Ordinary Council Meeting

26 October 2022

Commencing at 2.00pm

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 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 19 October 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.

CONTENTS

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS 1
2 RECORDS OF ATTENDANCE 1
2.1 APOLOGIES 1
2.2 APPROVED LEAVE OF ABSENCE 1
2.3 APPLICATIONS FOR LEAVE OF ABSENCE 1
3 DISCLOSURE OF INTERESTS 1
4 PUBLIC QUESTIONS 1
4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 1
4.2 PUBLIC QUESTION TIME 1
5 CONFIRMATION OF MINUTES 1
5.1 Ordinary Meeting of Council held on 28 September 2022 1
5.2 Special Meeting of Council held on 21 September 2022 1
5.3 Special Meeting of Council held on 28 September 2022 2
5.4 Agenda Briefing held on 19 October 2022 2
6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS 2
6.1 PETITIONS 2
6.2 DEPUTATIONS 2
6.3 PRESENTATIONS 2
6.4 SUBMISSIONS 2
7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED) 2
8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) 2
9 OFFICER REPORTS 3
9.1 DEVELOPMENT AND REGULATION 3
9.1.1 Lot 104 Brumby Chase, Morangup - 3 dog application 3
9.1.2 Draft Local Planning Policy - Non-habitable structures 7
9.1.3 Draft Local Planning Policy - Directional Signage 12
9.1.4 Draft Local Planning Policy - Signage Outside the Central Toodyay Heritage Area 15
9.1.5 Lot 122/390 Toodyay West Road, West Toodyay - Outbuilding 18
9.2 CORPORATE AND COMMUNITY SERVICES 22
9.2.1 Monthly Financial Statements - September 2022 22
9.2.2 List of Payments - September 2022 26

9.3 EXECUTIVE SERVICES 28
9.3.1 Correspondence - Department of Local Government, Sport & Cultural Industries 28
9.3.2 Toodyay Recreation Centre - Management Reporting 30
9.3.3 Council Policies - Christmas Closure, Internal Control and Live Streaming 33
9.3.4 Policy Review Update 37
9.4 INFRASTRUCTURE AND ASSETS 41
9.5 COMMITTEE REPORTS 41
10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 41
11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING 41
12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN 41
13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING 41
13.1 MEMBERS 41
13.2 EMPLOYEES 41
14 CONFIDENTIAL BUSINESS 41
15 NEXT MEETINGS 41
16 CLOSURE OF MEETING 41

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member will 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

Nil

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 28 September 2022

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 28 September 2022 be confirmed.

5.2 Special Meeting of Council held on 21 September 2022

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Special Council Meeting held on 21 September 2022 be confirmed.

5.3 Special Meeting of Council held on 28 September 2022

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Special Council Meeting held on 28 September 2022 be confirmed.

5.4 Agenda Briefing held on 19 October 2022

OFFICER'S RECOMMENDATION

That the Notes of the Agenda Briefing held on 19 October 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)

The Shire President may make an announcement, in accordance with the *Shire of Toodyay Standing Orders Local Law 2008* (Section 4.3) and may provide a list of activities from 23 August 2022 to 26 October 2022.

9 OFFICER REPORTS

9.1 DEVELOPMENT AND REGULATION

9.1.1 Lot 104 Brumby Chase, Morangup - 3 dog application

Date of Report:	7 September 2022
File Reference:	A3948/104BRU
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. Applicants Justifcation for 3 Dogs; ⇨ 2. Ranger Inspection Report; and ⇨ 3. Schedule of Submissions. ⇨

SUMMARY

Applicant: F Stuart

Owner: F Stuart

Proposal: 3 dog application

Location: Lot 104 Brumby Chase, Morangup

PURPOSE OF THE REPORT

For Council to consider an application for the keeping of 3 dogs at Lot 104 (75) Brumby Chase, Morangup. Council is being requested to determine this application as a submission opposing the proposal was received during the consultation period.

BACKGROUND

The applicant is seeking approval to have 3 dogs at Lot 104 (75) Brumby Chase in Morangup.

The applicants have a Red Cloud Kelpie and a Dachshund and have applied for 3 dogs, as they have provided accommodation at their property to a friend who has PTSD and is unable to work. The friend has a Border Collie cross.

No.	Breed	Colour	Name	Sex	Sterilised	Age	Reg. No.
1	Red Cloud Kelpie	Brown & Red	Barnsey	M	N	7 Yrs.	2200113
2	Dachshund	Red	Vinny	M	N	11 Yrs.	2200112
3	Border Collie Cross	Black	River	M	Y	6 Yrs.	TBA

COMMENTS AND DETAILS

There has been a history of a dog attack on livestock at this property, however this attack occurred 8 years ago with the dog involved no longer on the property. More recently a second dog attack/chase causing no physical injury occurred in February 2022, where the Red Cloud Kelpie was barking at the neighbour's livestock through a fence.

