

Ordinary Council Meeting

22 June 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.

Suzie Haslehurst

CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

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

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

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

Community Values: We value highly:

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

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

Integrity: We behave honestly to the highest ethical standard.

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

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

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

Disclaimer

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

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



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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following 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 24 June 2022.

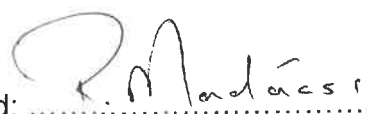


Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 27 July 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."

2 RECORDS OF ATTENDANCE

Members

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

Staff

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

Visitors

P.Korb

F.Sutcliffe

B.Sutcliffe Snr

B.Sutcliffe Jnr

M.Eberle

2.1 APOLOGIES

Cr S Pearce	Councillor (observer via zoom)
Ms S Haslehurst	CEO

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

No disclosures of interest in the form of a written notice were 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**5.1 Ordinary Meeting of Council held on 25 May 2022**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO.
OCM099/06/22

MOVED Cr C Duri

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 25 May 2022 be confirmed.

MOTION CARRIED 7/0

5.2 Special Meeting of Council held on 8 June 2022

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO.
OCM100/06/22

MOVED Cr C Duri

SECONDED Cr R Madacsi

That the Unconfirmed Minutes of the Special Council Meeting held on 8 June 2022 be confirmed.

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

Voted Against: Cr M McKeown

MOTION CARRIED 6/1

5.3 Agenda Briefing held on 15 June 2022**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO.
OCM101/06/22****MOVED** Cr C Duri**SECONDED** Cr B Ruthven

That the Notes of the Agenda Briefing held on 15 June 2022 be confirmed.

Voted For: Crs R Madacsi, B Ruthven, C Duri, P Hart, S McCormick
and D WrenchVoted Against: Cr M McKeown**MOTION CARRIED 6/1****Attachments**

1 Agenda Briefing Notes - Agenda Briefing held on 15 June 2022

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

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS**6.4.1 SUBMISSION FROM TOODYAY FIBRE FESTIVAL REPRESENTATIVE**

Peta Korb, representing Toodyay Fibre Festival, addressed Council in relation to Agenda Item No. 9.2.2 Community Funding Program 2022/23 at 1.12pm.

Thank you for the opportunity to speak. Today I am representing the Toodyay Fibre Festival. I have been involved since 2017. Shire of Toodyay's Community Funding Program 2022/2023 (Item 9.2.2 on the June 2022 Ordinary Council Meeting Agenda) and our application for \$12,000.

Toodyay Fibre Festival Inc ("TFF") is a 100% volunteer driven not for profit association. Each year TFF's volunteers give hundreds of hours to planning and organising the typically annual Toodyay Fibre Festival (the "Festival"). Their efforts have seen the Festival grow each year, with more and more people coming to see what it has to offer. However, to continue growing the event and increase engagement with attendees additional funding is required above what was sought in the past. The additional funding being sought for the 2023 Festival will help the TFF volunteers to continue growing the successful event.

In 2021 visitor attendance was estimated at over 8,000 people. Over the next three years the TFF volunteers aim to grow attendance to 20,000 people. We believe this to be a realist goal with appropriate support and funding given the

growth other like-minded events have been able to achieve throughout Australia attracting over 20,000 people with visitors from interstate.

Increasingly the Festival is seen as a must attend event and attracts people who live over 400km from the Shire of Toodyay. In 2021, the Festival hosted organised groups of people who hired buses to attend and enjoy Toodyay for the day. There is potential to further develop the Festival with people near and far.

Even with the current attendance numbers the Festival has a significant economic impact on the community, in particular the businesses along Stirling Terrace. We received the following feedback from a Toodyay local business owner after the 2021 Festival. We have also attached additional letters of support from Toodyay local business.

“It was a fantastic day, great vibe coming from the street and all the lovely people that came into my shop were raving about the day. Well done to all the organisers.” – Blue Moon Crystals

Growth of attendance from 8,000 to 20,000 will result in additional positive economic impacts on the community. The TFF’s volunteers have always worked to support local businesses by ensuring a balance between the local established businesses and the festival sellers.

Each year the TFF directly returns more than \$5,000 to local community groups (though contributions and donations for assistance with running the Festival and venue hires), local businesses (payments for services and products), and local people (payments for entertainment).

Over the years the base cost of running the Festival (insurance, first aid, waste management, road closure management, etc) has increased to nearly \$8,000. These costs are covered by grants from other organisations (not the Shire) or other fundraising efforts by the TFF’s volunteers.

As in previous years the TFF has sought grants to cover certain costs for the 2023 Festival, including fibre and textile art installations which serve as a unique attraction to the Festival and increase marketing opportunities.

For the 2023 Festival, the TFF sought a total of \$12,000 from the Shire. The Shire’s contribution would fund:

- advertising and marketing (print publications, other printed materials, online, and social media)
- live music and entertainment by local performers, interactive animal attractions and demonstrations.

In return the TFF would ensure the Shire’s logo is prominently displayed on promotional material as a major sponsor, acknowledgement in media releases and at the official opening of the Festival, and to display banners in prominent locations during the Festival.

This funding from the Shire is key to helping grow the Festival over the next three years and ensure a continued positive economic impact on the area.

We respectfully ask that the Shire provide a \$12,000 grant to the TFF for the 2023 Festival as part of the Community Funding Program.

I have provided my submission in writing, together with additional letters of support.

Clarification was sought from Councillors.
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Attachments

1	Written Submission and additional Letters of Support
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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:

Rates reminder.

Just a reminder that outstanding rates is the topic for attention. This year a mining differential rate was introduced to provide more equity to the rates base from additional infrastructure costs that arise. Pensioner rates need to be paid by June 24 to receive the \$794 rebate and payment arrangement options are available for those experiencing difficulties, including deferred rates if eligible. I can assure you that Shire officers are happy to assist.

Budget

Budget currently occupies our time and a flurry of activity is occurring to complete projects by the end of the financial year. Seven workshops have provided in-depth oversight and further efficiencies. This week staff are also engaged in the annual audit process with the Office of the Auditor General appointed auditors currently visiting the Shire. That was last week.

Grants Commission

The WA Local Government Grants Commission will conduct a public meeting at 2:30pm on June 23 at the Recreation Centre pavilion, to outline the process for allocation of Financial Assistance Grants. The Shire will make a submission on key projects for funding. Everyone is welcome to attend.

Verge Project

The Shire's Environmental Advisory Group hosted the inaugural meeting of the Toodyay Verge Flora Project. This occurred on 2 June 2022. This is a community project that anyone can participate in at their leisure. Notice of pending activities will be posted and put in the Toodyay Herald.

Shire President's Activities to the 22 June 2022

- President/CEO Operational Briefings 31/5, 7/6, 14/6, 21/6
- Event – National Reconciliation Breakfast (27/5)
- Meeting – Post OCM Herald briefing (27/5)
- Meeting – Re: Biodiversity Strategy (27/5)
- Meeting – Wheatbelt Secondary Freight Network, Northam (30/5)
- Meeting – Legal Advice (31/5)
- Meeting – Chalice (31/5)
- Meeting – Police (1/6)
- Workshop – Annual Budget 5th (1/6)
- Meeting – Audit and Risk Committee (1/6)

- Meeting – Toodyay Verge Flora Project, community (2/6)
- Meeting – Department Premier & Cabinet (advocacy) (7/6)
- Interview – Department Local Government, Local Matters e-news (7/6)
- Workshop – Annual Budget 6th (8/6)
- Meeting – Special Council Meeting – differential rates (8/6)
- Workshop – Policy Review (8/6)
- Event – Filipino Independence Day, Northam (12/6)
- Workshop – Annual Budget (15/6)
- Meeting – Agenda Briefing and Concept Forum (15/6)
- Meeting – Let's Talk, community (15/6)
- Meeting – Toodyay & Chittering (17/6)
- Meeting – Rural Water Council, Executive (20/6)
- Meeting – Chalice ESG Materiality (20/6)
- Interview – Around the Town (20/6)
- Meeting – Toodyay Feral Pig Working Group (22/6)
- Meeting – Ordinary Council Meeting (22/6)

9 OFFICER REPORTS**9.1 DEVELOPMENT AND REGULATION****9.1.1 Lot 4 Mercy Retreat, Toodyay - Proposed construction of driveway, path and free-standing carport**

Date of Report:	7 June 2022
File Reference:	P2022-40 / A5620/4MERC
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:	<ol style="list-style-type: none"> 1. P2022-40 - Application Letter & Plans ⇒ 2. P2022-40 - HCWA Referral Letter ⇒

SUMMARY

Applicant: JA Vucemillo
 Owner: JA Vucemillo & L Ducret
 Proposal: Driveway, path and freestanding carport
 Location: Lot 4 Mercy Retreat, Toodyay

PURPOSE OF THE REPORT

To consider an application for development approval for the construction of driveway, path and carport located at Lot 4 Mercy Retreat in Toodyay. As this application is in the Roman Catholic Church precinct, the application must be determined by Council.

BACKGROUND

Lot 4 Mercy Retreat in Toodyay is a 1,660m² (0.1660ha) 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 is on the State Register of Heritage Places (Place No. 4125) in 2019.

Proposal

On 3 May 2022, the Shire of Toodyay received an application for development approval to construct a driveway, path and free-standing carport. The driveway and path will be paved with restoration red pavers to match the bricks used in the construction of O'Connor House.

The free-standing carport will be steel construction with a red double Dutch gable with cream poles.

For more information, please refer to **Attachment 1: P2022-40 - Application Plans**.

Timeframe to determine.

This Shire received this application on 3 May 2022 and required advertising. Pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days which is 1 August 2022.

COMMENTS AND DETAILS

The applicant has proposed constructing a driveway paved with restoration red pavers to match the bricks used to construct O'Connor house. The driveway will run from the road edge through to the back of the property where it meets up with the path. The path will also be paved in restoration red pavers. A red and cream free-standing carport with double Dutch gable tin roof will run from the front wall to the rear wall of O'Connor house.

The carport will add ambience and protection to the north side of the building providing shade in summer and protection from the weather in winter. The driveway and path will reduce the potential for pooling of water and eliminate slippery areas in the wetter months, whilst keeping with the era and style of the building.

Officers recommend that Council approves this application.

IMPLICATIONS TO CONSIDER

Consultative:

As the development site is located within a Heritage Place and is under the State Heritage Register (Place No. 4125), the development application must be formally referred to the Heritage Council (HCWA). This was done in accordance with the referral process under Division 2, Section 73 of the *Heritage Act 2018*.

