or the relevant firm) or a reimbursement to the Member or Shire Officer.
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay

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Term	Definition
Shire Officer	means a current or former Employee of the Shire.
Shire President	Shire President

Policy Statement

Council shall ensure adequate resources are allocated annually in the Shire's Annual Budget to provide legal representation and costs indemnification to assist a Member or Shire Officer in meeting reasonable expenses and any liabilities incurred in relation to legal proceedings subject to the following:

1. Payment Criteria

There are four major criteria for Council determining whether the Shire will pay the legal representation costs of a Member or Shire Officer as follows:

- (i) the legal representation costs must relate to a matter that arises from the performance, by the Member or Shire Officer, of his or her functions;
- (ii) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;
- (iii) in performing their functions, to which the legal representation relates, the Member or Shire Officer must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- (iv) the legal representation costs do not relate to a matter that is of a personal or private nature.

2. Examples of legal representation costs that may be approved

If the criteria in Clause 1 of this Policy is satisfied the Shire may approve the payment of legal representation costs:

- (i) where proceedings are brought against a Member or Shire Officer in connection with his or her functions - for example:
 - an action for defamation or negligence arising out of a decision made or action taken by the Member or Shire Officer; or
 - where a Member or Shire Officer seeks a restraining order against a person using threatening behaviour); or
 - where a decision of Council or a Shire Officer has aggrieved another person (e.g. refusing a development application); or
 - where the conduct of a Member or Shire Officer in carrying out his or her functions is considered detrimental to the person (e.g. defending defamation actions).
- (ii) to enable proceedings to be commenced and/or maintained by a Member or Shire Officer to permit them to carry out their functions. For example, where a Member or Shire Officer seeks to take action to obtain a restraining order against a person using threatening behaviour to the Member or Shire Officer; or

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- (iii) where exceptional circumstances are involved - for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about Members or Shire Officers.

Council, nor the Shire, will approve the payment of legal representation costs for a defamation action; or a negligence action; instituted by a Member or Shire Officer, unless under exceptional circumstances.

3. Application for Payment

A Member or Shire Officer who seeks assistance under this policy is to make an application, in writing, to Council or the CEO.

3.1 Written Application

The written application for payment of legal representation costs is to give details of:

- (i) the matter for which legal representation is sought;
- (ii) how that matter relates to the functions of the Member or Shire Officer making the application;
- (iii) the lawyer (or law firm) who is to be asked to provide the legal representation;
- (iv) the nature of legal representation to be sought, including (but not limited to): advice; representation in court; preparation of a document; et cetera;
- (v) an estimated cost of the legal representation; and
- (vi) why it is in the interests of the Shire for payment to be made.

A Member or Shire Officer requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Act.

3.2 Declaration by Applicant

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible, the application is to be made before commencement of the legal representation to which the application relates.

3.3 Signed Written Statement

The application is to be accompanied by a signed written statement by the applicant that he or she:

- (i) has read, and understands, the terms of this policy;
- (ii) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 of this policy and any other conditions to which the approval is subject; and
- (iii) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7 of this policy.

3.4 Agreement

In relation to clause 3.3(iii), when a person is to be in receipt of such monies the person should sign a document which requires repayment of those monies to the local government as may be required by the local government and the terms of the policy.

3.5 Preparation of Council Report

An application is to be accompanied by a report prepared by the CEO or, where the CEO is the applicant, by an appropriate Executive Manager.

4. Legal representation costs – limit

Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

A Member or Shire Officer may make a further application to Council in respect of the same matter.

5. Council's powers

Council may:

- (i) refuse;
- (ii) grant; or
- (iii) grant subject to conditions,

an application for payment of legal representation costs.

The above conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

5.1 Assessment of Application

In assessing an application, Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Members or the Shire Officer's insurance policy or its equivalent.

5.2 Revoking or Varying an Approval

Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs, subject to Part 15 'Revoking or Changing Decisions' of the *Shire of Toodyay Standing Orders Local Law 2008*.

5.3 Determination

Council may, subject to clause 5.4, determine that a Member or Shire Officer whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

- (i) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct;
- (ii) or given false or misleading information in respect of the application.

5.4 Conditions

A determination under clause 5.3 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.5 Legal Representation Costs

Where the Council makes a determination under clause 5.3, the legal representation costs paid by the Shire are to be repaid by the Member or Shire Officer in accordance with clause 7.

6. Delegation to Chief Executive Officer

Where there is a need for the provision of urgent legal services before an application can be considered by Council; e.g. in cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of Council, any of the powers of the Council under clause 5, 5.1 and 5.3, to a maximum of \$10,000 in respect of each application provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Act.

An application approved by the CEO under clause 5 is to be submitted to the next Ordinary Council Meeting. Council may exercise any of its powers under this policy, including its powers under clause 5.2.

7. Repayment of legal representation costs

A Member or Shire Officer whose legal representation costs have been paid by the Shire is to repay the Shire:

- (i) all or part of those costs - in accordance with a determination by the council under clause 5.5;
- (ii) as much of those costs as are available to be paid by way of set-off - where the Member or Shire Officer receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.

The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

Reference Information

- Local Government Operational Guideline;
- Local Government Payments and Gifts to Members (GOV8);
- Compliance and Enforcement Policy (GOV1);
- Execution of Documents Policy (ADM22);
- Council Delegates Roles and Responsibilities Policy (GOV12); and
- Risk Management (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995

- s.2.7 Role of Council;

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- s.5.99A. Allowances for council members in lieu of reimbursement of expenses;
- s.5.100A. Gifts to council members.

Local Government (Administration) Regulations 1996 (Part 8 local government payments and gifts to members)

- r.31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3));
- r.35. Training for council members (Act s. 5.126(1)).