The applicant has worked with the Ranger to ensure that the dogs have an adequate confinement area and will remain confined to the property.

The application for the keeping of (3) three dogs at Lot 104 (75) Brumby Chase, Morangup can be entertained as it is consistent with the Council's Dog policy with no more than four dogs requested and under compassionate grounds, as the applicant has provided accommodation to a friend who is not able to work due to illness.

The officer recommends that this application for 3 dogs be approved.

Earlier Approvals

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

Applicant's Justification

The applicant's justification for keeping more than two dogs at the address is on compassionate grounds. The applicant has provided accommodation for a friend who requires safe space to rest and heal whilst suffering from PTSD.

Please see **Attachment 1** – **Applicant Justification for 3 Dogs** for further details.

The Property

Lot 104 (75) Brumby Chase, Morangup has an area of 34.68ha and is zoned 'Rural' under the Shire's Local Planning Scheme No 4.

Ranger Inspection

The Shire's Ranger Services inspected the property on 5 July 2022.

The Rangers' findings are below:

Aspect	Ranger Comments
Fencing	Suitable for the breed of dogs.
Materials and Height of Fencing	Fencing is suitable for the breed of dogs. Approximately1.5m high.
Locking Devices on Gates	Rural gates approximately 1.1m tall with self-closing and locking mechanisms in place.
Housing	All dogs have bedding inside and within the dog confinement areas.
Condition of Existing Dogs	All dogs are in good condition.
Dog(s) / Owners History	Shire of Toodyay Ranger Services have issued two cautions: • Dog attack/chase not causing physical injury. • Failing to provide means for effectively confining a dog.

Please see **Attachment 2** - **Ranger Inspection Report** for further details.

As a result of the inspection, the Rangers inspected the property and requested modifications to the fencing and locking mechanisms, to provide adequate confinement for the dogs at the property.

On 19 August 2022, the Rangers re-inspected the property and all modifications requested had been undertaken. The Rangers support the application for the keeping of three dogs at Lot 104 Brumby Chase, Morangup.

IMPLICATIONS TO CONSIDER

Consultative:

The application was advertised in accordance with the Shire's recently adopted Dogs Policy. This consisted of a mail out including covering letter and plans which was sent to adjoining affected landowners who were given 21 days to comment.

This period expired on 24 June 2022 with three submissions received. Two in support of the application and one objection.

The main issue raised in the objection refers to two dog attacks that have occurred from this property. One occurred eight years ago, and the dog in question is no longer on the property. The second attack/chase was the red cloud kelpie barking at the neighbour's livestock from behind a fence. No physical injury occurred. The suggestion that having a third dog on the property will cause future attacks is based on speculation.

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

Strategic:

Strategic Community Plan – Toodyay 2028

Objective 2: Consistently improve our governance practices.

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

S 2.2 Improve internal and external communication to maximise transparency.

Policy related:

This application is consistent with the Council's Dogs policy with no more than four dogs requested on this property. Therefore, Council could support the application under compassionate grounds.

Financial:

The applicant has paid the 3-dog application and Ranger inspection fee as per the Schedule of Fees & Charges 2022/2023.

Legal and Statutory:

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

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

Risk related:

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

Workforce related:

This matter has taken time to be brought to the Council to allow the applicants to comply with the Rangers' instructions for confinement.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Permits the keeping of three (3) dogs on Lot 104 (75) Brumby Chase, West Toodyay subject to the following conditions:

   (a) When on the property, all dogs must be confined and kept under control by the following means:

      (i) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height, and construction to prevent the dogs at all times from passing over, under or through it.

   (b) Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.

   (c) The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Barnsey	Red Cloud Kelpie	M	2200112	7 yrs.	Brown & Red
Vinny	Dachshund	M	2200113	4 yrs.	Red
River	Border Collie Cross	M	TBA	2 yrs.	Black

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

9.1.2 Draft Local Planning Policy - Non-habitable structures

Date of Report:	13 October 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 - Non-habitable structures; ⇨ 2. CURRENT Outbuildings in Residential Areas; and ⇨ 3. CURRENT Use of Sea Containers & Other Similar Storage Structures. ⇨

PURPOSE OF THE REPORT

To review the new draft Local Planning Policy – Non-habitable Structures **(Attachment 1)** 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. 13 – Outbuildings in Residential Areas was adopted on 20 August 2009, and it was last reviewed on 13 May 2010 **(Attachment 2)**.

