



# Ordinary Council Meeting

## 28 September 2022

Commencing at 1.00pm

# AGENDA

## Notice of Meeting.

To: The President and Councillors.

The next Ordinary Council Meeting of the Shire of Toodyay will be held at the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566 on the above-mentioned date and time.

Elected Members are requested to familiarise themselves with the Agenda and prepare notes to help address key issues for the debate during the Ordinary Council Meeting.

Elected Members are requested to email questions to the CEO via email at [ceo@toodyay.wa.gov.au](mailto:ceo@toodyay.wa.gov.au) at the earliest opportunity so that Officers can respond to those questions prior to the Agenda Briefing.

An Agenda Briefing will be held at the same venue as above on 21 September 2022, commencing at 1.00pm to discuss the contents of this agenda.

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.

## **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website

<http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at

<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

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



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**ATTACHMENTS** can be found in the Attachments Paper on the Council website alongside this agenda.

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Presiding Member is to run through the Preliminaries on the previous page of the Agenda, and to declare the Ordinary Meeting of Council open.

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****2.1 APOLOGIES****2.2 APPROVED LEAVE OF ABSENCE**

Cr P Hart – 24 September 2022 to 1 October 2022 inclusive;

**2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**3 DISCLOSURE OF INTERESTS****4 PUBLIC QUESTIONS****4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.2 PUBLIC QUESTION TIME****5 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 24 August 2022****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 24 August 2022 be confirmed.

**5.2 Special Meeting of Council held on 31 August 2022****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 31 August 2022 be confirmed.

**5.3 Agenda Briefing held on 21 September 2022**

**OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 21 September 2022 be received.

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

**6.1 PETITIONS**

*A petition is to be addressed to the Shire President and is to be presented by a Councillor.*

**6.2 DEPUTATIONS**

*A deputation must be applied for, to the CEO in writing at least 5 working days prior to the Meeting.*

**6.3 PRESENTATIONS**

*A presentation can only be made with prior approval of the CEO.*

**6.4 SUBMISSIONS**

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

**7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

Nil.

**9 OFFICER REPORTS****9.1 DEVELOPMENT AND REGULATION****9.1.1 Lot 674 Northam Toodyay Road, Dumbarton - Proposed Single Dwelling (Overheight)**

Date of Report:	5 September 2022
File Reference:	P2022-60
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:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> <li>1. Map;</li> <li>2. Application Plans; and</li> <li>3. Diagram demonstrating building height.</li> </ol>

**SUMMARY**

<b>Applicant:</b>	<b>NGUYEN, Tien Thanh</b>
<b>Owner:</b>	<b>NGUYEN, Tien Thanh</b>
<b>Proposal:</b>	<b>Proposed Single Dwelling - Over height</b>
<b>Location:</b>	<b>Lot 674 (No. 1986) Northam Toodyay Road, Dumbarton</b>

**PURPOSE OF THE REPORT**

Council is requested to consider an application for development approval for a proposed single dwelling at Lot 674 (No. 1986) Northam Toodyay Road in Dumbarton. The reason this matter is being brought to the Council for determination is that the proposal is over height (8.47m in lieu of 8.00m). There is no delegated authority to determine this application at Officer level. The proposed setback variation of 49m in lieu of 100m can be considered under delegated authority due to the proposal being correctly advertised and no objections being received.

**BACKGROUND**

This application was originally received on 16 June 2022. It was put on hold whilst Officers worked with the applicant requesting amended plans.

The initial trigger for the Development Application was that the property falls within the Avon River Valley Special Control Area (ARVSCA).

There is another trigger for the application which is the matter of the setback variation.

### Property information

Lot 674 (No. 1986) Northam Toodyay Road in Dumbarton is a 38,137m<sup>2</sup> (3.813ha) property. The subject site is located between Northam Toodyay Road and unallocated crown land bordering the Avon River.

It is zoned Rural Living under the Shire of Toodyay Local Planning Scheme No. 4 and as previously discussed; it falls within the ARVSCA which creates a mandatory trigger for Development Approval. For more details, please refer to **Attachment 1 – Map**.

The property has a gradual fall of 10m across the length running from west to east towards the river.

The existing development on the site consists of a shipping container and the Shire also approved a storage shed in January 2022 – though the latter is yet to be completed.