The HCWA, in its submission, has stated they support the proposed development.

Strategic:

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:
 - a) All development shall enhance and reinforce the historic character of the Central Toodyay Heritage Area.
 - b) New construction, demolition, intrusions, or other changes that would adversely affect the setting or relationships within the Central Toodyay Heritage Area are not appropriate.
 - c) 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:**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.

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

Cr McCormick moved the Officer's Recommendation.

Clarification was sought in relation to the Heritage Council advice being provided.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM102/06/22

MOVED Cr S McCormick

That Council :

1. Notes the submissions received from the Heritage Council of Western Australia regarding the proposed driveway, path and free-standing carport at Lot 4 Mercy Retreat, Toodyay.

2. Pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for Development Approval for the driveway, path and free-standing carport at Lot 4 Mercy Retreat, Toodyay, subject to the following conditions:
- (a) The development hereby permitted must be commenced within two years from the date of this decision letter.
 - (b) The development hereby permitted taking place in accordance with the approved plans.

MOTION CARRIED 7/0

9.1.2 Toodyay Caravan Park, Lot 20 Railway Road, Toodyay - Expansion - Stage 1

Date of Report:	8 June 2022
File Reference:	A4664/20RAIL
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. Application Report ⇒

SUMMARY

Applicant: Marmax Pty Ltd
 Owner: Marmax Pty Ltd
 Proposal: Expansion to Toodyay Caravan Park – Stage 1
 Location: Lot 20 Railway Road, Toodyay

PURPOSE OF THE REPORT

To determine an application for development approval for a proposed expansion to Toodyay Caravan Park Lot 20 (No. 122) Railway Road, Toodyay. Council is being requested to determine this application as the Toodyay Caravan Park is an existing non-conforming use. Under current delegations these applications can only be determined by Council.

BACKGROUNDProperty details

Lot 20 (comprises of three lots 20, 23 and 24) (No. 122) Railway Road in Toodyay and is 10.07ha. The property is zoned 'Special Residential' R2.5 under the Shire of Toodyay *Local Planning Scheme No. 4*. The property is bound by Railway Road to the west, the Avon River to the east and Special Residential lots to the northwest and southeast.

Development Proposal

On 12 April 2022, the Shire of Toodyay received an application from Marmax Pty Ltd for the development approval relating to improvements to the existing facilities within the Toodyay Caravan Park.

The key points of the development are:

1. Camp kitchen/ablution building:

A new camp kitchen/ablution building is proposed to be located adjacent to the pool area to service the existing and proposed future sites and park homes/cabins. The building will have six unisex bathrooms on one side and an open camp kitchen on the other.

2. Reception building:

A reception building is proposed to be constructed near the entrance of the caravan park, to provide a fit for purpose building to undertake reception activities.

3. Expansion of pool and relocation of playground:

The existing playground is proposed to be relocated from the entrance driveway area to an area adjacent to the swimming pool to allow for better utilisation and supervision. The existing pool will also be replaced with a new concrete pool as part of this development.

The new pool will be the same size and shape as the existing pool. A new pool fence will be installed around the pool, separating it from camp kitchen and playground area.

For more details, please refer to the **Attachment 1: Application Report**.

Time to determine the application

This Shire received this application on 25 March 2022 which required advertising. Pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days which is 23 June 2022. No submissions were received.

COMMENTS AND DETAILS

Toodyay Caravan Park has been operating for nearly 40 years in this location and is a well-established tourist attraction within the Toodyay townsite. It is currently licenced for 12 long stay sites (including 8 park homes), 20 short stay sites (including 4 tourist cabins), 8 camping sites and 5 overflow sites. The site also includes a manager's residence, reception, communal ablution building, playground, barbecues and a swimming pool.

This application proposes to improve the existing facilities within the park and ensure compliance with relevant Australian standards and *Caravan Parks and Camping Ground Regulations*, whilst supporting the proposed increase in caravan and camping sites proposed in Stage 2 with the addition of ablutions and a camp kitchen.

As the proposed development is benign, it is not anticipated that the development will have any adverse impact on the amenity of the area, and it is recommended that Council approve this application.

IMPLICATIONS TO CONSIDER

Consultative:

The application was advertised in accordance with the Shire of Toodyay's M.2 Public Consultation – Formal Matters policy. Changes to an existing nonconforming use in the Residential Development zone and therefore this warrants an E- level consultation.

The application underwent the following community consultation:

- Advertised in May edition of the *Toodyay Herald*;
- Details placed on Public Notices section of the Shire of Toodyay website;
- Details made available for viewing at the Shire of Toodyay Administration Centre; and

- Mailout to adjoining landowners.

The consultation period ended on 2 June 2022 after being advertised for a period twenty-eight (28) days.

Strategic:

Shire of Toodyay Strategic Community Plan – Toodyay 2028

Economic: Business and jobs in the community

O 1: Encourage and support investment into new and existing businesses in Toodyay

S 1.1 Promote environmentally sustainable development that is consistent with our rural setting.

S 1.2 Work collaboratively with business stakeholders to minimise impediments.

S 1.3 Encourage new businesses and new business sectors to come to Toodyay.

O 2: Promote Toodyay as a tourism destination

S. 2.1 Develop successful and collaborative partnerships that support the Tourism Strategy.

S 2.2 Support the focus on boosting overnight experiential tourism.

S 2.3 Advocate for infrastructure to support tourism.

S 2.4 Support the development of arts, cultural, heritage and environmental tourism.

Toodyay Economic Development Plan 2015

Opportunities also exist in the broader need for a diverse range of services and facilities to cater for the needs of new and existing residents. Realising these opportunities and associated benefits requires a collaborative approach to economic and community development. Only through the collaboration of all the stakeholders of the Toodyay economy, can the economic potential of the Shire be realised and the prosperity and quality of living of residents be maximised.

Shire of Toodyay Local Planning Strategy 2018

The Strategy notes the importance of connecting tourism assets with walking and hiking trails, with potential to highlight and enhance connections and access along the Avon River. This development application is consistent with the Strategy as it will allow for an appropriate increase in tourist accommodation within an existing developed site that is not only located on the Avon River but is also at the start of the Bilya Walk Track.

Policy related:

Local Planning Policy 3 – Caravan Park and Camping Grounds

The Shire's Local Planning Policy 3 - provides guidelines for the development of Caravan Parks and Camping Grounds within the Shire of Toodyay.

Location and Site Selection

- 1 A facility is to be located in accordance with the Shire of Toodyay Local Planning Scheme No. 4 and Shire of Toodyay Local Planning Strategy.

While the caravan park is currently a non-conforming use under the LPS No.4, it has been licenced and operating for almost 40 years. The location, with its connections to the Avon River and the Toodyay townsite via the Bilya Walk Track and Railway Road, and is consistent with the recommended location of tourism facilities specified in the Local Planning Strategy.

- 2 *A facility located within a rural and natural landscape should not negatively impact on the visual outlook from scenic vantage points, public lookouts and tourist routes. Ridges and exposed headlands are not to be developed.*

The site has been used as a caravan for almost 40 years and the proposed development will not increase the visual impact of the development when viewed from the adjacent Railway Road or Avon River.

- 3 *A Bushfire Management Plan may be required as part of a development application for a new, or an extension to an existing, facility.*

The facilities proposed as part of Stage 1 of this development do not result in an increase in the number of people within the caravan park (i.e. the facilities service existing sites/cabins only). Section 2.6 of the *Guidelines for Planning in Bushfire Prone Areas* allows decisionmakers to apply exemptions from the requirements of bushfire planning where there is no intensification of land use and/or the proposal is not increasing the bushfire threat.

- 4 *An extension to an existing, or development of new facility will not be permitted in flood prone or waterlogged areas and not within the 100-year Flood Plain Level. Clearing of vegetation is to be kept to a minimum in accordance with an approved Bushfire Management Plan and Department of Environment and Conservation clearing legislation.*

With its location adjacent to the Avon River, the 1-in-100 Year Flood Plain Floodway and Flood fringe extends into the caravan park site. No new development is proposed within the 1-in-100-year floodway area.

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

Shire of Toodyay Local Planning Scheme No. 4

The process for dealing with the extension of a non-conforming use is outlined under part 3.9 of the Shire of Toodyay's Local Planning Scheme No. 4.

Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its development approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

Risk related:

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.

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM103/06/22

MOVED Cr C Duri

That Council, pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the development application for a proposed – Expansion of Toodyay Caravan Park – Stage 1 at Lot 20 Railway Road, Toodyay subject to the following conditions:

- (a) The development hereby permitted must substantially commence within two years from the date of this decision letter.
- (b) The development hereby permitted taking place in accordance with the approved plans.
- (c) The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.
- (d) Where a non-conforming use of any land has been discontinued for a period of six months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

MOTION CARRIED 7/0

9.1.3 Update on sale of properties

Date of Report:	7 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	OCM 22 June 2021 – Item 9.3.4 – Disposal of Property via Public Auction – Various OCM 24 November 2015 Item 9.2.4 OCM 26 July 2016 Item 9.2.6
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. OCM 22JUN21 - Item 9.3.4 - Disposal of Property via Public Auction - Various ⇒ 2. Map - Shire properties to be auctioned ⇒

PURPOSE OF THE REPORT

To update the Council on the progress of the sale of Shire properties.

BACKGROUND

At its Ordinary Council Meeting on 22 June 2021 the Council resolved:

That Council:

1. Approves the following Shire-owned properties to be sold via public auction in accordance with s3.58(2)(a) of the Local Government Act 1995:
 - 1 Duke St Toodyay;
 - 6 Duke St Toodyay;
 - 15 Wilson St Toodyay;
 - 17 Wilson St Toodyay;
 - 26 Hamersley St Toodyay;
 - 28 Hamersley St Toodyay;
 - 30 Hamersley St Toodyay;
 - 32 Hamersley St Toodyay;
 - 42 Hamersley St Toodyay;

- 44 Hamersley St Toodyay;
 - 33 & 35 Telegraph Rd Toodyay;
 - 59 Telegraph Rd Toodyay.
2. Authorises the Chief Executive Officer to engage and work with the auctioneer to:
 - (a) Set the reserve price for each property based on market value.
 - (b) Set the date and marketing for each proposed auction.
 3. Resolves that any proceeds from the sale of the above properties will be transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.
 4. Requests the CEO to provide a report to Council within twelve months on the progress of this and previous resolutions 243/11/15 and 244/11/15 regarding the property disposals."