Local Government (Financial Management) Regulations 1996

- r.5 CEO's duties as to financial management;
- r.12 Payments from municipal fund or trust fund, restrictions on making;
- r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

Associated documents

Expense Reimbursement Form.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V2	23/06/2020	Amended (CRN209/06/20)	Council	Council
V3	02/03/2022	Reviewed	Executive Services	

Document control information	
Document Theme	Governance
Document Category	Administration
Document Title	Legal Representation Costs Indemnification
Document ID	ADM4
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil

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Document control information	
Date Published	To be applied
Date of last review	23 June 2020
Date of next review	February 2025
Archived antecedent documents and previous versions	Policy A.4 - 23 Nov 2000 (Review) Policy A.4 - 24 Nov 2005 OCM (Review) Policy A.4 - 23 June 2020 OCM (CRN 209/06/20)
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Legal Representation Costs Indemnification.docx

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Complaints of alleged breach of the Code of Conduct for Members, Committee Members and Candidates

Introduction

This policy is made in accordance with s.105 (*Division 9 Conduct*) of the *Local Government Act 1995* (the Act) and Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations).

Objective

To outline the Shire of Toodyay's approach regarding the management of complaints of alleged breaches of the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

Scope

This policy applies to Members, Committee Members and Candidates.

Complaints that are inappropriate under this policy are:

- (a) Complaints made with the intent of addressing personal grievances or disagreements;
- (b) Complaints made to express dissatisfaction with a Member, or Committee Member's, lawfully made decisions or performance of their role;
- (c) Complaints made where behaviour occurred at a Council or Committee Meeting and the behaviour was dealt with at that meeting;
- (d) Minor breach matters of Members, Committee Members or Candidates;
- (e) Serious breach matters of Members or Committee Members; or
- (f) Allegations of Minor Misconduct.

Definitions

Term	Definition
Act	Local Government Act 1995.
breach	means a minor breach; or a serious breach (as defined below).
Candidate	an individual is considered a candidate once their nomination for election is accepted, by a Returning Officer, under s.4.49 of the Act. The Code of Conduct applies to the individual from that point. Any alleged breach of the Code of Conduct may only be addressed if and when the individual is elected as a council member.

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***** This Document is not controlled once it has been printed *****

Term	Definition
CEO	Chief Executive Officer
Code	Code of Conduct for Council Members, Committee Members and Candidates under Division 9 of the Act that guides the decisions, actions and behaviours of Council Members, Committee Members and Candidates.
Committee member	under the Regulations, a 'committee member' includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.
Complaint	means a complaint made under clause 11(1) of the Code of Conduct.
Complaint Form	The Shire's approved Complaint About Alleged Breach Form, as a form to be used when making a complaint through this policy.
Complaints Officer	means the person who is the complaints officer under section 5.120 for the local government concerned;
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the Local Government Act 1995 and under the Shire's Standing Orders Local Law 2008.
Evidence	references to 'evidence' in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Code has occurred.
Investigator	is a suitably qualified person or organisation appointed by the Chief Executive Officer to review and consider complaints.
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Minor Breach	has the meaning given in section 5.105(1), and it includes a recurrent breach;
Minor misconduct	Allegations of Corruption, Crime or Misconduct (s.4(d) of the <i>Corruption, Crime and Misconduct Act 2003</i>)

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Term	Definition
Model Code	means the model code of conduct prescribed for the purposes of section 5.103(1);
Other Terms Used	Other terms used in this policy that are also used in the Act have the same meaning as they have in the Act unless the contrary intention appears.
Party	when used in connection with a complaint, means — (a) the person who made the complaint; or (b) the person against whom the complaint was made.
Primary Standards Panel	means the standards panel established under section 5.122(1);
Recurrent Breach	has the meaning given in section 5.105(2);
Regulations	Local Government (Model Code of Conduct) Regulations 2021
Rule Of Conduct	means a provision of the model code that is specified in the model code to be a rule of conduct;
Serious Breach	has the meaning given in section 5.105(3);
Shire	the Shire of Toodyay.
Shire President	Shire President
Standards Panel	means a standards panel established under section 5.122(1) or (2).
Suitably Qualified:	an independent person or organisation with demonstrated previous experience and expertise in investigating and reviewing complaints and/or legislative breaches.

Policy Statement

This policy is limited to complaints about breaches of Division 3 of the Shire's Code. A person may make a complaint, in accordance with the Code, alleging a breach of a requirement set out in Division 3 of the Code.

1. Cost of Complaints Process

No fee will be charged to lodge a complaint under this policy.

An Investigator will charge the Shire a fee to cover the costs of dealing with a complaint. This fee is charged for each complaint, whether or not a breach is found.

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Council shall ensure adequate resources are allocated annually in the Shire's Annual Budget to provide for the Complaints Officer of the Shire to engage Investigators to deal with a complaint.

2. Complaint Process

2.1 Complaint initiated

Any person may make a complaint alleging a breach of Division 3 of the Code as follows:

- (i) A complaint must be made in writing using the Shire's Complaint Form;
- (ii) The complainant lodges the Complaint Form together with supporting evidence for the complaint with the Shire's Complaints Officer;
- (iii) The complainant must provide details in their complaint with supporting information and evidence;
- (iv) The alleged complaint must be lodged within 1 month of the occurrence of the alleged breach;
- (v) Complaints must be submitted by the person making a complaint;
- (vi) Complaints cannot be submitted anonymously;
- (vii) The complainant must provide contact details (address or email).

2.2 Complaint received

The Complaints Officer will, within fifteen working days:

- (i) Contact the complainant acknowledging that the complaint has been received;
- (ii) as part of the acknowledgment process, provide the complainant with a copy of the Shire's Complaints of alleged breach of the Code;
- (iii) provide the Member who is the subject of the complaint with a copy of the complaint form and the Shire's Complaints of alleged breach of the Code, including the name of the complainant; and
- (iv) send the Complaint with supporting evidence to the investigator.