### Proposal

The applicant seeks development approval to erect a two-storey single dwelling. The proposed dwelling will be clad in blue board fibre cement wall cladding and have corrugated steel roof sheeting. For more details, please refer to **Attachment 2 – Application Plans**

The proposed location requires fill of 1.47m to counter the west to east fall in terrain. As a result, this creates a building height of 8.47m. The excess height of the proposed dwelling is 0.47m height than the prescribed limit of 8.0m in the Shire's Local Planning Scheme No. 4. For more details, please refer to **Attachment 3 – Diagram demonstrating building height**.

### Time to determine

The application was received on 16 June 2022 and was stopped on 20 June 2022 to allow the applicant some time to gather further information. The clock was restarted on 19 July 2022. Pursuant to clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days of the receipt of the application which is 13 October 2022. This time takes into consideration the first four days and then the time since the application was restarted.

## **COMMENTS AND DETAILS**

Clause 67(2) of the deemed provisions provides that in considering an application for development approval, the local government is to have due regard for a range of specified matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The pertinent matters relating to this application are as follows:

- the aims and provisions of LPS 4 (subclause (a));

It is noted that clause 4.12.1 limits the height of a building to two storeys or 8m overall – whichever is greater. However, the Scheme does allow the Council to approve a greater height under clause 4.12.2 (a)-(c) and these will be addressed as follows.

- the compatibility of the proposed development with its setting (subclause (m));

The proposed single dwelling is a permitted use for the Rural Living zone and its design and style is consistent with the rural setting. It is noted that it will be the one of the taller residences in the locality with most dwellings being a single storey.



- the amenity of the locality including amongst other matters, the character of the locality (subclause (n));

Generally, over height structures are more problematic in built-up areas. This is primarily due to issues such as overlooking, or the bulk and scale of a development being such that they would impact the amenity of the locality. However, in this instance – given that the proposal is to be set back at 49m from the boundary and the closest dwelling is 423m away, the development will not cause these issues.

- whether adequate provision has been made for the landscaping of the subject land to which the application relates (subclause (p));

The property has trees and other vegetation along the western boundary close to Dumbarton Road. The development is effectively screened from traffic as a result, and it is recommended that this vegetation boundary be maintained as a condition of approval.

- any submissions received on the application (subclause (y); and

The submission from Main Roads WA supports the proposal subject to there being no change to the existing access arrangements and that the existing landscaping and trees between the main road and proposed dwelling remain in situ. These will be incorporated into conditions of approval.

- any other planning consideration the local government considers appropriate (subclause (zb).

The variation to the allowed height is 0.47m over the prescribed limit. Whilst not in force at this time, it should be noted that the draft Local Planning Scheme No. 5 is proposing a height limit of 9m. Therefore, should the Council be of a mind to approve this development – it will be consistent with future proposed development parameters.

#### Note on the setback variation

As has been noted previously in this report, the proposal also involves a setback variation of 49m in lieu of 100m. The reason for the larger than usual set back requirement in this instance is due to the fact that the property borders Northam-Toodyay Road. This is recognised under the Scheme as a State Road and therefore the 100m applies. In this instance, the narrowness of the lot having a width of 124m at that point coupled with the proximity of the 1 in 100-year flood line, makes it impossible to move the structure any further away from the Northam-Toodyay Road. Under clause 4.15.4 (c)(iii) of the Scheme, the local government may permit a building to be located within the setback area when (iii) for the reason of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous. This is the rationale for the matter regarding the setback variation to be determined under delegated authority.

It is recommended that the Council approves this development subject to conditions.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

The application was advertised in accordance with the Shire's adopted *Local Planning Policy – Advertising for Planning Proposals*. This included a mail out of the plans to adjoining landowners for a period of fourteen (14) days.

The advertising period closed on 1 September 2022 and no submissions were received. Additional comment was sought from Main Roads WA regarding the setback variation.

MRWA responded with no objection to the proposal subject to there being no change to the existing access arrangements and that the existing landscaping and trees between the main road and proposed dwelling remain in situ.

**Strategic:**

*Shire of Toodyay Community Strategic Plan – Toodyay 2028*

**Objective 2: Ensure our built environment meets community needs**

S 2.1 Encourage diverse housing and development options.

**Policy related:**

*Local Planning Policy – Advertising for Planning Proposals.*

This application has been advertised in accordance with the local planning policy.