This policy only applies to the Residential zones and where the Residential Design Codes are applicable. The policy does not apply to the Rural Residential or Rural Living zones. The current policy only references outbuildings and is silent on other non-habitable structures and zones. This has provided some challenges for staff and developers where there has been no development guidance to rely on.

Additionally, 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 *State Planning Policy 7.3 Residential Design Codes Volume 1.*

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.

The other significant change to the draft Local Planning Policy is that it will incorporate the policy requirements for Shipping Containers **(Attachment 3)**.

Therefore, the policy is divided into the following three parts:

I. Outbuildings (including outbuildings, pergolas, garages, carports and gazebos);

II. Shipping containers and similar storage structures; and

III. Storage sheds, farm sheds, machine sheds and sheds for commercial purposes.

The general structure of the policy is consistent with the format and structure outlined in the Shire's adopted *Corporate Documents Policy*.

This policy also at Table 1 introduces specific development standards addressing maximum wall height, maximum ridge height and maximum floor area which is then classified by zone and area.

Significantly, this represents a variation to the deemed-to-comply provisions of the R-Codes under section 5.4.3. Therefore, the Shire, as part of its advertising process will need to refer the draft policy to the WAPC who will be required to provide consent. This is only applicable to the zones covered by the R-Codes (Residential and Special Residential). The Residential Development zone is currently addressed under *Local Planning Policy - Development in the Residential Development Zone*. This policy stipulates that in the absence of an approved structure plan, development is to be in accordance with the R2.5 code.

Another area resolved in the reviewed policy is to make consultation requirements consistent with those prescribed under the deemed provisions outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* which is now reflected in the recently adopted *Local Planning Policy – Advertising for Planning Proposals*.

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 10 August 2022. After this time, Shire Officers saw fit to amend the policy further to incorporate shipping containers. The rationale for this was that it was better to have one policy guiding development of non-habitable structures than three. Further workshops with the Council were held on 5 October 2022 and 12 October 2022.

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 outbuildings under section 5.4.3:

C3 Outbuildings associated with a dwelling site address either:

i. the standards for small outbuildings (A. Small outbuilding); or

ii. the standards for large and multiple outbuildings (B. Large and multiple outbuildings).

A. Small outbuilding	(i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street setback area; and (vi) does not reduce open space and outdoor living area requirements in Table 1.

OR

B. Large and multiple outbuildings	(i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Table 2a; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) not located within the primary or secondary setback area; and (vi) does not reduce the open space and outdoor living area requirements in Table 1.

Notes:

(i) An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3.

(ii) An existing outbuilding that meets the development standards for small outbuildings does not need to be set back in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings;

(iii) There are separate building code requirements that may also apply.

The R-Codes provide the following design principles under section 5.4.3

P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

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, 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. The modifications relating to wall height, ridge height and area for Residential and Special Residential properties (which is contained in Table 1 of the policy) – is the reason why WAPC consent is required.

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.

It is a role of Council to review policies. Regular reviews of policies result in contemporary documents reflecting the current needs of the community and consistency with the State Planning Framework.

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 1

That Council:

1. Adopts the draft Local Planning Policy – Non-habitable Structures 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 – Non-habitable Structures is brought back to the December 2022 Ordinary Council Meeting for final review.

9.1.3 Draft Local Planning Policy - Directional Signage

Date of Report:	13 October 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	K Stevens – Development Support Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	18 September 2012
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. CURRENT - Local Planning Policy - Directional Signage and Signage in Thoroughfares; and ⇨ 2. DRAFT Local Planning Policy - Directional Signage and Signage Within Thoroughfares. ⇨

PURPOSE OF THE REPORT

To review the Draft Local Planning Policy No.24 – Directional Signage and Signage Within Thoroughfares with a view to adopt for formal advertising.

BACKGROUND

This draft Local Planning Policy (LPP) has been developed as part of the current review of the Shire's policy framework. The existing LPP.24 – Directional Signage and Signage Within Thoroughfares (**Attachment 1**) was last reviewed by the Council on 18 September 2012.

COMMENTS AND DETAILS

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

In accordance with the new naming conventions, Local Planning Policies will no longer be numbered. Therefore, this LPP will now be known as Local Planning Policy – Directional Signage and Signage Within Thoroughfares (**Attachment 2**).

IMPLICATIONS TO CONSIDER

Consultative:

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees,

advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policy was discussed with the Council at a Council workshop in October 2022, attended by seven elected members.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

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

Objective 1: Provide accountable and transparent leadership for the community

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

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

Objective 2: Consistently improve our governance practices

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

S 2.2 Improve internal and external communication to maximise transparency

Policy related:

Local Planning Policy No. 24 – Directional Signage and Signage Within Thoroughfares

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

Financial:

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

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 4

Risk related:

Reputational

It is a role of Council to review policies. Regular reviews of policies result in contemporary documents reflecting the current needs of the community and consistency with the State Planning Framework.