2.3 Complaints addressed

Complaints will be addressed and considered based on the order in which they are received. Complaints relating to Candidates will only be addressed if and when the individual is elected as a Member.

2.4 Appointment of Investigator

The Shire's Complaints Officer must appoint an independent investigator to review complaints.

2.5 Mediation

An Investigator will offer mediation to both parties as the first option before progressing with the complaint. If issues raised in the complaint are resolved to

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the satisfaction of both parties, the complainant must lodge a withdrawal of complaint in writing to the Complaints Officer.

3. Investigator making a Finding

Before making a finding in relation to a complaint, the investigator must provide the Member who is the subject of the complaint with an opportunity to respond to the allegations in the complaint and an opportunity to provide their own comments and evidence for consideration within ten working days of the notification of the complaint.

After reviewing a complaint, the investigator, must make a finding as to whether the alleged breach of the Code has or has not occurred.

3.1 Report on Findings

The Investigator must provide details of their assessment to the Complaints Officer within twenty working days from the receipt of a complaint form from the Complaints Officer.

Should the Investigator make a finding on the alleged breach of the Code, they must inform the Complaints Officer by providing the reasons for the finding and outcome in their written report.

A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

Should the Investigator make a finding on the alleged breach of the Code, the Investigator must, within their report, include a recommendation if further action is required and if that is the case, prepare an action plan to address the behaviour of the person to whom the complaint relates.

The Investigator may also recommend to Council that the complaint be dismissed in accordance with clause 11 of the *Local Government (Model Code of Conduct) Regulations 2021*.

3.2 Action Plans

When preparing an action plan the Investigator must consult with the person about whom the complaint was made.

The Member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.

The action plan may include a requirement for the person about whom the complaint was made to do one or more of the following:

- i. engage in mediation;
- ii. undertake counselling;
- iii. undertake training; or
- iv. take other action the local government considers appropriate.

An action plan should be designed to provide Members, Committee Members, or Candidates, with the opportunity and support to demonstrate the professional and ethical behaviour expected.

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The plan should outline:

- i. the behaviour(s) of concern;
- ii. the actions to be taken to address the behaviour(s);
- iii. who is responsible for the actions; and
- iv. an agreed timeframe for the actions to be completed.

4. Withdrawing a complaint

A complainant may withdraw their complaint at any time before Council considers it. The withdrawal of a complaint must be in writing and addressed to the Complaints Officer.

5. Informing Council

The Complaints Officer is responsible for informing Council.

If Council are required to make a decision in regard to the complaint, the Complaints Officer will submit to Council, a confidential report that includes information received from the Investigator.

The recommendation in the report would ask Council to:

- i. dismiss a complaint; or
- ii. decide that the alleged breach has not occurred; or
- iii. decide that the alleged breach has occurred and resolve to adopt an action plan.

6. Written Notice

The Complaints Officer must give the complainant, and the person about whom the complaint was made a written notice of the finding and the reasons for the finding and a copy of Council's decision including any reasons for the decision that were not part of the Council report.

7. Confidentiality

It is an offence for a person to disclose that a complaint has been made and/or any details of a complaint unless Council have made a formal finding of a breach in respect of the complaint.

8. Follow up and Further Action

The Complaints Officer is responsible for monitoring the actions and timeframes set out in the action plan adopted by Council.

Where a Member, Committee Member or Candidate does not undertake the actions required by the Council following a breach of the Code, they would be breaking the rule of conduct, which is considered a minor breach, as defined in the Act.

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Reference Information

- Legal Representation and Costs Indemnification (ADM4);
- Shire of Toodyay Customer Service Charter;
- Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates;
- Council Delegates Roles and Responsibilities Policy (GOV12); and
- Risk Management (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995 (Division 9 Conduct).

Local Government (Model Code of Conduct) Regulations 2021.

Local Government (Administration) Regulations 1996 [Part 4A — Codes of conduct for local government employees (Act s. 5.51A(4))].

Associated documents

Complaint About Alleged Breach Form (Appendix 1).

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	16/04/2021	Adopted	CEO	Council
V2	04/03/2022	Amended and formatted	Executive Services	

Document control information	
Document Theme	Governance
Document Category	Members
Document Title	Complaints of alleged breach of Code of Conduct for Members, Committee Members and Candidates
Document ID	GOV4
Document Owner (position title)	Chief Executive Officer

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Draft V2 – AMENDED Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates

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Document control information	
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	27 April 2021
Date of next review	February 2025
Archived antecedent documents and previous versions	Adopted 27 April 2021 OCM
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Complaints of Alleged Breach of the Code of Conduct.docx

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Complaint About Alleged Breach Form -

Code of conduct for Council Members, Committee Members and Candidates

Schedule 1, Division 3 of the Local Government (Model Code of Conduct) Regulations 2021

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made in accordance with Council's Policy Complaints of Alleged Breach of Code of Conduct for Members and Candidates.

Name of person who is making the complaint:	
Name:	_____
	Given Name(s) Family Name
Contact details of person making the complaint:	
Address:	_____
Email:	_____
Contact Number:	_____
Name of council member, committee member, or candidate alleged to have committed the breach:	
Name:	_____
	Given Name(s) Family Name
Completed and signed complaint form is to be forwarded to:	
Post:	Complaints Officer, Shire of Toodyay PO Box 96 Toodyay WA 6566
Email:	Attention: Complaints Officer - records@toodyay.wa.gov.au
By Hand:	Shire of Toodyay, Admin Centre, 15 Fiennes St, Toodyay WA 6566

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Draft V2 – AMENDED Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates

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Legislative Compliance

Introduction

This policy ensures that Council:

- defined as a prescribed public authority under the *Criminal Procedure Act 2004*;
- defined as a public authority under the *Financial Management Act 2006*; and
- defined as an enforcement agency and a public authority under the *Public Health Act 2016*;

Will, in performance of its role, ensure that the Shire of Toodyay (the Shire) complies with provisions contained in legislation, including Prescribed Acts and subsidiary legislation; supported by operational policies, procedures and processes.