**Financial:**

The applicant has paid the applicable fee pursuant to Schedule 2(1) of the *Planning and Development Regulations 2009*.

**Legal and Statutory:**

*Planning and Development Act 2005*

*Planning and Development Regulations 2009*

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

*Shire of Toodyay Local Planning Scheme No. 4*

**Building Heights**

**4.12 HEIGHT AND APPEARANCE OF BUILDINGS**

4.12.1 *Within the Scheme Area no building shall be constructed in excess of two storeys or 8 metres overall, whichever is the greater, above natural mean ground level.*

4.12.2 *Notwithstanding the provisions of Clause 4.12.1, after following the procedures set out in Clause 64 of the deemed provisions, the local government may grant approval for the construction of a building higher than the maximum specified. Before granting its approval, the local government shall satisfy itself that the proposed building:*

- (a) *will be in harmony with buildings within the locality;*
- (b) *will not be detrimental to the amenity or character of the locality or to the town or district in general; and,*
- (c) *will not affect the development potential of adjoining lots by affecting design, aspect, outlook, views and privacy.*

**Risk related:**

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

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for development approval for a single dwelling at Lot 674 (No. 1986) Northam Toodyay Road in Dumbarton, subject to the following conditions:

- (a) This approval relates only to the development as indicated on the plans received by the Shire of Toodyay (Attachment 2), hereinafter referred to as the 'approved plans'.
- (b) The development, including the use approved by this development approval, must be implemented (and where relevant maintained in implementation) only in accordance with the approved plans.
- (c) The development must be substantially commenced within the period of two years commencing on the date of the Shire of Toodyay Council's decision to grant development approval. The development approval lapses if the development has not substantially commenced within that period.
- (d) All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
- (e) All storm water discharge from the development shall be contained and disposed of onsite unless otherwise approved by the Shire of Toodyay.
- (f) The street tree(s) and vegetation within the north-west boundary as indicated on the Attachment 2 adjacent to the Northam-Toodyay Road of the lot are to be protected and maintained on an ongoing basis as long as the dwelling or any of them remain in place to the satisfaction of the Shire of Toodyay. Should the tree(s) or vegetation die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the Shire of Toodyay.
- (g) The location of the existing access is not to be changed.
- (h) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.
- (i) Prior to occupation the development hereby permitted shall be connected to a sustainable potable water supply of a minimum of 92,000L.

## 9.2 CORPORATE AND COMMUNITY SERVICES

## 9.2.1 Monthly Financial Statements - August 2022

Date of Report:	7 September 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 Statements as at 31 August 2022.

**PURPOSE OF THE REPORT**

This report provides Council with monthly financial information for the period ending 31 August 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.

**DETAILS:**

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ending 31 August 2022:

Note	Description	Page
1	Statement of Financial Activity by Nature or Type Report	1
2	Variance Analysis Report	2
3	Rating Information	3
4	Debtors Report	4

**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.

The attached reports include the Statement of Financial Activity (SFA) for August 2022. Officers have extracted Financial Statements from Datascape, however there are still some issues to work through in relation to the set-up of the reports, such as the inclusion of the YTD Budget column. This has been brought to the attention of Datacom and Officers continue to work with 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 for month ending 31 August 2022.

**Outstanding Rates and Services****Rating Information**

The total outstanding rates and charges balance at the end of August 2022 was \$612,106.07 compared to July 2022 closing balance of \$685,188.81. The outstanding rates balance reported for August 2022 includes the 2021/2022 rates and charges that were levied on 13 October 2021.

The rates notices for 2022/2023 were raised on 7 September 2022 and will be reported to Council in October as part of the September financial statements.

Further detail regarding the composition of outstanding rates is included in **Attachment 1**.

**Outstanding Sundry Debtors****Sundry Debtors Information**

The total outstanding sundry debtors balance at the end of August 2022 was \$234,910.76 broken down as follows:

Category	31/07/2022	31/08/2022
> 90 days and over	144,549.04	140,009.81
> 60 days and over	1,398.12	1,020.47
> 30 days and over	18,210.16	80,139.71
Current	550,058.57	13,740.77
<b>TOTAL</b>	<b>714,215.89</b>	<b>234,910.76</b>

The table above shows a significant decrease in the outstanding sundry debtors balance compared to the previous month.

The composition of outstanding debtors is included in **Attachment 1**.