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

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the draft Local Planning Policy – Directional Signage and Signage Within Thoroughfares 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 policy prior to publication.
3. Requests that the draft Local Planning Policy – Directional Signage and Signage Within Thoroughfares is brought back to the December 2022 Ordinary Council Meeting for final review.

9.1.4 Draft Local Planning Policy - Signage Outside the Central Toodyay Heritage Area

Date of Report:	13 October 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
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:	Executive
Attachments:	1. Current Local Planning Policy - Signage Outside the Central Toodyay Hertitage Area; and ⇨ 2. Draft Local Planning Policy - Signage Outside the Central Toodyay Hertitage Area. ⇨

PURPOSE OF THE REPORT

To review the Draft Local Planning Policy No.1 – Signage Outside the Central Toodyay Heritage Area with a view to adopt for formal advertising.

BACKGROUND

This draft Local Planning Policy (LPP) has been developed as part of the current review of the Shire's policy framework. The existing LPP.1 – Signage Outside the Central Toodyay Heritage Areas was last reviewed by the Council on 13 May 2010 (**Attachment 1**).

COMMENTS AND DETAILS

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

In accordance with the new naming conventions, Local Planning Policies will no longer be numbered. Therefore, this Local Planning Policy will now be known as Local Planning Policy – Signage Outside the Central Toodyay Heritage Area (**Attachment 2**).

IMPLICATIONS TO CONSIDER

Consultative:

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees,

advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policy was discussed with the Council at the Council Workshop in October 2022, attended by seven elected members.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

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

Objective 1: Provide accountable and transparent leadership for the community

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

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

Objective 2: Consistently improve our governance practices

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

S 2.2 Improve internal and external communication to maximise transparency

Policy related:

Local Planning Policy No. 1 – Outside the Central Toodyay Heritage Area.

This policy was last reviewed in 2010. At a very basic level, the current policy is inconsistent with the planning framework – for example, it does not reference the *Planning and Development (Local Planning Schemes) Regulations 2015* – (the deemed provisions) and therefore any future iteration of the policy will need to address these factors.

Financial:

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

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 4

Risk related:

Reputational

It is a role of Council to review policies. Regular reviews of policies result in contemporary documents reflecting the current needs of the community and consistency with the State Planning Framework.

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

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

1. Adopts the draft Local Planning Policy – Directional Signage and Signage Within Thoroughfares 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 policy prior to publication.
3. Requests that the draft Local Planning Policy – Signage Outside the Central Toodyay Heritage Area is brought back to the December 2022 Ordinary Council Meeting for final review.

9.1.5 Lot 122/390 Toodyay West Road, West Toodyay - Outbuilding

Date of Report:	13 October 2022
File Reference:	A2417/122TOOW
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 Plans ⇨ 2. Schedule of submissions ⇨

SUMMARY

Applicant: **JENKINS Ben & SMART Samantha**

Owner: **JENKINS Ben & SMART Samantha**

Proposal: **PROPOSED OUTBUILDING - OVERSIZED**

Location: **LOT 122/390 TOODYAY WEST ROAD, WEST TOODYAY**

PURPOSE OF THE REPORT

Council is required to consider an application for development approval for a proposed outbuilding at Lot 122 (No. 390) Toodyay West Road in West Toodyay. This matter is being brought to Council as there are unresolved objections to the proposal.

BACKGROUND

The applicant is seeking approval for an outbuilding. Development approval was initiated as the outbuilding is proposed to be located in front of the dwelling and is oversize for the property zoning.

Property information

Lot 122 (No. 390) Toodyay West Road in West Toodyay is an 8,001m² (0.801ha) property located on the west side of Toodyay West Road, West Toodyay. The property has two road frontages, with Fitzgerald Terrace at the rear of the property.

The property is zoned Special Residential R2.5 under the Shire of Toodyay *Local Planning Scheme No. 4*. Mandatory development approval triggered due to requests for variations to the Outbuildings in Residential Area's policy.

The existing development on the site is a single dwelling with a smaller shed at the rear of the property.

Proposal

The applicant seeks development approval to erect an outbuilding of 200m² in lieu of 120m². The proposed outbuilding will be in front of the dwelling when the policy states it is to be behind the dwelling. The outbuilding requires 400mm of fill with limestone retaining and will be clad in Colourbond - Deep Ocean (dark blue) For more details, please refer to **Attachment 1 – Application Plans**

Time to determine

The application was received on 18 August 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 16 November 2022.