This report is provided in accordance with point 4 of the resolution 133/06/21 which required an update to be brought to the Council within twelve months. For more details, please refer to **Attachment 1**.

COMMENTS AND DETAILS

Timeline of recent events

- 20 September 2021 Lot 201 on Plan P414274, Volume 2961, Folio 709 – 6 Duke Street, Toodyay – Sold
- 20 September 2021 33-35 Telegraph Road – Sold.
- 25 March 2022 Sites were surveyed by licensed surveyors – RM Surveys
- 1 June 2022 The Shire has engaged Tony Maddox Real Estate to auction the following properties:

Street Address	Lot Number	Plan	Volume	Folio
15 Wilson St Toodyay	247	P181280	1462	147
17 Wilson St Toodyay	246	P181280	1462	146
26 Hamersley St Toodyay	15	D033370	1523	528
28 Hamersley St Toodyay	14	D033370	1523	527
30 Hamersley St Toodyay	13	D033370	1325	413
32 Hamersley St Toodyay	12	D033370	1325	412

For more details, please refer to **Attachment 2**.

- 7 June 2022 West Coast Valuers engaged to conduct a market appraisal for the six properties in preparation for the auction.

The Shire has been briefed on the timing of the auction which is proposed to be conducted by Tony Maddox at the CWA Hall on Saturday 30 July 2022 at 12noon.

Whilst this report focusses on six properties on Hamersley and Wilson Streets, there are still three more properties requiring further attention.

- 1 Duke Street, Toodyay
- 42 Hamersley St Toodyay;

- 44 Hamersley St Toodyay;

Council has resolved to sell these properties, however there are still doubts about the viability of these properties having any meaningful development potential. The key issues are the size of the lots, the zoning and proximity to the railway corridor. It is recommended that the Shire conducts further feasibility studies of these before bringing them to market. This may include potential amalgamation of lots to provide better development opportunities in the future.

IMPLICATIONS TO CONSIDER

Consultative:

Tony Maddox Real Estate

Strategic:

Governance: The way the Shire leads and operates

O 1: *Provide accountable and transparent leadership for the community.*

Policy related:

F.12 Disposal of Property Policy.

Financial:

While there is a real possibility that not all properties will be sold, it is anticipated that some properties will be successfully auctioned, and proceeds realised. It is proposed that the proceeds of any sales are transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.

There is no recognition in the current budget of any proceeds from sale of land and building assets.

The Shire is also responsible to cover the costs associated with survey, independent valuations and engaging an auctioneer.

Legal and Statutory:

Local Government Act 1995

3.58. Disposing of property

- (1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property but does not include money.

- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Risk related:

1. Anecdotal evidence suggests that the Toodyay market has softened as a result of the COVID-19 pandemic and other external factors. This has potential ramifications for the sale of these properties and that they may have difficulty achieving a strong price. This is a moderate risk (9).

Workforce related:

The impact on the workforce is minimal and largely confined to senior management level to coordinate the preparation and auction of these sites.

VOTING REQUIREMENTS

Simple Majority

Cr Madacsi moved the Officer's Recommendation as a motion, with the inclusion of a new Point 3 as follows:

That Council:**1. Notes the update on the progress of sale of the following properties:**

Street Address	Lot Number	Plan	Volume	Folio
15 Wilson St Toodyay	247	P181280	1462	147
17 Wilson St Toodyay	246	P181280	1462	146
26 Hamersley St Toodyay	15	D033370	1523	528
28 Hamersley St Toodyay	14	D033370	1523	527
30 Hamersley St Toodyay	13	D033370	1325	413
32 Hamersley St Toodyay	12	D033370	1325	412

2. Requests the CEO to

(a) conduct a further feasibility study on the remainder of the outstanding properties from the resolution 133/06/21, being:

- 1 Duke Street, Toodyay;
- 42 Hamersley St Toodyay; and
- 44 Hamersley St Toodyay.

(b) provide a progress report to Council by December 2022 regarding the disposal of properties.

3. Notes the CEO includes the sale of the property located at 33-35 Telegraph Road in the report as being sold on 20 September 2021.

Clarification was sought.

Cr McKeown moved an amendment to the motion as follows:

That at Point 2(b) the word 'progress' be removed.

Cr Madacsi accepted the amendment.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM104/06/22

MOVED Cr R Madacsi

That Council:

1. Notes the update on the progress of sale of the following properties:

Street Address	Lot Number	Plan	Volume	Folio
15 Wilson St Toodyay	247	P181280	1462	147
17 Wilson St Toodyay	246	P181280	1462	146
26 Hamersley St Toodyay	15	D033370	1523	528
28 Hamersley St Toodyay	14	D033370	1523	527
30 Hamersley St Toodyay	13	D033370	1325	413
32 Hamersley St Toodyay	12	D033370	1325	412

2. Requests the CEO to

(a) conduct a further feasibility study on the remainder of the outstanding properties from the resolution 133/06/21, being:

- 1 Duke Street, Toodyay;
- 42 Hamersley St Toodyay; and
- 44 Hamersley St Toodyay.

(b) provide a report to Council by December 2022 regarding the disposal of properties.

3. Notes the CEO includes the sale of the property located at 33-35 Telegraph Road in the report as being sold on 20 September 2021.

MOTION CARRIED 7/0

9.1.4 Draft Local Planning Policy - Ancillary Dwellings

Date of Report:	7 June 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:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. DRAFT Local Planning Policy - Ancillary Dwellings ⇒

PURPOSE OF THE REPORT

To review the new draft Local Planning Policy – Ancillary Dwellings 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.

COMMENTS AND DETAILS

The current Local Planning Policy No. 2 – Ancillary Accommodation was adopted on 18 September 2008 and it was last reviewed on 13 May 2010.

In this time there have been significant changes in the planning framework such as the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which now form the 'deemed provisions' of all Local Planning Schemes. There have also been changes in the now *State Planning Policy 7.3 Residential Design Codes Volume 1* including a change to the definition of ancillary dwelling as well as the deem-to-comply requirements.

The definition of ancillary dwelling is now:

'Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.'

At the most basic level, the changes included in this draft Local Planning Policy will provide a much-needed update to be consistent with the contemporary planning framework.

However, the draft local planning policy under consideration goes further and reflects a balance between sustainable development, good planning outcomes, reduced bureaucracy and a reflection of changing economic times which requires the Shire to advocate for more affordable housing.

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. Where it is proposed that a deemed-to-comply provision of the R-Codes is to be amended or replaced – the WAPC will need to be consulted.

Additionally, this draft Local Planning Policy was workshopped with the elected members over a period of time on the MS Teams workspace, and also at the Council Workshop held on 8 June 2022. This workshop was attended by Shire staff and seven elected members.

Strategic:*Shire of Toodyay Community Strategic Plan – Toodyay 2028**Governance: The way the Shire Leads and Operates*

O 1: Provide accountable and transparent leadership for the community

O 2: Consistently improve our governance practices

Policy related:

State Planning Policy 7.3 Residential Design Codes Volume 1 provides the following deemed-to-comply requirements for ancillary dwellings under section 5.5.1:

C1 Ancillary dwelling associated with a single house and on the same lot where:

- i. the lot is not less than 350m² in area;
- ii. there is a maximum plot ratio area of 70m²;
- iii. parking is provided in accordance with clause 5.3.3 C3.1;
- iv. ancillary dwelling is located behind the street setback line;
- v. ancillary dwelling is designed to be compatible with the colour, roof pitch and materials of the single house on the same lot;
- vi. ancillary dwelling does not preclude the single house from meeting the required minimum open space and outdoor living area; and
- vii. ancillary dwelling complies with all other R-Code provisions, only as they apply to single houses, with the exception of clauses:
 - a. 5.1.1 Site area;
 - b. 5.2.3 Street surveillance (except where located on a lot with secondary street or right-of-way access); and
 - c. 5.3.1 Outdoor living areas.

The R-Codes provide the following design principles under section 5.5.1

P1 Ancillary dwelling is of a small scale and designed to support people living independently or semi-dependently to the residents of the single house, sharing some site facilities and services.

P2 Ancillary dwellings to positively contribute to its setting, including the existing single house and, where visible from the street or adjoining properties, to the amenity of the streetscape and context.

Pursuant to Clause 3, Division 2 of Schedule 2 ('the deemed provisions'), the local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. However, with regards to any matters where the R-Codes are involved, there is a caveat.

A local planning policy ~~local planning policy~~, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes Volume 1;
- (b) consistent with the design principles of the R-Codes Volume 1; and
- (c) consistent with the objectives of the R-Codes Volume 1.

Therefore, any changes to the Local Planning Policy which proposes to amend or replace a deemed-to-comply provision of the R-Codes must be given consent by the Western Australian Planning Commission.

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

Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

A local planning policy is not part of the local planning scheme and does not bind the local government in respect of any application for development approval, however, the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Risk related:

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 rated medium (9).

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/COUNCIL RESOLUTION NO. OCM105/06/22

MOVED Cr P Hart

That Council:

1. Adopts the following draft Local Planning Policy – Ancillary Dwellings 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*.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to advertising.
3. Requests that the draft Local Planning Policy – Ancillary Dwellings is brought back to the August 2022 Ordinary Council Meeting for final review.

MOTION CARRIED 7/0

9.1.5 Draft Local Planning Policy - Advertising for Planning Proposals

Date of Report:	7 June 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:	OCM 23 March 2022 – Item 9.3.4
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Draft Local Planning Policy - Advertising of planning proposals ⇒ 2. OCM 23 March 2022 - Item 9.3.4 ⇒

PURPOSE OF THE REPORT

To review the new draft Local Planning Policy – Advertising for Planning Proposals with a view to adopt for use.

BACKGROUND

This draft Local Planning Policy ('LPP') has been developed as part of the current review of the Shire's policy framework.

This LPP will be a stand-alone policy outlining advertising requirements for planning purposes only. This is not limited to development applications – rather, it covers all statutory advertising relating to planning instruments under the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It does not cover statutory advertising requirements associated with other acts such as the *Local Government Act 1995* or the *Dog Act 1976*.

At the Ordinary Council Meeting on 23 March 2022 it was resolved:

COUNCIL RESOLUTION NO. 29/03/22

That Council:

1. Adopts the following draft Local Planning Policy - Advertising for Planning Proposals 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*
2. That Council requests that the current M.2. Public Consultation – Formal Matters is amended and modified to remove any references and provisions pertaining to planning proposals.