**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.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

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

**9.2.2 List of Payments - August 2022**

Date of Report:	13 September 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 - August 2022

**PURPOSE OF THE REPORT**

To present cheques and electronic payments raised during August 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 August 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 August 2022 are in accordance with Council's 2022/2023 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 1**

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

Direct Debits	\$ 19,349.79
EFTs	\$ 1,005,860.28
DD Loans	\$ 0.00
Payroll	\$ 333,013.00
Municipal Cheques	\$ 8,368.98
<b>TOTAL</b>	<b>\$ 1,366,592.05</b>



**9.3 EXECUTIVE SERVICES****9.3.1 GP and Allied Health Services at Alma Beard Medical Centre**

Date of Report:	15 September 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG024
Author:	S Haslehurst – Chief Executive Officer
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:	<ol style="list-style-type: none"> <li>1. Wheatbelt Health Network lease expiration;</li> <li>2. Media Release August 2022 - GP services;</li> <li>3. Rural Health West - General Practice Models;</li> <li>4. Incentives available for GPs.</li> </ol>

**PURPOSE OF THE REPORT**

To provide information and seek Council's direction following the decision of the Wheatbelt Health Network not to renew the lease of the Alma Beard Medical Centre.

**BACKGROUND**

The CEO of the Wheatbelt Health Network (WHN) briefed Council at a Concept Forum on 18 May 2022 in relation to the services provided at the Alma Beard Medical Centre (Medical Centre).

It was acknowledged that the Shire and WHN were in discussions regarding the renewal of the WHN's lease of the Medical Centre which expired in 2017. The lease has continued based on implied agreement in accordance with Clause 7(c) of the expired lease which provides for the conditions of the lease to continue by mutual agreement.

In June 2022, Council approved a request for support (in the form of a letter of approval) to enable Clinipath to continue to operate a pathology collection centre on a month-by-month basis until the lease negotiations with WHN could be finalised.

Following a Council workshop on 13 July 2022 to discuss lease conditions, Officers prepared and issued a draft lease and a proposed sponsorship agreement to address the rent subsidy offered by the Shire for consideration by WHN.

At a meeting held at the Shire office on 28 July 2022, WHN advised that the Board had determined not to renew the lease of the Medical Centre due to economic pressures and the difficulty in attracting and retaining medical practitioners (GPs). At the request of WHN,

this information was kept confidential until the CEO of WHN returned from leave in mid-August to allow her to inform affected staff and contractors. It was agreed that the WHN and Shire would work together to provide consistent public messaging to the community and continue to advocate for GP services in regional and rural areas.

On 15 August 2022, the Shire received confirmation in writing of this decision (**Attachment 1**). Officers subsequently met with WHN staff to discuss the timing and content of the announcement. A media release was prepared and approved by the Shire President and the WHN to form the basis for all communications regarding the announcement (**Attachment 2**). This was released on 24 August 2022.

Since then, the Shire President and CEO have met with local politicians, service organisations and interested individuals, raising awareness, and collecting information about possible options. Several interviews have been conducted with media outlets including ABC Radio, 6PR, Triple M, The West Australian and 7 Regional News. The Toodyay Herald ran the story on the front page of its September edition.

On 5 September 2022, a letter was sent to WHN to seek an extension until February 2023 for cessation of services. Correspondence received from WHN on 9 September confirmed that clinic services in Toodyay would be ceased on 30 November 2022.

## COMMENTS AND DETAILS

The Alma Beard Medical Centre was purpose built in 1991 at a cost of \$450,000 funded by a Lotteries Commission grant, municipal funds and community donations. The centre is named after Toodyay nurse Alma Beard who was killed in the Banka Island massacre during World War II.

The Wheatbelt Health Network has provided general practice medical services at the Medical Centre for ten years, commencing in 2012. To make the provision of these services more sustainable, the Shire has provided a rental subsidy to WHN during the term of the agreement. This was valued at \$38,500 per annum.

The Shire also provided fit-out costs at the commencement of the lease and has maintained and paid outgoings on the building during the term.

WHN has separately leased physiotherapy rooms in the Medical Centre at a cost of \$6,600 per annum. WHN has sublet room(s) to Clinipath for pathology collection services.

There are several issues to consider in determining what action to take. These include:

### Provision of a GP and allied services for the local community

40% (108 respondents) of the Shire that responded to the Shire's last health survey in 2018 wanted to see local health services improved.