COMMENTS AND DETAILS

The two issues raised in the submission were the reduced setback and the increased size of the structure over the prescribed limits within the current local planning policy. These are addressed as follows:

Setback variation

The proposal was incorrectly advertised to the adjoining neighbour stating that a setback variation of 4m in lieu of 7.5m is proposed.

The 7.5m standard on Table 1 of the R-Codes is only for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40.

However, outbuildings are covered under section 5.4.3 of the R-Codes which state that setbacks are to be in accordance with Table 2a. The wall length along the eastern boundary is 20m and the wall height is 4m. Table 2a of the R-Codes lists the prescribed setback for these parameters to be 1.7m. Therefore, it meets the deemed-to-comply provision for the setback and this aspect should be set aside and not considered.

Other variations to the R-Codes and current Local Planning Policy.

In section 5.4.3 of the R-Codes, the following deemed-to-comply standards apply under 5.4.3 C3 (ii) (B):

(iii) does not exceed a wall height of 2.4m.

(iv) does not exceed a ridge height of 4.2m.

However, the adopted Local Planning Policy – Outbuildings in Residential Areas states the following under part 5.

Residential Density Code of Property	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
R2.5	120m²	3.5m	5.0m

Therefore, the applicant is still proposing a variation to the policy of 200m² in lieu of 120m² and a wall height of 4.0m in lieu of 3.5m.

Additionally, the proposed siting is not behind the building line which is a requirement of the policy but not of the R-Codes.

The application can also be assessed in this instance using the design principles of the R-Codes where the deemed-to-comply provisions cannot be met,

In this instance, the proposal is considered to meet the design principles listed under 5.4.3 (P3) which are:

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

Bulk of the development

The applicant is proposing to use this outbuilding for storage of a significant amount of stock with high value. For insurance reasons, it is essential it is stored in a lockable shed. This should not be justification for approving the development. However, it does provide validity for the increased size. And it is a logical solution to do this instead of having two smaller sheds. It is noted also that the development is well screened from the adjoining property. Whilst there will be some impact (it can never be completely avoided), it is considered that the development is appropriately sited and screened.

Environmental Impacts

The environmental impact is considered minimal with the low laying nature of the land creating a swale where storm water naturally flows run between the two properties. This area is waterlogged for periods throughout the winter months. The proposed outbuilding is approximately 28 metres from this swale. The outbuilding is proposed to be located within the 1/100-year flood fringe. Typically, development located in the flood fringe is considered acceptable with respect to major river flooding.

It is recommended that Council approves this application.

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 period expired on the 20 September 2022 with one submission received. For more details, please refer to **Attachment 2 – Schedule of Submissions.**

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.

Local Planning Policy 13 - Outbuilding in Residential Areas

Clause 5 of Policy states:

Residential Density Code of Property	Permitted area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
R2.5	120m^2	3.5m	5.0m

Clause 10 of the Policy states:

10. All outbuildings must be located behind the existing dwelling on a property.

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 Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 4

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 an Outbuilding at Lot 122 (No. 390) Toodyay West Road in West Toodyay, subject to the following conditions:

(a) This approval relates only to the development as indicated on the plans received by the Shire of Toodyay as attached to this report.

(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.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Monthly Financial Statements - September 2022

Date of Report:	5 October 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 30 Sept 2022. ⇨

PURPOSE OF THE REPORT

This report provides Council with monthly financial information for the period ending 30 September 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 30 September 2022:

Note	Description	Page
1	Statement of Financial Activity by Nature or Type Report	1
2	Cash Flow Statement	2
3	Variance Analysis Report	3-4
4	Rating Information	5
5	Debtors Report	6

6 Bank Balances 7

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 September 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 30 September 2022.

Outstanding Rates and Services

Rating Information

The notices for rates and charges levied for 2022/23 were raised on 7 September 2022 after the adoption of the budget.

The *Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The due dates for each instalment for 2022/23 were:

Instalment	Due Date
First Instalment	12 October 2022
Second Instalment	12 December 2022
Third Instalment	13 February 2023
Fourth Instalment	13 April 2023

The total outstanding rates and charges balance at the end of September 2022 was $6,815,947.80 compared to August 2022 closing balance of $685,188.81.

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 September 2022 was $701,715.52 broken down as follows:

Category	31/08/2022	30/09/2022
> 90 days and over	140,009.81	140,927.78
> 60 days and over	1,020.47	80,139.71
> 30 days and over	80,139.71	6,973.18
Current	13,740.77	473,674.85
TOTAL	**234,910.76**	**701,715.52**

The table above shows a significant increase in the outstanding sundry debtors balance compared to the previous month in the current month's category, because of $463,320 owed by MRWA Northam and an overdue amount of $124,980 in the 90 days category 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 2021/22 financial audit.

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. Officers are currently reviewing the investment policy to consider investment options

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 30 September 2022.