The Shire has now completed its statutory obligation to advertise this Local Planning Policy. In accordance with the procedures set out in clause 4(3) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council must now resolve to —

- (i) proceed with the policy without modification; or
- (ii) proceed with the policy with modification; or
- (iii) not to proceed with the policy.

Given no submissions have been received, it is recommended that the Council adopts the policy without modification.

COMMENTS AND DETAILS

The existing policy being applied by the Shire of Toodyay is the *M.2 Public Consultation – Formal Matters*, which was adopted by the Council in 2005 and last amended in 2010. This policy is designed to clearly define the various levels of consultation required to meet the statutory and ‘standard’ consultation requirements for the range of Council functions.

Importantly, this is an opportunity to create a new policy which effectively brings the planning consultation policy requirements outlined by the Shire into line with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Western Australian Local Government Association (‘WALGA’) notes:

When researching the top issues for WALGA’s Planning Improvement Program, our survey found that 20% of Local Government members considered the topic of ‘Public Consultation’ as a high priority, while more than 50% identified it as a priority.

While the Association acknowledges that many Local Governments are highly skilled in conducting community consultation and advertising planning proposals, some Local Governments have sought assistance in this space, as they may lack sufficient staff or capacity to develop their own policies.

To assist in this area, the Association has reviewed a number of existing Local Planning Policies and used the information to create a Draft Model Local Planning Policy - Advertising planning proposals, with the aim that Local Governments can use it as a guide when creating their own policies.

Therefore, it is from this Draft Local Model Planning Policy – Advertising Planning Proposals that the draft policy before Council has been developed.

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 advertising of the draft local planning policy was conducted in accordance with the clauses contained in the Regulations and no submissions were received.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

O 1: Provide accountable and transparent leadership for the community

O 2: Consistently improve our governance practices

Policy related:

The existing policy M.2. Public Consultation – Formal matters will need to be amended to remove any references to planning functions. This will need a Council resolution and this is contained in the officer recommendations.

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

Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

A local planning policy is not part of the local planning scheme and does not bind the local government in respect of any application for development approval, however, the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Risk related:

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.

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/COUNCIL RESOLUTION NO. OCM106/06/22

MOVED Cr C Duri

That Council:

1. Pursuant to clause (3)(b)((i) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the following draft Local Planning Policy - Advertising for Planning Proposals as per Attachment 1 without modification.
2. Requests the CEO to:
 - (a) publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - (b) amend the current M.2. Public Consultation – Formal Matters to remove any references and provisions pertaining to planning proposals.

MOTION CARRIED 7/0

9.1.6 Draft Local Planning Policy - Use of Shipping Containers and Similar Storage Structures

Date of Report:	7 June 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:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Draft Local Planning Policy - Use of Shipping Containers and Similar Storage Structures ↗

PURPOSE OF THE REPORT

To review the new draft Local Planning Policy – Use of Shipping Containers and Similar Storage Structures 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.

COMMENTS AND DETAILS

The current LPP.14 - Use of Sea Containers and Other Similar Storage Structures was adopted on 20 August 2009 and it was last reviewed on 18 September 2012.

In this time there have been significant changes in the planning framework such as the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which now form the 'deemed provisions' of all Local Planning Schemes.

At the most basic level, the changes included in this draft Local Planning Policy will provide a much-needed update to be consistent with the contemporary planning framework.

However, the draft local planning policy under consideration goes further and reflects a balance between sustainable development, good planning outcomes, reduced bureaucracy and a reflection of changing economic times which requires the Shire to advocate for more affordable storage options.

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.

Additionally, this draft Local Planning Policy was workshopped with the elected members over a period of time on the MS Teams workspace, and also at the Council Workshop held on 8 June 2022. This workshop was attended by Shire staff and seven elected members.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

O 1: Provide accountable and transparent leadership for the community

O 2: Consistently improve our governance practices

Policy related:

The current adopted policy places restrictions on the number, location, zoning and duration that shipping containers can be placed on properties within the Shire of Toodyay.

Whilst the Shire is not keen to see a plethora of shipping containers across the landscape, it recognises the economic benefits and sustainable nature of this form of development to the community. Therefore, this is an opportunity to revisit the policy and to look if there are **alternate ways** ~~any ways~~ to make the application for shipping containers and similar storage structures more flexible – whilst maintaining amenity to the location. Ultimately the aim of this policy is to strike a balance between rigidity and reasonableness.

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

Local Planning Policies

Planning and Development (Local Planning Schemes) Regulations 2015

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

A local planning policy is not part of the local planning scheme and does not bind the local government in respect of any application for development approval, however, the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

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 rated medium (9).

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

Cr Madacsi moved the Officer's Recommendation, as a motion, with the inclusion of an amendment as follows:

That Council:

1. **Adopts the following draft Local Planning Policy – Use of Shipping Containers and Similar Storage Devices 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:**
 - amend: p.79 4(d) – the Council will permit up to four (4) shipping containers or similar storage structures on properties greater than 100 hectares.”
 - That the policy statement at 3(e) be amended to read:
As sea containers and other similar structures may have an adverse effect on the visual amenity of an area, their location in Residential or Town Centre zones will not be supported unless the structure is for temporary building site works, as described in Part 2
2. **Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to advertising.**
3. **Requests that the draft Local Planning Policy – Use of Shipping Containers and Similar Storage Devices is brought back to the August**

2022 Ordinary Council Meeting after the advertising is completed - for final review.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM107/06/22

MOVED Cr R Madacsi

That Council:

1. Adopts the following draft Local Planning Policy – Use of Shipping Containers and Similar Storage Devices 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:
 - amend: p.79 4(d) – the Council will permit up to four (4) shipping containers or similar storage structures on properties greater than 100 hectares.”
 - That the policy statement at 3(e) be amended to read:
As sea containers and other similar structures may have an adverse effect on the visual amenity of an area, their location in Residential or Town Centre zones will not be supported unless the structure is for temporary building site works, as described in Part 2
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to advertising.
3. Requests that the draft Local Planning Policy – Use of Shipping Containers and Similar Storage Devices is brought back to the August 2022 Ordinary Council Meeting after the advertising is completed - for final review.

MOTION CARRIED 7/0

9.1.7 Draft Dogs Policy

Date of Report:	8 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	POL1
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Draft Dogs Policy ↗

PURPOSE OF THE REPORT

To review the new draft Shire Policy – Dogs with a view to adopt for advertising.

BACKGROUND

The current A.15 Keeping of 3 to 6 Dogs policy was adopted by the Council on 19 June 2012. It had previously manifested itself as a Local Planning Policy which had been adopted on 20 August 2009.

However, the Council revoked the Local Planning Policy at the 19 June 2012 as the Policy did not relate to development under the provisions of the Local Planning Scheme. This Policy provides direction on the number of dogs that can be kept on a property under the *Shire of Toodyay's Dog Local Law* and the *Dog Act 1976*. At the same meeting, the Council resolved to adopt the policy as an administration policy.

Given it is ten years since this iteration was adopted, it is an appropriate time to review the document to ensure it is consistent with the current legal framework and is in line with the expectations of the community.

COMMENTS AND DETAILS

The Shire is currently experiencing an unprecedented number of compliance issues relating to dog regulation. The most consistent compliance issue relates to landowners and occupiers having more than two dogs on their property. However, the Shire has also dealt with dangerous dog, dog confinement, dog noise and dog breeding issues.

Accordingly, the Council has had to deal with a number of retrospective applications for 3 to 6 dogs, some of which have also been challenged through the State Administrative Tribunal.

This has resulted in a considerable drain on already limited staff resources as often these retrospective applications and associated appeals are complex in nature.

Therefore, Council is seeking a more robust policy to clearly communicate its position on dogs within the Shire, whilst also providing clarity to dog owners (and prospective ones), as

well as a clearer way for the issue to be administered and regulated by Shire staff and elected members.

A draft policy is provided at **Attachment 1** for Council's consideration.

IMPLICATIONS TO CONSIDER

Consultative:

There is no statutory requirement to advertise. The Shire's adopted M.2 Public Consultation – Formal Matters policy states that consultation (in relation to policy development) is required only in instances of proposals, projects or Council functions that are of Shire wide significance. Still, it is likely that this particular proposal will be of some community interest as it is a policy which will have compliance implications for the community in the future.

Council can choose to advertise the draft policy if it feels it is warranted in this case.

In this instance, despite there being no formal requirement to advertise, it is recommended that the policy is advertised in a method akin to the procedures set out for the advertising of a Local Planning Policy. This will include:

- Advertising in the *Toodyay Herald*;
- A notice on the Shire's Facebook page; and
- A notice on the Shire's website.

The period of advertising will be 21 days.

However, there has already been internal consultation where elected members have had access to review the draft policy in the MS Teams environment and where the draft policy was examined in depth at a Council Workshop held on 8 June 2022. This workshop was attended by Shire staff and seven elected members.

Significantly at this workshop, the elected members present wanted to see a policy more reflective of their position to limit the maximum number of dogs on any property to 4. It was felt that by being called a 3 to 6 dog policy, it would be counterproductive to this intent. In renaming the policy a 'Dogs' policy, it also provides future scope and flexibility to introduce other dog related policy functions into future iterations.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

O 1: Provide accountable and transparent leadership for the community

O 2: Consistently improve our governance practices

Policy related:

A.15 Keeping of 3 to 6 Dogs policy.

The Shire of Toodyay is one of two Local Government Authorities (LGA's) in Western Australia, found to have a dedicated policy on the keeping of 3 to 6 dogs. Most other LGA's are relying instead on the Local Law for compliance and enforcement, and a series of fact sheets for educational purposes.

The benefit is that a policy does allow some discretion in that they are not wholly inflexible. Additionally, the process for amending a policy is relatively simple and therefore the Shire

can tweak a policy to meet the changing needs and expectations of the community as well as being able to remain consistent with any changes to the statutory framework.

Financial:

There are no immediate financial implications as a result of this policy as it does not carry with it a mandatory statutory advertising requirement. Were the Council to determine that some advertising was warranted – then the Shire would be responsible for the cost of this. In a newspaper, two advertisements could be approximately \$500, though this money has been factored into the upcoming budget.

If and when the policy is adopted, the Shire potentially faces appeals to its decisions at the State Administrative Tribunal. Additionally, the Shire may be challenged over any punitive measures it decides to take, through the legal system.

In each instance, this is generally a costly exercise as the Shire must divert resources to pay for consultants and lawyers to navigate this process.