- 24% wanted improved doctor wait times at the medical centre
- 16% wanted to see a permanent doctor at the medical centre
- 10% wanted a physio to be more available
- 6% wanted more doctors at the medical centre
- 4% wanted the medical centre open on weekends.

103 respondents also wanted additional health services provided within the Shire.

The recent announcement that GP services may cease to be available for Toodyay residents has caused significant community concern.

The presence of pathology collection and physiotherapy services is also at risk, and the effects on local businesses such as the pharmacy have not been quantified.

#### General practice operating models

Rural Health West (RHW) is a health workforce agency operating in Western Australia that provides a range of support to rural health professionals. Funded by the Australian Government's Department of Health and the Government of Western Australia's WA Country Health Service, RHW delivers programs designed to attract, recruit and support medical and health professionals to rural Western Australia. RHW has provided information to assist the Shire to assess its options (**Attachment 3**) outlining the following general practice operating models.

- Model 1      General Practice owned by the Shire and operated by a Principal GP;
- Model 2      General Practice owned by the Shire and operated by a business entity that supplies GPs;
- Model 3      General Practice owned by the Shire and operated by the Shire;
- Model 4      General Practice owned by the Shire and outsourced to a practice management service provider.

The Shire's previous arrangement sat outside these models with the practice owned and operated by the WHN and the building and outgoings provided by the Shire.

Officers have sought information from other Wheatbelt local governments regarding their arrangements. Most of the more remote local governments that responded operate under Model 1 with varying amounts and types of subsidies.

The Shire of York does not provide any subsidy or support for GP services and the Shire of Chittering provides minimal support in the form of rental subsidy, as does the Shire of Northam for the Wundowie service.

#### Incentives for GPs in Rural Areas

RHW also provided information about the incentives that are available to GPs in regional areas. This is available at **Attachment 4**.

#### Patient Records

WHN retains all patient records but has agreed to assist in the transfer of records to a new GP free of charge. Ownership of patient records should be considered during negotiations with a new service provider.

#### Financial impost on the local government

While the provision of doctors is a federal government responsibility, it is apparent that the cost of attracting and retaining GPs in regional areas has increasingly fallen to the local government sector.

One Wheatbelt local government employs a GP directly and pays for all costs, generating a loss of between \$30,000 to \$150,000 per annum.

Others provide a building, equipment, car, housing, utilities as well as a cash subsidy ranging from \$80,000 to \$250,000 per annum which is dependent upon the remoteness of the local government.

#### **Options**

Officers propose the following options for Council's consideration:

1. Do nothing and allow the market to adjust itself

This option allows for interested parties to approach the Shire on an ad-hoc basis. This is the least favourable option as it carries the most risk to the Shire. With an older demographic but with younger families moving into the town, the availability of medical services is a key factor in determining the liveability of an area. The absence of such services affects the ability to attract new residents and/or businesses. The Shire's inaction would be perceived negatively by the community.

2. Negotiate an arrangement with one or more of the parties that have expressed interest

Officers have been contacted by a number of interested parties already, including:

- 3 x GPs – one of whom is interested in taking on the practice as a private business with significant support from the Shire. Two are residents in Toodyay and are interested in contributing to the provision of GP services within the Shire.
- Allied health service providers including physiotherapy, clinical psychology, and Bowen therapy.
- Corporate medical service providers.

Council could choose to enter a lease and/or contract with one of the parties that have already expressed interest. However, while allowed under the *Local Government (Functions and General) Regulations 1996*, this option precludes any further options that may be explored by a public expression of interest process.

3. Public advertising seeking proposals for provision of GP and allied health services at the Alma Beard Medical Centre

Officers propose that the Shire works with industry service providers such as Wheatbelt Primary Health Network (WPHN) and Rural Health West to develop a scope to invite proposals for the provision of GP and allied health services at the Alma Beard Medical Centre. WPHN has offered to assist with assessment of GP credentials and proposals.

## IMPLICATIONS TO CONSIDER

### Consultative:

Wheatbelt Health Network  
Wheatbelt Primary Health Network  
Rural Health West  
Private practitioners  
Corporate service providers

### Strategic:

#### **Shire of Toodyay Strategic Community Plan 2028**

O1: *Maintain and develop services that meet the requirements of our diverse community*  
O2: *Facilitate community safety and well-being*

### Policy related:

Disposal of Property  
Instrument of Delegation ES12.