9.2.2 List of Payments - September 2022

Date of Report:	13 October 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 - September 2022 ⇨

PURPOSE OF THE REPORT

To present cheques and electronic payments raised during September 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 September 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 September 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 September 2022 as attached to this report, summarised as follows:

Direct Debits	$ 24,557.82
EFTs	$ 759,557.29
DD Loans	$ 0.00
Payroll	$ 256,308.39
Municipal Cheques	$ 15,011.38
TOTAL	**$ 1,055,434.88**

9.3 EXECUTIVE SERVICES

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

Date of Report:	13 October 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 15 September 2022 to 13 October 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 15 September is provided at **Attachment 1** and includes the following:

- Local Government Reform
- 2022/23 Annual Budget and Differential rating
- Request and Response for an extension for the Annual Financial Report.

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 15 September 2022 to 13 October 2022, as attached to this report.

9.3.2 Toodyay Recreation Centre - Management Reporting

Date of Report:	12 October 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PRO15
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Not applicable
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. September Quarter Management Packs (confidential) *Section 5.23(2)* *(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)*

The attachment to this report is confidential under section 5.23(2)(e)(ii) of the Local Government Act 1995 as it contains information that 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 receive the Management Reporting Pack for the September quarter from Clublinks Management Pty Ltd for the Toodyay Recreation Centre (TRC) in accordance with the management contract.

BACKGROUND

A contract for the management of the Toodyay Recreation Centre was entered into between the Shire of Toodyay and Clublinks Management Pty Ltd on 30 November 2020.

As Venue Manager for the Toodyay Recreation Centre, Clublinks Management Pty Ltd is required to submit a monthly report to the Shire that details monthly activities, in accordance with clause 17.19 of the contract.

The monthly reports are presented to Council on a quarterly basis.

COMMENTS AND DETAILS

The reports for July, August, and September 2022 are attached as **Confidential Attachment 1**.

The results for the period resemble those of the same period last year and are as expected due to reduced activity over these usually quieter months. Consequently, staffing rates were reduced during the months of July and August as reflected in the year-to-date employee costs. During September, the staffing levels increased in preparation for the opening day on 1 October 2022.

Key users of the Centre during this quarter, in addition to a number of seniors programs, included;

- The Soccer Club – season wind-up took place 19 September.
- The Toodyay Netball Club – winter season has now ended.
- The Tuesday morning Tennis Group – continuing
- Pilates – continuing
- Walking Netball – new
- Other programs

It is important to note also, that, popular sporting codes such as Australian Rules Football and Hockey are played during this quarter, however neither of these codes are played at the TRC which adds to the low visitation for the period. As a result of the aquatic centre opening for the summer season on 1 October 2022, visitation to the TRC has increased considerably as well as interest on social media.

IMPLICATIONS TO CONSIDER

Consultative:

Clublinks and Shire Officers meet monthly.

Strategic:

Strategic Community Plan – Toodyay 2028

- *Social Objectives – Our community wellbeing and connection:*
  - *O 1: Maintain and develop services that meet the requirements of our diverse community.*
  - *O 2: Facilitate community safety and wellbeing.*
  - *O 3: Support the development of places and spaces for recreation, learning, art and culture.*
- *Economic Objectives – Business and jobs in the community*
  - *O 2: Promote Toodyay as a tourism destination.*
  - *O 3: Encourage economic diversification.*

Policy related:

Nil.

Financial:

There is a significant commitment required from the Shire to meet the operational costs of the TRC, with an expectation that the TRC is being operated to best practice standards and the community's needs are being met.

Legal and Statutory:

It is a requirement of the Management Contract that the Venue Manager provides monthly reports to the Shire.

Risk related:

The Shire has been receiving monthly reports in accordance with the existing contract. Reputational and financial risks exist if the reports are not prepared and forwarded to the Shire. Receiving and reviewing the financial performance of the TRC assists the effective oversight of the management and mitigates this risk.

Workforce related:

The Shire has an ongoing commitment to the contract in regard to the management and operation of the TRC.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the Management Reporting Packs for the September 2022 quarter, as attached to this report.

9.3.3 Council Policies - Christmas Closure, Internal Control and Live Streaming

Date of Report:	10 August 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. CURRENT Christmas Holiday Closure Policy; ⇨ 2. REVISED Christmas Closure Policy; ⇨ 3. CURRENT Internal Control Policy; ⇨ 4. REVISED Internal Control Policy; ⇨ 5. CURRENT Live Streaming and Recording of Council Meetings Policy; and ⇨ 6. REVISED Live Streaming and Recording of Council Meetings Policy. ⇨

PURPOSE OF THE REPORT

To consider the adoption of the:

(a) REVISED Christmas Closure Policy;

(b) REVISED Internal Control Policy; and

(c) REVISED Live Streaming and Recording of Council Meetings Policy.