Objective

Council and the Shire are committed to ensuring that Members, Shire Officers and other workers are informed and conscious of the four key improvement areas within the Integrity Strategy published by the Public Sector Commission; promoting integrity and ethics to help prevent misconduct and corruption.

Members, Shire Officers, and other workers fulfilling their obligations to the Shire through their roles must ensure compliance with all legislation applicable to local government.

Scope

This policy applies to all Members, Shire Officers, and Workers who work for the Shire.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008.</i>
DPLH	Department of Planning, Lands and Heritage
Executive Managers	Means the Managers defined as Senior Workers that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> • Manager Corporate and Community Services;

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Term	Definition
	<ul style="list-style-type: none"> • Manager Infrastructure and Assets; and • Manager Development and Regulation.
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
OAG	Office of the Auditor General
PSC	Public Sector Commission
Regulations	Local Government (Administration) Regulations 1996.
Shire	the Shire of Toodyay.
Shire Officer	Employee of the Local Government. May also be referred to as Worker in accordance with WHS legislation.
Shire President	Shire President
WALGA	Western Australian Local Government Association
WHS legislation	Work Health and Safety Act 2020; Work (Health and Safety) General Regulations 2022
Workers	Means Employees, contractors and volunteers as per the WHS legislation.

Policy Statement

The Shire will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Shire. These processes and structures will aim to:

1. Develop and maintain a system for identifying the legislation that applies to the Shire's activities;
2. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented;
3. Provide training and resources for Members, Shire Officers and Workers whose roles are affected by the impact of relevant legislative provisions to identify and remain up to date with new legislation;
4. Review accidents, incidents and other situations where there may have been non-compliance; and
5. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

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1. Reporting

The Public Sector Commission requires Local Governments to:

- Equal Employment Opportunity annual collection (March/April each year)
The information is collected to assist entities and the Director of Equal Opportunity in Public Employment (DEOPE) fulfil reporting obligations under Part IX of the *Equal Opportunity Act 1984*.
- Integrity and conduct annual collection (June/July each year)
The information is collected to assist the Commissioner fulfil annual reporting obligations under the *Public Sector Management Act 1994*, *Public Interest Disclosure Act 2003* (PID Act) and the *Corruption, Crime and Misconduct Act 2003* (CCM Act). Responses also assist principal executive officers to meet their obligation to report annually to the Public Sector Commissioner under section 23 of the PID Act.

The *Local Government Act 1995* enables Western Australian local governments to make local laws considered necessary for the good government of their districts.

Legislation requires local governments to carry out a compliance audit against the requirements of the compliance audit return for the period 1 January to 31 December each year in accordance with r.14 of the *Local Government (Audit) Regulations 1996*. The audit is submitted to the Department Local Government, Sport and Cultural Industries (DLGSC) who monitor and provide advice to assist local governments.

Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires the CEO of a local government to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control, and legislative compliance not less than once in every 3 financial years. The CEO is also required to report to the Audit and Risk Committee the results of that review.

2. Responsibilities

The Shire shall have systems in place to ensure that Members, Shire Officers and Workers are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their role, within its financial capacity to do so.

Members, Shire Officers and Workers are also to have the onus of being aware of, and abide by, legislation applicable to their role; ensuring that, irrespective of legislative amendments, that they comply with the objectives of this policy.

Executive Managers shall ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified.

3. Advice - Legislative Provisions

The Shire will obtain advice on matters of legislation and compliance where necessary.

Contact can be made with the DLGSC; WALGA; the DPLH; the OAG; the PSC; or any other relevant government department for advice.

4. Non-compliance

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When a Member becomes aware of non-compliance they shall report matters to the Shire President, who will determine the appropriate response and liaise with the CEO regarding the matter.

Where a Shire Officer or Worker becomes aware of non-compliance they shall report matters to their immediate Executive Manager, who will determine the appropriate response and report the matter to the CEO.

The CEO may investigate any reports of significant non-compliance and report to Council and/or the relevant government authority, if required.

Corrective action will be taken through the implementation and improvement of operational procedures and processes, including training.

Reference Information

- Local Government Compliance Framework (DLGSC) - <https://www.dlgsc.wa.gov.au/local-government/local-governments/compliance-and-governance/local-government-compliance-framework>
- Australian Standard on Compliance Programs (AS 3806-2006) - <https://assets.hcca-info.org/Portals/0/PDFs/Resources/library/AustralianStandards.pdf>.

Legislation

Local Government Act 1995

- Division 2 – Legislative Functions;
- Division 3 – Executive Functions of local governments;
- Division 4 – Local Government Employees.

Local Government (Audit) Regulations 1996

- 9A. CEO to provide documents to Auditor General carrying out financial audit;
- 13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i));
- 14. Compliance audits by local governments;
- 17. CEO to review certain systems and procedures;
- 15. Certified copy of compliance audit return and other documents to be given to Departmental CEO.

Associated documents

Register of Delegations.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	25/11/14	Policy Adopted	Executive Services	Council
V2	07/04/2022	Revised Policy	Executive Services	

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***** This Document is not controlled once it has been printed *****

Document control information	
Document Theme	Governance
Document Category	Administration
Document Title	Legislative Compliance
Document ID	ADM20
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	25 November 2014 (Res. No. 344/11/14)
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	25 November 2014 (CRN. 344/11/14)
Date of next review	February 2025
Archived antecedent documents and previous versions	Administration Policy.
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\15 Legislative Compliance.docx

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Compliance and Enforcement

Introduction

This policy ensures that the Shire follows a consistent approach to any compliance and enforcement actions undertaken in accordance with the *Criminal Procedure Act 2004*.