**Financial:**

The Shire has not budgeted to provide support for GP services above the existing subsidy arrangement.

The valuation of the Alma Beard Medical Centre indicated a current rental value of \$28,000 per annum plus outgoings. Fees to prepare a lease agreement are approximately \$2,000. It is likely that these costs will need to be covered by the Shire.

Dependent upon the proposals received, Council may need to consider; a) a budget amendment or, if significant subsidy is required, a rate increase. If a rate increase is contemplated to cover the costs of medical services, it is recommended that consultation is undertaken to determine the broad community appetite for the provision of medical services.

**Legal and Statutory:****Local Government Act 1995 - Section 3.58. Disposing of Property****Local Government (Functions and General) Regulations 1996****30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice;

**Risk related:**

Should Council choose not to take action on this matter, the primary risk to the Shire is reputational (rated High 15).

There is also a risk in relation to continuity of service. Given the short timeframe, it is unlikely that any new arrangements for GP services will be finalised by 30 November 2022.

**Workforce related:**

Officers' time will be required to advertise and administer the expression of interest process and bring a report to Council.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council:

1. Authorises the Chief Executive Officer to:
  - (a) work with industry service providers to develop a scope to invite proposals for the provision of GP and allied health services at the Alma Beard Medical Centre;
  - (b) publicly advertise for proposals for the provision of GP and allied health services at the Alma Beard Medical Centre; and

- (c) lobby the state and federal governments to raise awareness of the increasing impost on regional local governments to provide GP and allied health services.
- 2. Requests the CEO to provide a report to Council by 30 November 2022 to consider the proposals received for the provision of GP and allied health services at the Alma Beard Medical Centre and determine the process to implement the decision of Council.

**9.3.2 2022 CEO Performance and Remuneration Review**

Date of Report:	13 September 2022
Applicant or Proponent:	Price Consulting
File Reference:	HR421
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	27/07/2022 CRN: 150/07/22
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Summary Report to Council - CEO Performance Review 2022. (confidential) Section 10A(2) (a) a matter affecting an employee or employees (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</li> </ol>

**PURPOSE OF THE REPORT**

To endorse the 2022 CEO Summary Performance Review Report and recommendations provided by Price Consulting (the Consultant).

**BACKGROUND**

Council resolved at the Ordinary Council Meeting held on 27 July 2022:

*That Council:*

1. *Appoints Price Consulting Pty Ltd to assist Council to:*
  - (a) *Undertake the annual review of the CEO's performance in person;*
  - (b) *Undertake a full review of the CEO's remuneration for 2022/23; and*
  - (c) *Determine the CEO's performance criteria for 2022/23;*
2. *Endorses the methodology proposed by the selected Consultant for the CEO Performance and Remuneration Review and development of Performance Criteria.*
3. *Determines that all Elected Members may participate in the CEO Performance and Remuneration Review and the development of Performance Criteria.*
4. *Notes that an allocation to engage an external Consultant has been included in the Draft 2022/23 Annual Budget for Council's consideration.*



## COMMENTS AND DETAILS

Following completion of a detailed questionnaire by all eight sitting councillors, a confidential report was presented to the CEO and all elected members. On 12 September 2022, the Consultant presented high-level outcomes to Councillors and facilitated a discussion that identified:

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

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

The 2022 CEO Summary Performance Review Report is now presented to Council for endorsement and approval of the recommendations contained therein.

## IMPLICATIONS TO CONSIDER

### Consultative:

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

### Strategic:

#### ***Strategic Community Plan Toodyay 2028***

*Governance, the way the Shire leads and operates*

O.3 Ensure rigorous organisational systems.

### Policy related:

*Standards for CEO Recruitment and Selection, Performance Review and Termination*

### Financial:

Sufficient funds are available in the adopted 2022 / 2023 Budget to meet the costs of the CEO annual performance review.

### Legal and Statutory:

***Local Government (Administration) Regulations 1996*** Regulations 16-19

### Risk related:

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

### Workforce related:

Nil

## VOTING REQUIREMENTS

Absolute Majority



**OFFICER'S RECOMMENDATION 1**

That Council:

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

**9.3.3 Correspondence - Department of Local Government, Sport & Cultural Industries**

Date of Report:	13 September 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Governance Correspondence.