BACKGROUND

Council resolved to implement a review of all Shire policies at an Ordinary Council Meeting held in February 2022. Information regarding when these policies were last reviewed is in the table below:

Old Ref	**New Ref**	**Policy Name**	**Adoption Date**	Most recent **Council Resolution No.** *where applicable*
A.10	ADM10	Christmas Holiday Office Closure	19/04/2007	CRN: 50/04/07

Old Ref	New Ref	Policy Name	Adoption Date	Most recent **Council Resolution No.** *where applicable*
A.19	ADM19	Internal Control	25/11/2014	CRN: 344/11/14
SP.3	GOV19	Live Streaming and Recording of Council Meetings Policy	27/08/2019	CRN: 213/08/19

COMMENTS AND DETAILS

In all policies being presented:

- The name of the policy, the introduction, scope, objectives and policy statements have been amended;
- Definitions have been amended to provide clarification;
- Legislative references have been included to ensure compliance; and
- Reference information; legislation; associated documents; version control; and document control information, have also been updated.

(a) Christmas Holiday Office Closure Policy

This policy was adopted by Council on 19 April 2007, and it was last reviewed on 13 May 2010. (**Attachment 1**).

The REVISED policy (**Attachment 2**) has removed any duplication of text from other documents, legislative clauses, words or phrases, and sub-numbering.

It is recommended that the REVISED policy be adopted.

(b) Internal Control Policy

This policy was adopted by Council on 25 November 2014, and it has not been reviewed since that date. (**Attachment 3**).

When the policy was reviewed, the current policy only contained two paragraphs being the objectives and the policy statement.

Internal Control is integral to the organisation, particularly assisting the CEO in being able to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

The REVISED policy was provided to Councillors and reviewed at the October 2022 Council Workshop.

It is recommended the REVISED policy (**Attachment 4)** that it be adopted.

(c) Live Streaming and Recording of Council Meetings

This policy was adopted by Council on 27 August 2019 (**Attachment 5)**, subject to a decision by the Council to proceed with live streaming and recording of Council Meetings. It has not been reviewed since 2019.

There has been no formal decision to proceed, however Council approved the budget to purchase livestreaming software, which provided authority to proceed.

The REVISED Policy (**Attachment 6)** has been reformatted and minimally revised.

Councillors considered the policy at the 12 October 2022 Council Workshop. Clarification was sought in regard to the procedures followed by the policy such as the signage to the public and those entering Council Chambers. Public participation in the meeting was also considered.

According to Section 5 of Western Australia's *Surveillance Devices Act 1999*, Western Australia is considered an All Party Consent State, this means it is against the law to use, install or maintain a listening device to record or listen to a private conversation to which that person is not a party.

This section pertains to private conversations however, due to its existence this is the reason the Shire President will inform those online and those attending that the meeting is being recorded and live-streamed.

It is recommended that the REVISED Policy be adopted.

IMPLICATIONS TO CONSIDER

Consultative:

These policies have been made available to Councillors via the Teams environment before being discussed at Council workshops held in October.

Officers have considered example policies from various other local governments, the Department of Local Government Operational Guidelines and relevant online information.

Strategic:

Strategic Community Plan – Toodyay 2028

Governance – the way the Shire leads and operates.

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

Policy related:

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

Financial:

Nil.

Legal and Statutory:

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

Section 5 of Western Australia's Surveillance Devices Act 1998

Recording of proceedings from clause 5.16 of the *Shire of Toodyay Standing Orders Local Law 2008.*

Risk related:

The risk of these policies not being adopted at this time is Minor (2) related to Compliance Risk. Adoption of these policies mitigates any risks.

Workforce related:

The policy review is being undertaken in-house by Shire officers.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Adopts the REVISED Christmas Closure Policy (**Attachment 2**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

OFFICER'S RECOMMENDATION 2

That Council:

1. Adopts the REVISED Internal Control Policy (**Attachment 4**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

OFFICER'S RECOMMENDATION 3

That Council:

1. Adopts the REVISED Live Streaming and Recording of Council Meetings Policy (**Attachment 6**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

9.3.4 Policy Review Update

Date of Report:	13 October 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	23 February 2022 OCM
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Policy Review Update October 2022 ⇨

PURPOSE OF THE REPORT

To provide an update on the progress of the Policy Review.