Objective

The Shire has a duty to investigate compliance issues and an obligation to enforce the requirements of legislation, including fulfilment of its responsibilities under Prescribed Acts, Regulations and the Shire's local laws.

The Shire will ensure that where any compliance or enforcement actions are undertaken the principles of transparency, procedural fairness and natural justice will apply.

Scope

This policy applies to any Shire Officers who have responsibilities under delegated authority for ensuring compliance on behalf of the Shire of Toodyay.

Definitions

Term	Definition
Act	<i>Local Government Act 1995</i> .
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Member	means in relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Natural justice	The principles of natural justice should be free from bias and parties should be given fair opportunity to be heard and all the reasons and decision taken by the court should be informed by the court to the respective parties.
Prescribed Act	Means an Act that is prescribed by the regulations made under the <i>Criminal Procedure Act 2004</i> .
Prescribed Offences	Means an offence prescribed under section 5(1) of the <i>Criminal Procedure Act 2004</i> .
Procedural justice	There are four key principles of procedural justice: voice, neutrality, respect and trust. Adherence to these principles is linked to improved compliance and positive outcomes.

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Term	Definition
Regulations	made under a prescribed Act that may prescribe an offence under the prescribed Act, or under any regulations made under the prescribed Act, to be an offence for which an infringement notice may be issued.
Shire	the Shire of Toodyay.
Transparency	Transparency, as used in the humanities and in other social contexts, is operating in such a way that it is easy for others to see what actions are performed. Transparency implies openness, communication, and accountability.

Policy Statement

To investigate and resolve offences for breaches of legislation including failure to comply with terms or conditions of Notices, Approvals, and Orders; and appeals arising out of proceedings brought by the Shire.

1. Principles

The Shire will:

- (a) administer its statutory responsibilities in a fair, unbiased and equitable manner in the interest of public health, interest, safety and amenity.
- (b) prioritise, consider, investigate, and assess any allegation of a breach, or an offence, on the merits of each case.
- (c) not investigate or respond to anonymous allegations.
- (d) endeavour to protect the private details of complainants, within the parameters of the legislative framework.
- (e) make decisions regarding enforcement in a manner that is in proportion with the seriousness of the alleged breach, or offence.
- (f) only proceed with enforcement action where the CEO (or delegate) has considered the prospects of achieving a conviction; satisfied that prosecution is warranted.
- (g) Inform Members of any legal proceedings, anticipated costs, progress and outcomes brought against any party by the Shire.
- (h) discontinue investigations where the CEO (or delegate) reasonably considers that the allegation(s) are unsubstantiated; mischievous; vexatious; pertaining to a civil matter; has previously been investigated; and/or concluded; or is likely to result in disproportionate costs being incurred.

2. Limit of Authority

The CEO is authorised to seek legal advice and engage or procure legal representation to an amount not exceeding \$5,000 for any single matter. If legal costs are anticipated

to exceed \$5,000, the CEO will submit a report to Council for approval, prior to proceeding with legal action.

Reference Information

- Legal Representation Costs Indemnification (ADM4);
- Purchasing Policy (FIN3);
- Compliance (REG5); and
- Risk Management (ADM18) – containing the Risk Matrix tables.

Legislation

Local Government Act 1995 and its subsidiary legislation.

Animal Welfare Act 2002 and its subsidiary legislation.

Biosecurity and Agriculture Management Act 2007 and its subsidiary legislation.

Building Act 2011 and its subsidiary legislation.

Building Services (Complaint Resolution and Administration) Act 2011 and its subsidiary legislation.

Caravan Parks and Camping Grounds Act 1995 and its subsidiary legislation.

Cat Act 2011 and its subsidiary legislation.

Cemeteries Act 1986 and its subsidiary legislation.

Control of Vehicles (Off Road Areas) Act 1978 and Regulations and its subsidiary legislation.

Criminal Procedure Act 2004 and its subsidiary legislation.

Dog Act 1976 and its subsidiary legislation.

Fines, Penalties and Infringement Notices Enforcement Act 1994 and its subsidiary legislation.

Food Act 2008 and its subsidiary legislation.

Liquor Control Act 1988 and its subsidiary legislation.

Litter Act 1979 and its subsidiary legislation.

Local Government (Miscellaneous Provisions) Act 1960 and its subsidiary legislation.

Planning and Development Act 2005 and its subsidiary legislation.

Public Health Act 2016 and its subsidiary legislation.

Shire of Toodyay Local Laws.

Associated documents

Nil.

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	13/10/2020	Adopted new policy	CEO	Council
V2	22/03/2022	Reformatted	Executive Services	

Document control information	
Document Theme	Governance
Document Category	Governance
Document Title	Compliance and Enforcement
Document ID	GOV1
Document Owner (position title)	Chief Executive Officer
Author (position title)	Executive Services
Date of approval	To be applied
Approving authority	Council
Access restrictions	Nil
Date Published	To be applied
Date of last review	
Date of next review	February 2025
Archived antecedent documents and previous versions	Policy was numbered G.1 previously.
Location	W:\CEOSEC\10 Records\00 2022 Records\Desk of CEO 2022\Draft Policies 2022\Compliance and Enforcement.docx

08/04/2022 (28.4)

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Shire of Toodyay Policy Manual

ADMINISTRATION POLICY

POLICY NO:	A.21
POLICY SUBJECT:	Establishment and Operation of Bush Fire Brigades
ADOPTION DATE:	16 December 2014 (Council Resolution 358/12/14)
LAST REVIEW:	

Objective

To provide guidance for the operation of Volunteer Bush Fire Brigades in the Shire of Toodyay.

Background

The Shire of Toodyay was considering the adoption of a Bush Fire Brigades Local Law when the State Government commenced a review of emergency services legislation. One of the Acts under review is the Bush Fires Act 1954, which would have been the head of power for the Bush Fire Brigades Local Law. The Shire of Toodyay has adopted a series of standard operating procedures. This policy is to supplement those procedures.