**PURPOSE OF THE REPORT**

To present details of correspondence with the Department of Local Government, Sport and Cultural Industries (DLGSC) from 10 August 2022 to 14 September 2022.

**BACKGROUND**

A 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.*

A report will be presented whenever there has been such correspondence.

**COMMENTS AND DETAILS**

Governance correspondence with the DLGSC since 10 August is provided at **Attachment 1** and includes the following:

- Mining Industry Differential General Rates.
- 2022/23 Annual Budget and non-compliant differential rate.
- Differential Rates 2022/23.
- Meeting Notes 12 September 2022 and request for extension.
- Response to request for extension.

It should be noted that a separate report will be brought to Council to implement proposed actions resulting from the above correspondence.

**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 s.5.41 of the *Local Government Act 1995*.

**Risk related:**

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

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 10 August 2022 to 14 September 2022, as attached to this report.

**9.3.4 Minutes of the AROC Meeting held 12 September 2022**

Date of Report:	16 September 2022
Applicant or Proponent:	Avon Regional Organisation of Councils
File Reference:	GOV4
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. AROC Minutes 12 September 2022

**PURPOSE OF THE REPORT**

To present the minutes of the meeting of the Avon Regional Organisation of Councils (AROC) held on Monday 12 September 2022.

**BACKGROUND**

The Shire President and CEO participate in the Avon Regional Organisation of Councils (AROC) which exists under a Memorandum of Understanding to facilitate member local governments to:

- work together cooperatively to address regional problems, issues or challenges and advance the interests of the region;
- develop and implement resource sharing strategies or regional service delivery models;
- deliver training and development programs for elected members and/or staff; and
- undertake joint tendering or purchasing arrangements.

Meetings are held every two months. Current member local governments of the AROC are the Shires of Goomalling, Northam, Toodyay, Victoria Plains and York.

The AROC is supported by a casual executive officer.

**COMMENTS AND DETAILS**

The minutes are attached at **Attachment 1** for Council's information.

**IMPLICATIONS TO CONSIDER****Consultative:**

AROC members

**Strategic:*****Strategic Community Plan Toodyay 2028***

*Governance: the way the Shire leads and operates*

O1: Provide accountable and transparent leadership for the community.

**Policy related:**

Nil

**Financial:**

Each AROC member pays an annual membership of \$5,000 to support AROC activities.

**Legal and Statutory:**

The AROC operates under a Memorandum of Understanding signed by all member local governments.

**Risk related:**

Nil

**Workforce related:**

The Shire of Toodyay manages the employment of the Executive Officer and acts as the Secretariat for the AROC.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council notes the minutes of the meeting of the Avon Regional Organisation of Councils held on 12 September 2022.

**9.4 INFRASTRUCTURE AND ASSETS**

Nil.

**9.5 COMMITTEE REPORTS****9.5.1 Audit & Risk Committee Recommendations - Legislative Compliance Policy and Financial Compliance Update.**

Date of Report:	9 September 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2/COC2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Extract of Audit &amp; Risk Committee Minutes;</li> <li>2. Current Legislative Compliance Policy; and</li> <li>3. AMENDED Legislative Compliance Policy.</li> </ol>

**PURPOSE OF THE REPORT**

To receive the minutes from the last Audit & Risk Committee (ARC) Meeting held on 7 September 2022 and consider recommendations made by the ARC.

**BACKGROUND**

At the ARC Meeting held on 7 September 2022 – the ARC Committee made two recommendations as follows;

Recommendation No. 1 – Legislative Compliance Policy

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

That Council:

1. Adopts the REVISED Legislative Compliance Policy (Attachment 2), as amended; and
2. Requests the CEO make typographical amendments where required following the adoption of the policy.

Recommendation No. 2 - 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.

**COMMENTS AND DETAILS****(a) Legislative Compliance Policy:**

Council authorised a review of all Shire Policies in February 2022.

Council received the Legislative Compliance Policy as part of their Ordinary Council Meeting Agenda in April 2022. Council resolved to defer the consideration of the Legislative Compliance Policy to a workshop.

Councillors reviewed the current policy, which was adopted 25 November 2014, at their April 2022 Council Workshop. The Audit and Risk Committee provided further feedback at the meeting held 7 September 2022. The 'old' version of the policy (**Attachment 2**) is provided for comparison purposes only.