Legal and Statutory:

This policy is made pursuant to Section 2.7(2) (b) of the [Local Government Act 1995](#) and provides clarification to Clause 3.2 of the [Shire of Toodyay Dogs Local Law](#), which has been made pursuant to the [Dog Act 1976](#).

Risk related:

Health	Mental health issues arising from altercations and incidents.	Moderate (9)
Financial Impact	Legal action against Shire	Moderate (9)

Workforce related:

A renewed policy providing certainty and clarity will assist officers in administering and regulating the issue of dogs.

VOTING REQUIREMENTS

Simple Majority

Cr Madacsi moved the Officer's Recommendation, as a motion, with an amendment to Point 1 as follows:

That Council:

1. **Adopts the Draft Dogs Policy (Attachment 1), as amended, for the purposes of public advertising subject to the following amendments:**
 - (a) **Amend p. 3 Exception Table to read:**
 - i. **Working Dog, amend Farm dog – to include “or, where it can be demonstrated an additional dog is required because of an increase in stock or landholding”.**
 - ii. **Compassionate: To be amended to read: “New residents with pre-existing dogs provided;**
 - a. **The dogs were registered at the previous locality.**

- b. The dogs have no history of aggression.
 - c. The owner has no previous breaches or offences under the Dog Act 1976
- (b) Amend mandatory sterilization to read – sterilization is to be compliant with current State government legislation at the time of application.
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to advertising;
- 3. Requests that the Draft Dog Policy is brought back to the August 2022 Ordinary Council Meeting after the advertising is completed - for final review.

Clarification was sought.

Cr Ruthven moved an amendment to the motion as follows:

That a point 1(c) and 1(d) be included to read as follows:

- (c) All dogs registered at previous locality have no history of aggression
- (d) In part 2 replace the z in the word sterilization with an s.

Cr Madacsi accepted the amendments to the substantive motion.

Clarification was sought.

Cr McCormick moved an amendment to the Policy as follows:

That at Point 1(b) the words “or nuisance behaviour” be inserted after the word “aggression”

Cr Madacsi accepted the amendment to the substantive motion.

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM108/06/22

MOVED Cr R Madacsi

That Council:

- 1. Adopts the Draft Dogs Policy (Attachment 1), as amended, for the purposes of public advertising subject to the following amendments:
 - (a) Amend p. 3 Exception Table to read:
 - i. Working Dog, amend Farm dog – to include “or, where it can be demonstrated an additional dog is required because of an increase in stock or landholding”.
 - ii. Compassionate: To be amended to read: “New residents with pre-existing dogs provided;
 - a. The dogs were registered at the previous locality.
 - b. The dogs have no history of aggression or nuisance behaviour.
 - c. The owner has no previous breaches or offences under the Dog Act 1976
 - (b) Amend mandatory sterilization to read – sterilization is to be compliant with current State government legislation at the time of application.

- (c) All dogs registered at previous locality have no history of aggression.
- (d) In part 2 replace the 'z' in the word sterilization with an 's'.
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to advertising;
- 3. Requests that the Draft Dog Policy is brought back to the August 2022 Ordinary Council Meeting after the advertising is completed - for final review.

MOTION CARRIED 7/0

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Disability Access and Inclusion Plan Progress Report 2021/2022

Date of Report:	31 May 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	DSB2
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	No
Author's Disclosure of Interest:	N/A
Council's Role in the matter:	Review
Attachments:	1. Disability Access and Inclusion Plan Progress Report 2021/22 ➡

PURPOSE OF THE REPORT

A review of the Shire's Disability Access and Inclusion Plan (DAIP) has been conducted by officers and the draft 2021/22 Progress Report is presented for Council's consideration prior to submission to the Disability Services Commission.

BACKGROUND

In accordance with the *Disability Services Act 1993 (amended 2004)*, public authorities are required to develop and implement a DAIP that identifies barriers to access and propose solutions to ensure equitable access to services and facilities for people with disabilities. The Shire of Toodyay adopted its current DAIP 2020-2025 on 25 February 2020.

Local governments are required to report annually on their progress in implementing their Disability Access and Inclusion Plans (DAIPs). The Minister for Disability Services uses the information to produce a report detailing the progress made by public authorities across Western Australia. This report is provided to the Western Australian Parliament and made publicly available by the Department of Communities.

The Shire of Toodyay aims to improve accessibility and inclusiveness for people with disability and their carers/families through the strategies outlined in the Disability Access and Inclusion Plan (DAIP) 2020-2025.

COMMENTS AND DETAILS

Disability Access and Inclusion Plans are an important way of ensuring that public authorities continue to improve access and inclusion outcomes for people with disability.

The Progress Report (**Attachment1**) provides information regarding the extent to which inclusion is effectively integrated into Shire operations and the influence of access and inclusion measures on the community.

The 2021/22 DAIP Progress Report must be submitted no later than 29 July 2022 addressing the Shire's progress in the following key areas;

- Outcome 1: Services and Events
- Outcome 2: Buildings and Other Facilities
- Outcome 3: Information and Communication
- Outcome 4: Quality of Service
- Outcome 5: Complaints and Safeguarding
- Outcome 6: Consultation and Engagement
- Outcome 7: Employment, People and Culture

Significant progress has been made particularly in relation to footpaths and townsite accessibility. Additionally, projects have been identified and included as part of the 2022/23 budget planning process. Officers acknowledge however, that there is further work to be done in the areas of training and awareness of those living with disability. Further information is detailed within the DAIP Progress Report 2021/22 as attached.

IMPLICATIONS TO CONSIDER

Consultative:

Disability Services Commission (DSC)

The DSC provides a reporting tool for completion by public authorities. The information is collated by the DSC and provided to the Minister and a summary report is provided to WA Parliament.

Community members and visitors

The Shire considers feedback from the community, to improve awareness of those living with disability. Action on feedback however, can be subject to budgetary limitations.

Strategic:

Disability Access and Inclusion Plan (DAIP) 2020-2025

Strategic Community Plan 2028

Financial:

The implementation of DAIP actions is considered as part of the annual budget process.

Legal and Statutory:

Disability Services Act 1993

Section 29C of the *Disability Services Act 1993* requires the Disability Services Commission to provide the Minister with a report on the effectiveness of disability access and inclusion plans. Public authorities in Western Australia are requested to provide a progress report to the Commission annually with key information in order that they meet their legislative requirements.

Risk related:

Whilst it isn't legislated that the Shire must submit a Progress Report, it is a requirement of the Disability Services Commission for that agency to meet its statutory obligations. Failure to submit a Progress Report could result in a reputational risk to the Shire.

Workforce related:

The development and administration of the Shire's DAIP is led by the Corporate and Community Services team as access and inclusion falls within this portfolio. However, responsibility for implementing the actions within the DAIP lies with relevant officers across the organisation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM109/06/22

MOVED Cr B Ruthven

That Council:

1. Adopts the Disability Access and Inclusion Plan Progress Report 2021/22 as attached, noting the progress made to date.
2. Requests the Chief Executive Officer to submit the 2021/22 DAIP Progress Report to the Department of Communities by 29 July 2022.

MOTION CARRIED 7/0

9.2.2 Community Funding Program 2022/23

Date of Report:	1 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	Not Applicable
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

Council is requested to determine budget allocations arising from the Community Funding programme for inclusion in the 2022/23 draft budget.

BACKGROUND

At the Ordinary meeting of Council held in February 2022, Council adopted the Community Funding Policy and the associated guidelines. This policy sought to formalise the annual sponsorship process, the timing of which supports responsible budget planning on an annual basis. The *Community Funding Policy* and *Community Funding Guidelines* were designed to set out the parameters for Council's support of one-off community activities and events in an equitable and accountable way.

Following adoption of the policy, the funding round was opened on 1 March 2022, for a five-week period, and eligible groups were encouraged to apply. During this time, Officers held information sessions for interested groups. Consequently, twelve applications totalling \$78,195 were received for Council's consideration.

At the May 2022 OCM, it was resolved;

That Council:

1. *Agrees to allocate up to \$80,000 in the draft 2022/23 budget process for the Community Funding Program 2022/23;*
2. *Requests the CEO to:*
 - a) *Arrange a Council workshop to provide further information and discussion regarding the applications received;*
 - b) *Bring a report back to the June OCM for Council to determine the cash contributions to be made within the \$80,000 allocation.*

In accordance with the above resolution, a workshop was held with staff and Councillors on 1 June 2022 so that officers could provide further information regarding the funding requests. The workshop was attended by seven Councillors.

COMMENTS AND DETAILS

The Shire of Toodyay supports the collective and economic benefit of its community and businesses and provides financial assistance through the Community Funding Program to consider these proposals.

At the close of the advertising period, a panel of Officers assessed each application in accordance with Council's *Community Funding Guidelines* to ensure eligibility, and provided recommendations based on their assessment. Key consideration was given to the following areas;

- Community participation, connectedness, and well-being.
- Building community capacity.
- Attraction of visitors and economic impact.
- Understanding, protection, and appreciation of the natural and built environment.
- Contribution to the vibrancy and quality of life in Toodyay.

A summary of recommended funding is included below;

Applicant	Description of Project	Proposed Funding
Toodyay Netball Club	Assistance to purchase new club uniforms	\$1,400
Toodyay Cricket Club Inc	Assistance to deliver 2022/23 Junior Coaching Clinics	\$2,500
Noongar Kaartdijin Aboriginal Corporation	Assistance to deliver the overall trail mapping and one "whole of Noongar Trail" sign	\$2,900
Toodyay DHS & P&C Inc	Assistance in construction of a nature playground at Toodyay DHS	\$3,000
Toodyay Park Run	Assistance to purchase a defibrillator as part of establishing the inaugural Toodyay Parkrun	\$2,000
Toodyay Community Resource Centre	Assistance to deliver the 2022 Toodyay Annual Christmas Street Party, 2022/23 TCRC School Holiday Program and TCRC Youth and Community Development programme.	\$25,000
Toodyay Events Planning Inc.	Assistance to deliver the 2023 Toodyay Moondyne Festival	\$10,000
Toodyay Fibre Festival Inc.	Assistance to deliver the 2023 Toodyay Fibre Festival	\$7,000
Toodyay Youth Care	Assistance to deliver the 2022/23 Toodyay Youth Care Program	\$10,000
Total Proposed Cost		\$63,800

Officers have considered a number of the above requests – specifically annual activities and events – and see the benefit of negotiating multiyear funding agreements where appropriate. Officers are proposing that Council considers three year agreements for the following groups;

1. Toodyay Community Resource Centre (TCRC) - \$25,000
 - (a) Inclusive of the funding request for the Christmas Party and School Holiday Programmes, officers are proposing the Shire negotiates a multiyear funding agreement with the TCRC as follows;
 - Year 1 \$25,000,
 - Year 2 \$20,000
 - Year 3 \$20,000
 - (b) A multiyear agreement will enable the Toodyay CRC to continue delivery of its regular after school programme as well as targeted activities to engage teenagers. The Shire of Toodyay is committed to providing ongoing support to children and young people as part of the Strategic Community Plan. Support of this initiative aligns with the Shire's objectives.
 - (c) In addition to the above, the TCRC delivers events that support the health and wellbeing of the community and support economic development. Both of these areas are key objectives in the Shire's SCP.
2. Moondyne Festival - \$10,000
 - (a) Council supports the delivery of the Moondyne Festival on an annual basis. A multiyear funding agreement will provide Toodyay Events Planning Inc. the assurance and security of ongoing support.
3. Toodyay Youthcare - \$10,000
 - a. Funding is requested annually to assist with the provision of a School Chaplain. Provision of this service aligns with key objectives of the Shire's SCP.