Interpretation

In this policy unless the context otherwise requires —

Act means the *Bush Fires Act 1954*;

normal brigade activities has the same meaning as in the Act.

brigade area is the area designated by the Shire as the area of responsibility for that brigade

brigade member means a fire fighting member, auxiliary member or a cadet member of a bush fire brigade;

brigade officer means a person holding a position referred to in clause 1.2

Bush Fire Advisory Committee means a committee set up in accordance with section 67 of the Act;

bush fire brigade is as defined in section 7 of the Act;

Bush Fire Operating Procedures means the operating procedures adopted by the local government;

CEO means the Chief Executive Officer of the local government;

CBFCO means the *Chief Bush Fire Control Officer*

district means the district of the local government;

local government means the Shire of Toodyay;

Administration Policy A.21 – Establishment and Operation of Bush Fire Brigades Page 1

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Presiding Member means the Captain or a the person chairing the meeting as the case may be;

In this policy, unless the context otherwise requires, a reference to —

- a Captain;
- a First Lieutenant;
- a Second Lieutenant;
- any additional Lieutenants;
- an Equipment Officer;
- a Secretary; and
- a Treasurer; or
- a Secretary/Treasurer combined,

means a person holding that position in a bush fire brigade.

1. Establishment of a bush fire brigade

1.1. Establishment of a bush fire brigade

The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities. A bush fire brigade is established on the date of the local government's decision under subclause (1).

1.2. Name and officers of bush fire brigade

On establishing a bush fire brigade the Shire will:

- give a name to the bush fire brigade;
- specify the brigade area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and
- appoint —
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant;
 - (iv) additional Lieutenants if the local government considers it necessary;
 - (v) an Equipment Officer;
 - (vi) a Secretary; and
 - (vii) a Treasurer; or
 - (viii) a Secretary/Treasurer combined.

When considering the appointment of persons to these positions the CEO is to have regard to the qualifications and experience which

Shire of Toodyay Policy Manual

may be required to fill each position as set out in the Bush Fire Operating Procedures. These are interim appointments and will expire at the first Annual General Meeting of the new brigade.

2. Support for bush fire brigades

2.1. Local government responsible for structure

The Shire will ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

2.2. Officers to be supplied with Act

The Shire will supply each brigade with a copy of the Act and any relevant policies or procedures.

3. Chief Bush Fire Control Officer

3.1. Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.2. Chief Bush Fire Control Officer may attend meetings

The Chief Bush Fire Control Officer or her or his nominee (who is to be a bush fire control officer) may attend as a non-voting representative of the local government at any meeting of a bush fire brigade.

3.3. Duties of Chief Bush Fire Control Officer (CBFCO)

The duties of the Chief Bush Fire Control Officer include —

- provide leadership to volunteer bush fire brigades;
- monitor bush fire brigades' resourcing, equipment and training levels and report, with recommendations, to the local government at least once a year;
- liaise with the local government concerning fire prevention/suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers; and
- ensure that bush fire brigades are registered with the local government and that lists of brigade members are maintained.

4. Annual general meetings of bush fire brigades

Each Brigade shall hold an annual general meeting in accordance with the Bush Fire Operating Procedures. The Minutes of the AGM will be forwarded by the Secretary to the CBFCO and will be tabled at the next Bush Fire Advisory Committee Meeting.

5. Types of membership of bush fire brigade

The membership of a bush fire brigade consists of the following —

- fire fighting members;
- auxiliary members; and
- cadet members.

The rights and responsibilities of a brigade member are set out in the Bush Fire Operating procedures.

6. Rules governing the operation of bush fire brigades

Bush Fire Brigades will operate in accordance with the Bush Fire Operating procedures.

7. Objectives of bush fire brigade

The objectives of the bush fire brigade are to carry out normal brigade activities as defined in the Act.

8. Objection Rights

Any Brigade Member who is dissatisfied with a decision by the Committee of a Brigade in relation to their rights, responsibilities or membership of the Brigade has the right to seek a review of the decision by the CEO.

In reviewing such decisions the CEO will have regard to the principles of procedural fairness and natural justice. The CEO may choose to engage an independent mediator at his sole discretion. Notwithstanding the rights and responsibilities of an individual member, the CEO will also consider the importance of the effective operation of the Brigade to fulfil its function.

9. Functions of brigade officers

Brigade Officers will fulfil the roles and duties set out in the Bush Fire Operating Procedures.

10. Funds

The funds of the bush fire brigade are to be used solely for the purpose of supporting brigade activities.

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11. Financial year

The financial year of the bush fire brigade is to commence on 1 July and is to end on 30 June of the following year.

12. Banking

The funds of the bush fire brigade are to be placed in a bank account in the name of the Bush Fire Brigade and are to be managed in accordance with the requirements of the Bush Fire Operating Procedures.

13. Disclosure of interests

A brigade member shall disclose to the bush fire brigade or Committee any financial interest (whether direct or indirect) he or she may have in any matter being considered by the bush fire brigade or Committee, as appropriate.

If a financial interest has been disclosed, then the bush fire brigade or Committee, as appropriate, is to decide, in the absence of the brigade member who disclosed that interest, whether or not the brigade member is to be permitted to vote on that matter.

Every such disclosure shall be recorded in the minutes of the meeting of the bush fire brigade or Committee at which the disclosure was made.

Adopted by Council 16 December 2014

Refer to <http://www.toodyay.wa.gov.au/publications.aspx> for a copy of the Bush Fire Operating Procedures Adopted by Council as Council's Interim Policy on 24 June 2014 Council Resolution 155/06/14

Shire of Toodyay Policy Manual

ADMINISTRATION POLICY

POLICY NO	A.16
POLICY SUBJECT	FREEDOM OF INFORMATION
FILE NUMBER	FOI1
ADOPTION DATE	18 APRIL 2013
LAST REVIEW:	

STATEMENT OF INTENT

This policy is designed to provide guidelines for staff regarding Freedom of Information Requests.