Amendments made to the current policy include:

- Formatting adjustments to align with the Council Documents Policy.
- Definitions were amended to provide clarification;
- Duplication of text from other documents, legislative clauses, words or phrases, and sub-numbering was removed;
- Legislative references have been included to ensure compliance; and
- Reference Information; Legislation; Associated documents; Version control; and document control information.

Having a legislative compliance policy enables the Shire to promptly identify issues, manage risk and assure accountability. Effective legislative compliance supports good decision-making; driven by a compliance culture with controls across key compliance focus areas.

In the absence of this policy, compliance with all legislation applicable to local government is required. However, this policy provides additional guidance and fortifies improvement in our compliance culture.

## **(b) Financial Audit Process Update**

The preparation of the 2020/21 financials has been an ongoing challenge. Since the initial audit visit held in July 2022, officers have been working closely with Datacom to resolve the issues raised by the auditors.

Officers continue to liaise with the auditors and the OAG who have now indicated that they are unlikely to be available until October 2022, due to their commitments to the State Government audits. Officers expressed concern around this timeframe considering the 2021/22 financial audit is due for submission to the auditor by 30 September 2022. The Shire of Toodyay will need to seek an extension from the Minister. Based on discussions with the auditors, and considering their commitments, it is envisaged that a request for extension to 31 March 2023 would be appropriate.

Officers are highly aware of the significant compliance and financial risks the above issues present and are working very hard to resolve these. Officers will keep the Committee and Council abreast of the progress and will bring a report back to the Committee and to Council in December 2022.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Audit and Risk Committee

Dry Kirkness

Office of the Auditor-General

Department of Local Government, Sports and Cultural Industries



**Strategic:**

The way the Shire leads and operates:

- 1: Provide accountable and transparent leadership for the community.
- 2: Consistently improve our governance practices.
- 3: Ensure rigorous organisational systems.

**Policy related:**

The structure of the Legislative Compliance Policy presented is in line with Council's Corporate Documents Policy, adopted in November 2021.

**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.

**Risk related:**

Section 7.1A of the Act requires that all local governments establish an audit committee. The audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, risk management systems, legislative compliance and the external audit functions.

Failure to have an audit committee in place exposes Shire Officers and Councillors to significant risk. This report assists in mitigating these risks.

**Workforce related:**

The policy review has been prioritised and will be managed within existing resources. The transition to Datascope and challenges in preparing the budget and annual financials has had a significant impact on the finance team. A dedicated project manager (who is a certified practicing accountant) continues to focus on the Datascope transition.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the minutes of the Audit and Risk Advisory Committee, as attached.

**AUDIT AND RISK COMMITTEE RECOMMENDATION 1**

That Council:

1. Adopts the AMENDED Legislative Compliance Policy, as attached.
2. Requests the CEO to make minor typographical amendments where required following the adoption of the policy.

**AUDIT AND RISK COMMITTEE RECOMMENDATION 2**

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

**9.5.2 Museum Advisory Committee Recommendations**

Date of Report:	12 September 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. Extract of MAC Minutes from meeting held on 7 September 2022.

**PURPOSE OF THE REPORT**

To receive the Committee Minutes and consider a recommendation made by the Museum Advisory Committee at its meeting held on 7 September 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 7 September 2022, they made a recommendation to Council as follows:

*That Council receives the Museum update report on current activities – Shire Museum and its Collections.*

The Museum Advisory Committee received a detailed update on the progress of current activities undertaken in the Museum space. Additionally, as part of the ongoing, organisational policy review, the group committed to take part in a workshop to review two policies: Museum Collection and Conservation Management, and Museum Interpretation and Exhibition, for presentation to Council in coming months.

**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 1**

That Council receives the Museum update report on current activities – Shire Museum and its Collections, as contained in the extract of MAC minutes for the 7 September 2022 MAC Meeting (Attachment 1).

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

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

Nil.

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

**13.1 MEMBERS**

Nil.

**13.2 EMPLOYEES**

Nil.

**14 CONFIDENTIAL BUSINESS**

Nil.

**15 NEXT MEETINGS**

Ordinary Council Meeting	26 October 2022
Agenda Briefing	19 October 2022
Bushfire Advisory Committee Meeting	2 November 2022
Environment Advisory Committee Meeting	2 November 2022
Local Emergency Management Committee Meeting	9 November 2022

**16 CLOSURE OF MEETING**