Each agreement will be negotiated individually and will be subject to conditions and acquittal and reporting requirements. Agreements will be negotiated by the Chief Executive Officer under delegation.

IMPLICATIONS TO CONSIDER

Consultative:

Community funding applicants

Strategic:

Toodyay Strategic Community Plan 2028

Strategic priorities include:

- Support the development of community groups and sponsorships.
- Build partnerships that strengthen our community wellbeing.

Policy related:

Community Funding Policy

Financial:

The funding requests recommended for support in the 2022/23 year total \$63,800, comprising both cash components and in-kind requests. In-kind requests have been considered on a case-by-case basis due to the fact that costs are an estimate only and, in some cases, may be subject to significant variations beyond the Shire's control.

Furthermore, Officers are proposing in-kind support is limited to areas such as fee waivers for facility hire or application fees. Considering the high workload and abundance of projects across the assets and infrastructure department, scheduling additional projects outside of the works program may have a detrimental effect on current projects.

Subject to negotiation and approval of multiyear funding agreements, officers will make the necessary adjustments to the Long Term Financial Plan.

Legal and Statutory:

All Council supported events will need to comply with and be assessed against any statutory policies and legislation.

Risk related:

Should Council resolve to support the proposed Officer recommendation, local organisations will have critical timely allocation of financial support, helping re-establish direction and confidence in their own futures. Through the Shire of Toodyay Annual Budget and Long-Term Financial Plan for community funding, community groups paired with large scale local events have the opportunity of obtaining peace of mind and financial security through the community funding process as approved by Council.

Officers consider reputational risk as low in consideration of the significant support Council provides to a range of community activities and projects across the year.

Workforce related:

Assistance from the works department may be required to support some of the in-kind requests, however, support of this nature has been limited based on organisational capacity.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

MOVED Cr B Ruthven

That Council:

1. Approves the following funding requests as part of the 2022/23 draft budget totalling \$63,800;

Toodyay Netball Club	\$1,400
Toodyay Cricket Club Inc	\$2,500
Noongar Kaartdijin Aboriginal Corporation	\$2,900
Toodyay DHS & P&C Inc	\$3,000
Toodyay Park Run	\$2,000
Toodyay Community Resource Centre	\$25,000
Toodyay Events Planning Inc.	\$10,000
Toodyay Fibre Festival Inc.	\$7,000

	Toodyay Youth Care	\$10,000
2.	Requests the Chief Executive Officer to negotiate a three year funding agreement for the following groups;	
	Toodyay Community Resource Centre	\$25,000
	Toodyay Events Planning Inc.	\$10,000
	Toodyay Youth Care	\$10,000
3.	Requests the CEO to update the Long Term Financial Plan to include the Multiyear Funding Agreements.	

Cr Ruthven moved the Officer’s Recommendation.

Clarification was sought.

Cr Duri moved an amendment to the motion as follows:

That at Point 1, the funding request for Toodyay Fibre Festival Inc be removed from the table and deferred for further discussion.

Cr Ruthven did not accept the amendment.

Cr McKeown moved a Procedural Motion as follows:

That the meeting proceed to the next item of business (Agenda Item 9.2.3 Disposal of Syred’s Cottage) at 1.43pm in accordance with Standing Order 10.1(a).

The Procedural Motion was put.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM110/06/22

MOVED Cr M McKeown

That the meeting proceed to the next item of business (Agenda Item 9.2.3 Disposal of Syred’s Cottage) at 1.43pm in accordance with Standing Order 10.1(a).

Voted For: Crs R Madacsi, C Duri, S McCormick and M McKeown

Voted Against: Crs B Ruthven, P Hart and D Wrench

MOTION CARRIED 4/3 BY ABSOLUTE MAJORITY

The Presiding Member confirmed that the motion had been carried at 1.46pm.

The Presiding Member, in accordance with Standing Order 10.5, advised as follows:

(a) the debate on the substantive motion or amendment ceases immediately;

(b) no decision is made on the substantive motion;

(c) the Council moves to the next item of business; and

(d) there is no requirement for the matter to be raised again for consideration.

9.2.3 Disposal of Syred's Cottage

Date of Report:	6 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	A4580
Author:	M Eberle – Museum Curator and Cultural Heritage Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	OCM 24 November 2015 Item 9.2.4 OCM 27 March 2019 Item 9.2.1 OCM 21 December 2021 Item 9.2.4 OCM 23 March 2022 Item 9.2.3
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> Heritage Advice from Stephen Carrick, Stephen Carrick Architects Pty. Ltd. (confidential) May 2022, Expression of Interest, Gifting of Syred's Cottage ⇒ Expression of Interest - Submission 1 (confidential) Expression of Interest - Submission 2 (confidential)

The attachment to this report is confidential under section 5.23(2)(b),(c), and (e)(i),(ii) and (iii) of the Local Government Act 1995 as it contains information about the personal affairs of a person, has a commercial value to a person. Regulation 14(2) of the Local Government (Administration) Regulations 1996, enables the CEO to make the attachment confidential. Councillors may decide to move behind closed doors to discuss the content of the attachment.

PURPOSE OF THE REPORT

To review responses to the Expression of Interest for the disposal of Syred's Cottage and determine the successful applicant.

BACKGROUND

As part of the Shire's Asset Rationalisation Strategy undertaken in 2015, Council identified Syred's Cottage, located at 34 Second Road (Lot 203), Bejoording, for disposal. The process to formalise the disposal commenced in 2018 when expressions of interest were called for the sale of the property. No interest was received at the time.

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

In December 2021, Council resolved the following;

That Council:

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

A notice calling for Expressions of Interest (EOI) was placed on the Shire of Toodyay's website on 11 January 2022, in the West Australian newspaper on 15 January 2022, Shire of Toodyay's Toodyay Museums group page on 19 January 2022 and in the Toodyay Herald, February edition.

A drop-in information session at the Shire of Toodyay's Council Chambers was conducted on 9 February 2022 about the proposed deed of gift process. This was advertised in the Toodyay Herald February edition. The closing date for submissions was 15 February 2022.

A Council Workshop was held on 9 March to discuss how to proceed following the receipt of two EOIs. As a result of discussions, officers proposed that both applications would be considered as part of a formal process.

At the 23 March 2022 Ordinary Council Meeting it was resolved to commence a closed tender process. A document with selection criteria as attached to this report – see **Attachment 2** – was produced and forwarded on 10 May 2022 to the two parties who submitted an interest in taking on the property.

COMMENTS AND DETAILS

The closing date for submissions was 1 June 2022. Both parties responded within the allocated time.

The written responses are provided as confidential attachments.

In this instance the Shire agrees with the advice provided to it by Stephen Carrick. It was noted in this advice that the recommended applicant was able to demonstrate a better understanding of the approach and methodology when managing a place of cultural heritage significance. Additionally, the recommended applicant has demonstrated previous experience with heritage places. A knowledge and understanding of the commitment required to maintain such important heritage places is ultimately critical to the success and survival of these sites for the future.

IMPLICATIONS TO CONSIDER

Consultative:

Advice was sought from Heritage architect, Stephen Carrick, on the development of criteria used in the May 2022 Expression of Interest document and the evaluation of the responses received to this document.

Officers sought advice from WALGA with regards to confidential attachments and maintaining the privacy of the applicants.

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community

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

Policy related:

F.12 Disposal of Property

Financial:

The cost of seeking independent heritage advice has been covered within the existing budget. The transfer of this property, while it will not attract proceeds from sale, will result in a reduction to the ongoing building maintenance costs within the Shire's Building Maintenance and Renewals schedule, estimated to be around \$27,000 over the coming four financial years.

Legal and Statutory:

Local Government Act 1995, Section 3.58 Disposing of Property, sub-section 3

Risk related:

There may be adverse feedback from the community about the Shire gifting a heritage asset. There may also be adverse feedback from the unsuccessful applicant. Both scenarios may give rise to reputational risk which is rated moderate. This risk, however, has been mitigated by the engagement of an independent heritage consultant and by providing regular updates to Council regarding the process since December 2021.

Workforce related:

This process has been managed within existing resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council;

1. Resolves to gift Syred's Cottage, located at 34 Second Road (Lot 203), Bejoording, to the proponent of Submission 2 (confidential attachment 4), giving consideration to the recommendation provided by Heritage Architect, Stephen Carrick (confidential attachment 1) and;
2. Requests the Chief Executive Officer to commence the process to formally transfer ownership of the property.

Cr Madacsi moved the Officer's Recommendation, as a motion, with an amendment to Point 2 as follows:

That Council:

1. **Resolves to gift Syred's Cottage, located at 34 Second Road (Lot 203), Bejoording, to the proponent of Submission 2 (confidential attachment 4), giving consideration to the recommendation provided by Heritage Architect, Stephen Carrick (confidential attachment 1) and;**

2. **Requests the Chief Executive Officer to commence the process to formally transfer ownership of the property within the next three months.**

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM111/06/22

MOVED Cr R Madacsi

That Council:

1. Resolves to gift Syred's Cottage, located at 34 Second Road (Lot 203), Bejoording, to the proponent of Submission 2 (confidential attachment 4), giving consideration to the recommendation provided by Heritage Architect, Stephen Carrick (confidential attachment 1) and;
2. Requests the Chief Executive Officer to commence the process to formally transfer ownership of the property within the next three months.