BACKGROUND

At the Ordinary Council Meeting held 23 February 2022 it was resolved:

That Council requests the Chief Executive Officer to:

1. *Implement a review of:*
   - *(a) The Shire's Local Planning Policies based on the schedule outlined in Attachment 2 of this report.*
   - *(b) All other Shire policies as prioritised in the policy list outlined in Attachment 1 of this report.*
2. *Include provision in the draft 2022/2023 budget process for any expert advice required to undertake the review for Council's consideration.*
3. *Provide a progress report and updated schedule for the review of remaining policies to Council at the October 2022 Ordinary Council Meeting.*

COMMENTS AND DETAILS

Attachment 1 provides a detailed of list of policies and their review status. The table below provides a summary for Council's information.

Area	Total # policies	Policies Reviewed	Priorities O/S	Comment
Administration	9	6	-	1 policy revoked

Area	Total # policies	Policies Reviewed	Priorities O/S	Comment
Community	7	1	2	Changeover of staff has affected capacity to review
Finance	11	0	1	All policies to be reviewed by Audit & Risk Committee & presented to Council in December
Governance	17	11	2	2 policies revoked
Infrastructure	6	1	2	Changeover of staff has affected capacity to review
Local Planning	22	6	4	Complexity and workloads have affected capacity to review
Regulation	7	3	2	
Human Resources	7	0	-	2 policies to be revoked as not required
Total	**86**	**28**	**13**	

28 out of 86 policies have been reviewed in the past 8 months, with 13 policies rated as a priority 1 for review remaining outstanding. Further comment is provided in the attached spreadsheet.

Council has indicated that the number of policies to be considered at each Council meeting should be limited to eight (8) to manage workload. This and the volume of other non-policy related work has affected officer capacity to make more progress.

Therefore, the dates indicated in the attached spreadsheet are indicative only and may be amended to accommodate this limit and the capacity of officers. Where complex policies are required to be considered, additional workshops may be scheduled.

IMPLICATIONS TO CONSIDER

Consultative:

Councillors considered the overall Policy Review at the Council Workshop held on 14 September 2022. Policies are provided to Councillors on the Teams environment for comment before workshopping and presentation to Council. Where relevant (ie complex policies or local planning policies), a draft policy will be advertised for public comment before being adopted.

Strategic:

Shire of Toodyay Strategic Community Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

Objective 2: Consistently improve our governance practices

Policy related:

In November 2021, Council adopted its Corporate Documents Policy which outlines what is to be included in a policy document and the process for its development. There are still some policies that have yet to be transferred into the new template format.

Financial:

Advertising

The main cost associated with policy review is advertising. A conservative estimate for advertising cost based on recent pricing trends would be $250 per advertisement.

Therefore, in the case of Local Planning Policies where a formal advertising notice is to be followed by a second advertisement informing of a Council resolution to proceed with a policy, advertising costs could be $500 per local planning policy being reviewed. With 25 policies up for review, the cost may be approximately $12,500 for the advertising component.

Professional Consultancy Fees

From time to time, the Shire of Toodyay will engage the services of a suitably qualified professional contractor to assist with the development and/or drafting of policies.

Where expert knowledge is required for key policy areas such as heritage, environmental management and extractive industries – where the addition of professional expertise can enhance the development of these documents to provide better outcomes for the communities.

Legal and Statutory:

Council Policies

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies. The *Local Government Act 1995* does not prescribe what Council policies can relate to, except for specific circumstances such as Attendance at Events, etc.

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. 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:

Financial

Without a current suite of policies, the Shire of Toodyay exposes itself to potential financial risk associated with unsuccessful legal proceedings where the Shire chooses to pursue or is pursued, regarding compliance matters.

Compliance

There is no statutory requirement to have a policy reviewed within a certain timeframe however best practice would suggest every 3-4 years. Outdated policies expose the Shire to risk. Old policies may fail to comply with new laws and regulations. They may not address new systems or technology, which can result in inconsistent practices.

Reputational

The Shire of Toodyay exposes itself to reputational risk the longer the review of policies takes. The community could potentially lose confidence in the Shire of Toodyay if it fails to develop and maintain a suite of contemporary policies to guide the regulatory process.

Overall, as has been identified in the governance review, process controls (policies) are not operating as intended, do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time. This report seeks to mitigate that risk.

Workforce related:

Reviews of this nature place additional yet necessary additional demands on workforce time and resources.

However, 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.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the Policy Review Update provided at Attachment 1 to this report and notes the progress to date.

9.4 INFRASTRUCTURE AND ASSETS

Nil.

9.5 COMMITTEE REPORTS

Nil.

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	23 November 2022
Agenda Briefing	16 November 2022
Audit & Risk Committee Meeting	7 December 2022
Bushfire Advisory Committee Meeting	2 November 2022
Environment Advisory Committee Meeting	2 November 2022
Local Emergency Management Committee Meeting	9 November 2022
Museum Advisory Committee Meeting	7 December 2022

16 CLOSURE OF MEETING