OBJECTIVES

- 1) To assist the public to obtain access to documents and records held by the Shire of Toodyay.
- 2) To allow documents to be obtained promptly (and at the lowest reasonable cost) unless they are "exempt" within the provisions of the Act.

POLICY STATEMENT

The Shire of Toodyay will provide a general right of access to documents and records of the Shire in accordance with the provisions of the Freedom of Information Act 1992 and the guidelines in this Policy.

GUIDELINES

- 1) The Shire of Toodyay's Chief Executive Officer delegates the role of "FOI Coordinator" for the Shire to staff member(s) who are to be suitably trained with respect to FOI Coordinator responsibilities. The staff member(s) are hereby given delegated authority to perform that function within the requirements of the Act.
- 2) The Shire of Toodyay's Chief Executive Officer assumes the role of "Decision Maker" and is hereby authorised to make decisions regarding access to information.
- 3) The Chief Executive Officer is appointed to review an application should the applicant be dissatisfied with the results of their application.
- 4) Procedures for determining access, exemptions, personal information, review, and the preparation of information statements shall be in accordance with the Freedom of Information Implementation Guidelines prepared by the Office of the Information Commissioner, Perth.

ADOPTED ON 18 APRIL 2013

Administration Policy No A.16 – Freedom of Information

TOODYAY RECREATION CENTRE PROJECT EXPENSES BY YEAR

Date printed 12/04/2022

ITEM	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22 YTD	Total
Land Purchase	\$50,000	\$1,629,213									\$1,679,213
Planning	\$5,000	\$27,680	\$85,080	\$85,606	\$180,592	\$74,343	\$538,320	\$58,893			\$1,055,514
Siteworks					\$543,154						\$543,154
Construction							\$3,830	\$9,033,742	\$5,320,825	\$40,421	\$14,398,818
Loose Fittings								\$1,813	\$108,763		\$110,576
Project catering		\$644					\$553	\$612	\$2,260		\$4,069
Project misc.								\$955	\$24,071		\$25,026
Sub-total	\$55,000	\$1,657,537	\$85,080	\$85,606	\$723,746	\$74,343	\$542,703	\$9,096,015	\$5,455,919	\$40,421	\$17,816,370
Management/Ops									\$349,861	\$310,692	\$660,553
Utilities									\$173,087	\$2,794	\$175,881
Sub-total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$522,948	\$313,486	\$836,434
<i>Loan interest</i>											
Loan 72 (Land Purchase)	\$4,633	\$44,587	\$43,205	\$47,192	\$45,389	\$40,732	\$41,690	\$39,629	\$32,647	\$30,695	\$370,400
Loan 75 (Construction)								\$8,812	\$37,774	\$0	\$46,586
Loan 75B (Long-term)										\$102,719	\$102,719
Sub-total	\$4,633	\$44,587	\$43,205	\$47,192	\$45,389	\$40,732	\$41,690	\$48,441	\$70,421	\$133,414	\$519,705
Defects Liab Period									\$20,210	\$10,000	\$30,210
TOTAL	\$59,633	\$1,702,124	\$128,285	\$132,798	\$769,135	\$115,075	\$584,393	\$9,144,456	\$6,069,498	\$497,321	\$19,202,718



Road Upgrade Criteria Policy

Introduction

The Shire of Toodyay (Shire) recognises the need for investment in transport infrastructure that supports economic development and greater transportation choices. The Shire is currently maintaining 658 km of sealed and unsealed road network in a rural context.

Objective

To establish a transparent and quantifiable approach for the prioritisation of proposed road upgrade projects across the Shire's road network for consideration in the next financial year's budget.

Scope

This policy applies to all roads located outside the townsite boundaries that are owned, controlled and managed by the Shire including:

- Non-maintained roads - unsealed with no routine grading, drainage or vegetation maintenance.
- Maintained tracks – unsealed and formed-only access ways with a low degree of maintenance.
- Unsealed roads with gravel surface and a formal pavement structure with associated drainage infrastructure.
- Sealed roads maintained by the Shire with an existing pavement and associated drainage infrastructure.

Exclusions apply to road upgrades where funding is received from external funding sources.

Policy Statement

1. Assessment Process and Decision-Making

The Council will evaluate and rank submissions based on assessment criteria scoring, cost to plan, implementation of the project, grant opportunities and available funding. Priority will be given to submissions that score highest in the key benefit criteria matrix.

Submissions received after December will not be considered for the following financial year. Funding allocations for road upgrades in the current financial year will have approval by Council in the previous financial year.

2. Key Benefit Criteria

The prioritisation and assessment of proposed road upgrades involves undertaking an evaluation against four (4) key benefit criteria:

1. Transport benefit
2. Community Benefit
3. Financial Benefits
4. Road Safety

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2.1 Transport Benefit

Each road section is assessed to determine the level of transport benefit to the community. Table 1 summarises the various evaluation criteria and potential scores based on the assessment of each road segment.