MOTION CARRIED 7/0

9.2.4 Monthly Financial Statements - May 2022

Date of Report:	7 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	N Mwale– Finance Coordinator
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	NA
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative/Review
Attachments:	1. Monthly Financial Statement as at 31 May 2022 ↗

PURPOSE OF THE REPORT

This report provides Council with financial information for the period ending 31 May 2022.

BACKGROUND

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

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

COMMENTS AND DETAILS

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

The attached reports include Statements of Financial Activity (SFA) for May 2022. Datacom has done some advanced work on reports supporting Annual Financial Statements in Datascope. However for monthly reports, officers are still using excel spreadsheets to construct the reports. Officers continue to work alongside Datacom to rectify the situation.

Key Financial areas

The following information provides balances for key financial areas for the Shire of Toodyay's financial position as at 31 May 2022.

Outstanding Rates and Services

The total outstanding rates and charges balance at the end of May was \$1,205,647.74 compared to April 2022 closing balance of \$1,406,895.80. Further detail regarding the composition of outstanding rates is included in **Attachment 1**.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of April was \$673,452.51 broken down as follows:

Category	30/04/2022	31/05/2022
> 90 days and over	163,687.96	141,970.44
> 60 days and over	479.83	1,156.54
> 30 days and over	7,087.07	307,230.97
Current	329,933.76	223,067.56
TOTAL	501,188.62	673,425.51

The table above shows a relative decrease in the outstanding sundry debtors balance in the 90 days category. An overdue amount of \$124,980 is owed by ADCO Construction Pty Ltd water charges at the Toodyay Recreation Centre. This amount will be recognised as a doubtful debt as part of the 2020/21 financial audit.

IMPLICATIONS TO CONSIDER**Consultative:**

Datacom

Strategic:

Governance: The way the Shire leads and operates.

Objective 3: Ensure rigorous organisational systems.

Policy related:

- F.02 Authorised Signatories
- F.03 Purchasing
- F.11 Corporate Credit Cards
- F.16 Financial Governance
- CS.1 Payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the Local Government Act 1995)

Financial:

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

Legal and Statutory:

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

Section 6.8(1)(a) of the *Local Government Act 1995* states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget. Regulation 34 of the *Local Government (Financial Management) Regulations 1996* sets out the form and content of the financial reports.

Risk related:

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

Workforce related:

To date, monthly financial reports for the 2021/22 financial year have lacked the level of detail previously provided to Council due to the fact the Datascape configuration was incomplete and unable to cater for effective monthly financial reporting associated with the transition. Officers' time continues to be focused on the transition of the Shire's enterprise software. It is envisaged that as the transition progresses, the presentation of the monthly financial reports will improve.

VOTING REQUIREMENTS

Simple Majority

Cr Wrench moved the Officer's Recommendation as follows:

That Council receives the Monthly Financial Statements for the month ending 31 May 2022.

Clarification was sought

Cr McKeown moved an amendment to the motion as follows:

That the words "subject to the formatting and colouring being corrected" be inserted after the date.

Cr Wrench accepted the amendment.

Further clarification was sought.

Cr McKeown moved an amendment to the motion as follows:

The second column on the attachment be corrected to read Year to Date Review

Cr Wrench accepted the amendment.

Further clarification was sought.

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM112/06/22

MOVED Cr D Wrench

That Council receives the Monthly Financial Statements for the month ending 31 May 2022 subject to the formatting and colouring being corrected and the second column on the attachment be corrected to read Year to Date Review.

MOTION CARRIED 7/0

9.2.5 List of Payments - May 2022

Date of Report:	9 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	C Murcott – HR/Payroll Officer
Responsible Officer:	N Mwale – Finance Coordinator
Previously Before Council:	NA
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments - May 2022. ↗

PURPOSE OF THE REPORT

To present cheques and electronic payments raised during May 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 May 2022 are attached at **Attachment 1**.

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 May 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. OCM113/06/22

MOVED Cr D Wrench

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

Direct Debits	\$ 18,125.24
EFTs	\$ 722,590.30
DD Loans	\$ 38,013.53
Payroll	\$ 222,500.71
Municipal Cheques	\$ 79,548.68
TOTAL	\$1,080,778.46

MOTION CARRIED 7/0

9.3 EXECUTIVE SERVICES**9.3.1 Process for Review the Shire of Toodyay Strategic Community Plan**

Date of Report:	23 May 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	OCM 22 June 2021 Item 9.3.1
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To seek Council's approval of the process for the review of the Shire of Toodyay's Strategic Community Plan.

BACKGROUND

All local governments in Western Australia are required to develop a Plan for the Future as prescribed under Section 5.56(1) of the *Local Government Act 1995*.

Regulation 19BA of the *Local Government (Administration) Regulations 1996*, states that a Plan for the Future is to incorporate a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

The SCP provides the long-term view (10 plus year timeframe) for the Shire and sets out the vision, aspirations and objectives of the community. There is a strong emphasis on community engagement in the development of the SCP, underpinned by a regulatory requirement to consult with electors and ratepayers.

The CBP is responsible for translating the strategic direction of the Shire, articulated within the SCP, into specific priorities and actions at an operational level. It provides a medium-term snapshot of operational actions and priorities to inform the annual planning and budgeting process.

Regulation 19C(4) of the *Local Government (Administration) Regulations 1996* requires the SCP to be reviewed at least once every 4 years. The last major strategic review was carried out in 2018.

In early 2021, a community survey was undertaken to inform a proposed review of the Shire's SCP and a consultant engaged to write the draft review. The adoption of a revised SCP was deferred pending the adoption of the 2021/22 Annual Budget and the inclusion of relevant financial information in the SCP.

The major review is due in 2022 and was therefore included in the CEO's Key Performance Indicators for this year. The review is a major focus for the 2022/23 financial year.

This report seeks Council approval of the process to be undertaken to review the SCP.

COMMENTS AND DETAILS

Attachment 1 to this report provides information published by the Department of Local Government, Sport and Cultural Industries (DLGSC) regarding the development of the Strategic Community Plan and the community engagement required.

Officers are proposing a process for the Major Strategic Review that will include:

1. Community Scorecard.
2. Development of the SCP based on priorities identified in the Scorecard.
3. Adoption of the SCP by Council for public advertising.
4. Realignment of informing strategies such as the Workforce Plan, Asset Management Plans etc.
5. Consideration of submissions and adoption of the SCP
6. Revision and adoption of the Long Term Financial Plan (LTFP) and CBP.

While a community survey was undertaken in the 2020/21 financial year, analysis of the results did not include benchmarking against other local governments. In addition, several factors have impacted the Shire since the last survey was done including;

- The Toodyay Recreation Centre has now been operational for over eighteen months;
- COVID-19 has reached the community following the opening of State borders;
- Events that were cancelled or postponed due to COVID have been or are planned to be held;
- Council adopted an action plan in response to the outcomes of the Authorised Inquiry including:
 - An independent governance review
 - Training for councillors
 - Process improvements
 - A comprehensive policy review;
- Local Government Elections were held with the election of three new councillors;
- High potential mineralisation was discovered by Chalice Mining in the Julimar area;
- Significant staff changes have occurred.

Officers are proposing specialist consultancy Catalyse is commissioned to produce a Markyt® Community Scorecard for the Shire of Toodyay to:

- Support a review of the Strategic Community Plan (SCP)
- Assess performance against objectives and key performance indicators (KPIs) in the SCP
- Determine community priorities
- Benchmark performance
- Develop a reliable dataset for future use.

Catalyse is a highly qualified and respected consultancy that has demonstrated experience in designing and implementing community surveys, analysing data and benchmarking the results. Since 2003, Catalyse has worked with local governments to provide robust and reliable measures of performance.

The Markyt® Community Scorecard (Scorecard) offers local governments the ability to benchmark performance over time, showing historical trends, and to compare performance across the sector. Each study is custom designed, however given the experience of Catalyse in undertaking these studies, local governments have an opportunity to utilise tried and tested questions that are common to most communities, and which provide a solid foundation for benchmarking.

The Scorecard is a survey-based consultation tool that is mailed to every household and residential post office box and made available online. It is supported by a promotional campaign that includes social, print and broadcast media advertising and promotion. The results of the Scorecard are analysed by Catalyse with results including performance dashboards for each service area, broken down by demographics and highlighting significant variances in responses. The final report will outline the identified community priorities and benchmark the Shire within the industry as well as providing a service area benchmark matrix. A Community VoiceBank option provides an opportunity to capture community ideas and suggestions to address their top 3 priorities through three open-ended questions.

Officers propose that the study is undertaken in 2022 and repeated at least every four years but preferably every two, to provide important and accurate data to inform the review of the Shire's Strategic Community Plan.

For the current review, the following timeline is proposed:

Timeframe	Description
July 2022	Budget adopted that includes an allocation to engage Catalyse
August - September	Council workshop to review and agree Scorecard questions Online programming Design and distribution of scorecard Supporting promotions
October	Scorecard analysis and reporting Final report to Council
November	Council workshop to review first draft Strategic Community Plan and Long Term Financial Plan
December	Approval to advertise amended draft Strategic Community Plan for public feedback
February 2023	Council review of community feedback and adoption of revised Strategic Community Plan 2022 – 2032 Realignment of informing strategies
April – June	Review of the Corporate Business Plan as part of the 2023/24 Annual Budget process

Options

The following options are proposed for consideration in relation to the community engagement to inform the review of the SCP.

Option 1 – Council could choose to rely solely on the data collected as part of the 2021 community survey and request the CEO to provide a complete draft SCP for Council's consideration. This could then be adopted for public advertising and potentially finalised by December 2022. However, the last community survey was done in January 2021 and much has changed even in eighteen months. In addition, no benchmarking was included in the last survey. Prior to 2021, the last community survey was carried out in 2016 and was conducted in-house.

Option 2 – Council could choose to engage Catalyse to undertake a Markyt® Community Scorecard for Toodyay. The results of the study would be used to inform the review of the SCP which would then be advertised for public feedback.

Option 3 – Council could choose an alternative process for the review of the SCP which could include community meetings, a community survey developed in-house, stalls at local events etc. This process is resource-intensive and recent experience with the "Let's Talk" sessions has indicated a relative lack of community interest in this type of engagement.

Officers are proposing Option 2. Catalyse has historically managed to achieve a greater than 10% response rate to its community surveys providing a sound sample size for a population the size of Toodyay. In addition, the collection and analysis of data that is accurate and can be benchmarked within the industry provides a valuable dataset for future use by the Shire.

IMPLICATIONS TO CONSIDER

Consultative:

An outline of the Markyt® Community Scorecard process was provided at a workshop held on 8 June 2022 attended by seven councillors.

Catalyse

Other local governments

Strategic:

Governance: the way the Shire leads and operates

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

Policy related:

Corporate Documents

Public Consultation – Formal Matters

Financial:

In late 2020, the Shire engaged an independent consultant to undertake the community consultation, analyse the results and write a draft SCP for a total cost of \$19,200. The Plan was not adopted by Council.

Catalyse has provided a quotation to undertake the Markyt® Community Scorecard consisting of:

<i>Community Scorecard design, distribution, analysis and reporting</i>	<i>\$12,500</i>
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Variable expenses – printing, postage, additional processing (approx.)	\$5,000
Community Voicebank – 3 x open ended questions to capture ideas	\$3,000
Total (excluding GST)	\$20,500

Officers are proposing that this amount is included in the Draft 2022/23 Budget for Council's consideration.

Legal and Statutory:

Section 5.56(1) of the *Local Government Act 1995*.

Regulation 19BA of the *Local Government (Administration) Regulations 1996*

Regulation 19C(4) of the *Local Government (Administration) Regulations 1996*

Risk related:

Should the Shire fail to engage effectively with the community to inform the review of the Strategic Community Plan there are two identified risks: Compliance – rated high (12) and Reputational – rated moderate (9). The use of a respected and experienced consultancy with a proven reputation for effective community engagement seeks to address this risk.

There is also a compliance risk if the review of the Strategic Community Plan is not undertaken. This is rated high (12).

Workforce related:

Option 3 outlined above is resource intensive and will require increased staff capacity to implement. The recommended option can be managed within existing resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM114/06/22

MOVED Cr S McCormick

That Council:

1. Approves the process and timeline for a major review of the Shire of Toodyay Strategic Community Plan as outlined in this report;
2. Notes that the process is planned to be completed by June 2023;
3. Requests the CEO to include an allocation in the 2022/23 Draft Budget to undertake a Markyt® Community Scorecard to inform the review of the Strategic Community Plan.

MOTION CARRIED 7/0

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

Date of Report:	8 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. DLGSC Correspondence Nov 21 - June 22 ⇒

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

This report details the correspondence with the DLGSC since the November 2021 Ordinary Council Meeting. Officers acknowledge the delay in providing this information and have taken steps to ensure this becomes a standing item in the agenda.

COMMENTS AND DETAILS

Correspondence with the DLGSC since November 2021 is attached at Attachment 1 and includes:

1. Invoice and covering letter from Standards Panel for reimbursement of costs for consideration of minor breaches during the 2020-21 financial year.
2. Six pages relating to advice sought regarding an objection to outstanding rates.
3. Advice regarding a response to a question on notice relating to failure to provide financial reports in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
4. Advice regarding advertising on the DLGSC website the Shire's intention to impose differential rates.

IMPLICATIONS TO CONSIDER**Consultative:**

Department of Local Government, Sport and Cultural Industries

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community

Objective 2 Consistently improve our governance practices

Policy related:

Nil

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

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

Risk related:

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

Workforce related:

Officer resources are required to formally report on all correspondence with the DLGSC. However, in light of limited staff resources, officers have not provided this report since November 2021.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM115/06/22

MOVED Cr C Duri

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 10 November 2021 to 8 June 2022 as outlined in, and attached to, this report.

MOTION CARRIED 7/0

9.4 INFRASTRUCTURE AND ASSETS

Nil.

9.5 COMMITTEE REPORTS**9.5.1 Audit and Risk Committee Recommendations**

Date of Report:	7 June 2022
Applicant or Proponent:	Audit and Risk Committee
File Reference:	COC2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. ARC Minutes 01 June 2022 🔗

PURPOSE OF THE REPORT

For Council to receive the minutes of the Audit and Risk Committee meeting held 1 June 2022 as presented in **Attachment 1** and consider two recommendations made by the Audit and Risk Committee.

BACKGROUND

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

COMMENTS AND DETAILS

At the meeting held 1 June 2022, the Audit and Risk Committee was presented with information regarding the following;

1. Annual Financial Audit Process Update
2. Audit and Risk Committee Membership

Annual Financial Audit Process Update

Due to ongoing issues with the transition to Datascope, the inability to produce comprehensive financial reports and the absence of a Finance Coordinator between September and January, the Shire was unable to submit the balanced accounts and annual financial report within the legislated timeframe.

Considering legislative requirements, Officers saw it pertinent to provide an update to the Audit and Risk Committee and to Council.

Recommendation 1 – Annual Financial Audit Process Update

That the Audit & Risk Committee recommends that Council notes the annual financial audit process update as provided in this report to the Audit & Risk Committee and receives the revised Audit Timetable as attached to this report subject to an amendment to the target date in the first line of the Final Audit to be changed to 1 June 2022.

Audit and Risk Committee Membership

Following the resignation of a community member of the Audit and Risk Committee, the Shire advertised for expressions of interest for membership on the committee.

Recommendation 2 - Audit and Risk Committee Membership

That Council accepts the expression of interest from Mr Sean Hefferon and appoints him as a Community Representative on the Audit & Risk Committee.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

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

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

Policy related:

The Audit and Risk Committee Charter, adopted by Council on 15 Dec 2020 (CRN: 361/12/20) provides that members of the Audit and Risk Committee are formally appointed *by absolute majority.

Financial:

Nil

Legal and Statutory:

The Audit and Risk Committee is established under Part 7.1A of the *Local Government Act 1995* and does not have any delegated authority.

Workforce related:

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM116/06/22**MOVED** Cr B Ruthven

That Council notes the annual financial audit process update as provided in the report to the Audit & Risk Committee and receives the revised Audit Timetable as attached to this report subject to an amendment to the target date in the first line of the Final Audit to be changed to 1 June 2022.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM117/06/22****MOVED** Cr C Duri

That Council accepts the expression of interest from Mr Sean Hefferon and appoints him as a Community Representative on the Audit & Risk Committee.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

9.5.2 Museum Advisory Committee Recommendations

Date of Report:	6 June 2022
Applicant or Proponent:	Museum Advisory Committee
File Reference:	HER9
Author:	M Eberle – Museum Curator and Cultural Heritage Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Minutes - MAC 010622 ↗

PURPOSE OF THE REPORT

To consider a recommendation made by the Museum Advisory Committee at its meeting held on 1 June 2022.

BACKGROUND

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

COMMENTS AND DETAILS

When the Museum Advisory Committee met on 1 June 2022, they made a recommendation to Council as follows:

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

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

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

Policy related:

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

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

Financial:

Nil

Legal and Statutory:

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

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM118/06/22

MOVED Cr S McCormick

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

MOTION CARRIED 7/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**13.1 MEMBERS**

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS**14.1 Toodyay Recreation Centre Management****RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

14.1 Toodyay Recreation Centre Management

This matter is considered to be confidential under Section 5.23(2) - (c) and (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

Cr Madacsi moved the Officer's Recommendation as follows:

That Council:

- 1. Approves the Clublinks Pty Ltd Business & Marketing Plan for the Toodyay Recreation Centre for the 2022/2023 financial year; and**
- 2. Requests the CEO to include an allocation of \$538,662 in the 2022/23 Draft Budget to cover the proposed budgeted deficit relating to the management of the Toodyay Recreation Centre for 2022/23.**

Cr McCormick objected to the motion.

Cr Hart seconded the motion.

Debate commenced.

Cr Madacsi moved a Procedural Motion as follows:

That:

- 1. the meeting be closed to the public in relation to Agenda Item 14.1 Toodyay Recreation Centre Management at 2.04pm in accordance with Standing Order 10.1(e).**

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

- 2. in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —**
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**

- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
- 3. in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

The Procedural Motion was put.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM119/06/22

MOVED Cr Madacsi

That:

1. The meeting be closed to the public in relation to Item 14.1 Toodyay Recreation Centre Management at 2.04pm in accordance with Standing Order 10.1(e).
2. in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
3. in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

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

Voted Against: Cr M McKeown

MOTION CARRIED 6/1

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

All members of the public departed the Council Chambers at 2.06pm.

Debate recommenced.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM120/06/22**MOVED** Cr C Duri

That the meeting proceed to the next item of business (Agenda Item 14.2 Management of Rosedale Village at 2.52pm in accordance with Standing Order 10.1(a).

MOTION CARRIED 7/0

The Presiding Member confirmed that the motion had been carried at 2.54pm.

The Presiding Member, in accordance with Standing Order 10.5, advised as follows:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM121/06/22**MOVED** Cr S McCormick

That Council move from behind closed doors.

MOTION CARRIED 7/0

The Council Chambers were re-opened at 2.54pm.

In accordance with Standing Order 5.2(7), and r.11(c) of the Local Government (Admin) Regulations 1996; the Presiding Member advised, for the benefit of members of the public, that although a motion had been moved, Council had not made a decision in regard to the motion/Agenda Item 14.1 Toodyay Recreation Centre Management.

14.2 Management of Rosedale Village**RECOMMENDATION****14.2 Management of Rosedale Village**

This matter is considered to be confidential under Section 5.23(2) - (c) and (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

Clarification was sought.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM122/06/22**MOVED** Cr B Ruthven

That:

1. the meeting be closed to the public in relation to Item 14.2 Management of Rosedale Village at 3.04pm in accordance with Standing Order 10.1(e).
2. in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the Local Government Act 1995 as matters being considered deal with the following —
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
3. in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

MOTION CARRIED 7/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone in the gallery to leave.

All members of the public departed the Council Chambers at 3.04pm.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM123/06/22**MOVED** Cr C Duri

That Council:

1. agrees to waive the obligations set out in Clause 7.3 (b) and (c) of the Agreement for Independent Living Units – 15 Anzac Avenue, Toodyay (Rosedale Village) for the remainder of the term of the agreement.
2. Requests the CEO seek evidence of Butterly Cottages Inc compliance with clause 7.3(d) of the MOU for Construction of the Independent Living Units ---15 Anzac Avenue Toodyay (Rosedale Village)

MOTION CARRIED 7/0**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM124/06/22****MOVED** Cr S McCormick

That Council move from behind closed doors.

MOTION CARRIED 7/0

The Council Chambers were re-opened at 3.12pm.

In accordance with Standing Order 5.2(7), the Presiding Member read aloud the following resolutions for the benefit of members of the public:

OCM125/06/22 – Resolution made by Council.

15 NEXT MEETINGS

Agenda Briefing	20 July 2022
Ordinary Council Meeting	27 July 2022

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.16pm.