Table 1 – Transport Evaluation Criteria

Evaluation Criteria		Score	Description
Connectivity	Is the road a through road?	5	Yes, it is a through road and principal route
		2	Yes, but not a primary route.
		0	No, it is not through road.
Hierarchy	What is the road hierarchy based on Main Roads WA Guidelines?	5	Regional Distributor
		4	Local Distributor Road
		3	Local Access Road
		2	Maintained Track
		1	Not maintained
Transport Task	What economic significance and purpose?	5	Primary producer
		4	Manufacturing and Harvest Activities
		3	Tourism
		2	Small business
		1	No or unlisted business
Primary Function	What strategic function does the road provide?	5	Regional Strategic Route (RAV, Secondary Freight Network)
		4	Local Strategic Route
		3	Tourist Destination
		2	Transport Route (Bus route, grain pastoral)

		1	Property Access
Bus Route	Is the road a designated bus route as per PTA or a school bus route?	5	Bus Route (Commercial)
		3	Bus Route (School)
		0	Not a nominated Bus Route
Traffic Volume	What is the average daily traffic volume? <i>(Note 1)</i>	5	Greater than 501
		4	Between 251-500
		3	Between 151-250
		2	Between 76-150
		1	Between 26-75
Commercial Vehicle Volume	What is the overall usage of commercial/heavy vehicles on this road segment? <i>(Note 2)</i>	5	Greater than 40% or over 50 truck movements per day
		4	Greater than 30-39% or over 50 truck movements per day
		3	Greater than 20-29% or over 35 truck movements per day
		2	Greater than 11-19% or over 20 truck movements per day
		1	Greater than 6-10% or over 12 truck movements per day
		0	Less than 5% or over 6 truck movements per day

Note 1: Where detailed traffic volume breakdowns are not available or out-of-date, volumes will be interpreted from available data in nearby segments or estimated.

Note 2: AUSTRROADS Class 3 (Two Axle Truck) and above vehicle classification.

2.2 Community Benefit

The table below summarises the various criteria and potential score based on the assessment of each road segment.

Table 2 – Community Benefit Criteria

Evaluation Criteria		Score	Description
Requests received	Was the requests received from adjoining resident?	3	Yes, requests received
		0	No requests
Number of Dwellings	What is the number of occupied dwellings located on the adjoining road section?	5	Greater than 10
		2	5 or more
		0	Less than 5
Likely Impact from future developments	What would be the possible level of impact from external future development? (Note 6)	5	Significant development impact
		2	Minor development impact
		0	No further developments
Amenity Impacts	What impacts are likely to adjoining properties?	5	Significant impact causing damage
		3	Moderate impact
		0	No impact to adjoining amenity abutting properties
Environmental Impacts to a Designated water way	What are the current environmental impacts?	5	Significant environment impact/proximity
		0	No environmental impacts
Road Condition Assessment	What is the current pavement condition rating of the section of the road from 1 to 10?	5	Equal or Greater than 8
		2	In between 5 to 7
		0	Equal or less than 4

Note 6: In general, large developments are required to pay for road upgrades. Officers will determine the likelihood of future development meeting that threshold.

2.3 Financial Benefit

The table below summarises the various financial benefit evaluation criteria and potential scores.

Table 3 – Financial Benefits

Evaluation Criteria		Score	Description
Cost of Upgrade works	What is the estimated cost of the proposed upgrade works?	5	Less than \$50,000
		3	Between \$50,000 and \$200,000
		1	Greater than \$200,000
The gap to Seal Ratio	What is the ratio of the unsealed road section relative to the entire road length?	5	Less than 10%
		4	Between 11% and 25% unsealed
		3	Between 26% and 50% unsealed
		2	Between 51% and 75% unsealed
		1	Greater than 75% unsealed
Potential external Funding Opportunity	What is the likelihood to receive external funding?	5	Almost certain
		2	Possible
		0	Unlikely (Fully municipal funding)
Ongoing maintenance Liability	What level of maintenance is required due to existing conditions? <i>(Note 7)</i>	10	High
		5	Medium
		0	Low

Note 7: Inputs including, historic maintenance and capital costs, longitudinal grades, drainage issue

2.4 Road Safety

Each road section is assessed to determine the level of road safety to road users. Table 4 summarises the various evaluation criteria and potential score based on the assessment of each road segment.

Table 4 – Road Safety Evaluation Criteria

Evaluation Criteria		Score	Description
Reported Crash History	Has there been any reported crashes? (Note 3) (Note 4)	5	Fatality
		3	Serious Injury
		2	Other injuries
		0	None
Road Safety and alignment (Horizontal and Vertical)	What is the overall horizontal and vertical road alignment? and What impact is this having on road safety? (Note 5)	5	Overall Poor Alignment
		3	Isolated sections with poor alignment
		0	Generally good alignment
Road Width	What is the current width of the trafficable road width?	5	Less than equal to 5.0 meters
		3	Isolated section with width below 5.0 meters
		1	Greater than 5.0 meters

Note 3: Based on Main Roads WA Crash Map Data.

Note 4: Where an area or intersection meets the criteria for the Federal Black Spot program, Council may seek external funding before consideration.

Note 5: Consideration of roadside hazards (such as trees) will not be taken into account as, in general, sealing of a road increases average speeds and has a negative effect on hazard proximity.

Definitions

Connectivity – the density of connections in path or road network and the direction of links.

Crash History – refers to road transport crashes reported by the police.

Crash Maps – GIS based crash mapping application that enables users to perform both macro and micro analysis of reported road crashes.

Federal Black Spot Program – road funding program that targets road locations where crashes are occurring.

Road Condition Assessment – a process where a road condition is monitored by taking measurements and inventories.

Road Hierarchy – categorises roads according to their functions and capabilities.

Road Widths – refers to the sealed road widths.

Reference Information

Related Documents

Related Legislation

Associated Forms and Attachments *Application Form – Road Upgrade Proposal*

Version Control Information

Version No.	Issue Date	Nature amendment	of	Developed By	Approved By
V0		Original		MIA	

Document Control Information

Document Theme	Infrastructure and Assets
Document Category	
Document Title	Road Upgrade Criteria Policy
Document ID	
Document Owner (position title)	Manager Infrastructure and Assets
Author (position title)	Manager Infrastructure and Assets
Date of approval	
Approving authority	Council
Access restrictions	
Date Published	
Date of last review	
Date of next review	
Archived antecedent documents and previous versions	