



# Ordinary Council Meeting

## 21 December 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 14 December 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**

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 23 November 2022****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 23 November 2022 be confirmed.

**5.2 Agenda Briefing held on 14 December 2022****OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 14 December 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)**

To be advised.

**9 OFFICER REPORTS****9.1 DEVELOPMENT AND REGULATION****9.1.1 Lot 104 Brumby Chase, Morangup - 3 dog application**

Date of Report:	21 November 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:	<ol style="list-style-type: none"> <li>1. Applicants Justification for 3 Dogs; ➡</li> <li>2. Ranger Inspection Report; ➡</li> <li>3. Schedule of Submissions; and ➡</li> <li>4. A.15 - Keeping of 3 to 6 Dog policy ➡</li> </ol>

**SUMMARY**

Applicant: K Kallane  
 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. They have applied for 3 dogs, as they have provided accommodation at their property to a friend who requires safe space to rest and heal whilst suffering from PTSD. 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

No.	Breed	Colour	Name	Sex	Sterilised	Age	Reg. No.
3	Border Collie Cross	Black	River	M	Y	6 Yrs.	TBA

### COMMENTS AND DETAILS

This application was presented at the 26 October 2022 Ordinary Council Meeting, referencing the new Local Planning Policy – Dogs where Council decided the application should be assessed using the previous Administration policy A.15 – Keeping of 3 to 6 Dogs as it was received when that policy was still in place.

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. In this instance, the Red Cloud Kelpie was barking at the neighbour's livestock through a fence.

The Applicant has worked with the Shire Rangers to ensure that the dogs at Lot 104 Brumby Chase, Morangup, 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 was received under the previous *Administration policy A.15 – Keeping of 3 to 6 Dogs* and can be entertained as it is consistent with the Council's Dog policy with no more than 3 dogs requested.

It is recommended 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 Shire 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. Approximately 1.5m high.
Locking Devices on Gates	Rural gates approximately 1.1m tall with self-closing and locking mechanisms in place.



Aspect	Ranger Comments
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	<p>Shire of Toodyay Ranger Services have issued two cautions:</p> <ul style="list-style-type: none"> <li>• Dog attack/chase not causing physical injury.</li> <li>• Failing to provide means for effectively confining a dog.</li> </ul>

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

An inspection was conducted by Shire Rangers on 5 July 2022 and modifications to the fencing and locking mechanisms, where required to provide adequate confinement for the dogs at the property.

On 19 August 2022, the Shire 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 previous *Administration policy A.15 – Keeping of 3 to 6 Dogs*. This consisted of a mail out, including covering letter and plans, 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:**

The application does not meet all the requirements of previous Administration policy A.15 – Keeping of 3 to 6 Dogs as a submission was received and is therefore referred to full Council for consideration.

Under section 4 of the Policy, an application to have more than 2 dogs on a property must, among other things, be accompanied by the reason(s) for which the applicant requires the permit. As outlined under the 'Background' section of this Report, the applicant has indicated they wish to have 3 dogs on the property as they have (2) dogs and have provided accommodation for a friend who also has (1) one dog.

**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, Morangup 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	11yrs.	Red
River	Border Collie Cross	M	TBA	6 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 Lot 500 (No. 40) Salt Valley Road, Hoddys Well - Transport Depot and Shipping Containers

Date of Report:	9 December 2022
File Reference:	P2022-101
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:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> <li>1. P2022-101 Application Plans and Details; and <a href="#">↗</a></li> <li>2. P2022-101 - Redacted Submissions. <a href="#">↗</a></li> </ol>

#### SUMMARY

<b>Applicant:</b>	<b>Front Door Building Design</b>
<b>Owner:</b>	<b>A Vaughan &amp; SA Stacey</b>
<b>Proposal:</b>	<b>Transport Depot and Shipping Containers</b>
<b>Location:</b>	<b>Lot 500 (No. 40) Salt Valley Road, Hoddys Well</b>

#### PURPOSE OF THE REPORT

To determine an application for development approval for an existing transport depot and two shipping containers at Lot 500 (No. 40) Salt Valley Road in Hoddys Well. As this development has attracted a considerable amount of community objection, which is unresolvable, it must be determined by Council.

#### BACKGROUND

##### Land

Lot 500 (No. 40) Salt Valley Road in Hoddys Well is a 20.16-hectare property in the Wandoo Farms subdivision estate. The property is zoned Rural under the Shire of Toodyay's *Local Planning Scheme No. 4*.

The property is vegetated with native woodland and remains largely uncleared except for a cleared area of approximately 2 hectares which contains all existing development, and which is the subject of this application. It is noted that this area was formerly used by Main Roads WA as a borrow pit for its road infrastructure projects dating back to the 1950s/60s. The pit does not appear to have undergone any meaningful rehabilitation.

The existing built structures on the property are a single dwelling and associated outbuildings and water tanks. The existing house and additions, the shed and associated infrastructure were constructed by previous owners.

The current work shed – which is in the location of this land use application, was also constructed by a previous owner. It should be noted that the shed was approved as an outbuilding by the Shire of Toodyay in 2012. An outbuilding is associated with a single dwelling and is for domestic purposes only. Any other change of use requires approval from the Shire, which records indicate, has not been sought previously.

### Conservation Covenant

Another significant consideration regarding this land is that there is a conservation covenant sitting over the property. A conservation covenant is an agreement between a landowner and a body like a charity or public body to do or not do something on their land for a conservation purpose. It is irrevocable.

In this instance, a conservation covenant was established in 2003 for the purpose of setting aside land for the protection and management of vegetation. It specifically requires the area to be adequately fenced to exclude all classes of livestock and be managed in such a way as to retain and promote the growth of native vegetation. It is noted that the conservation covenant document does include a plan with a very rudimentary depiction of a 'gravel pit / building area'.

### Compliance history

The current owners purchased the property in 2020. In 2021, the Shire began receiving reports (internal and external) about an increase in development activity (predominantly in the form of earthworks and additional clearing) at the site. This was followed up with further reports of frequent truck movements coming from and to the property, which was becoming a cause for concern.

The Shire commenced an investigation and determined that the owners were operating their earthmoving business from the property. The owners were contacted and advised of the non-compliance issue and have since been cooperating with the Shire with regard to a request to submit an application for consideration. It is acknowledged that this has been a protracted process for several reasons. Over this period of time the Development and Regulation Department has undergone considerable change, which has impacted resourcing to effectively deal with the issues in a timely manner. Additionally, the COVID-19 virus provided that a more lenient approach be adopted as there were external pressures being put on the wider community.

### The development

On 18 November 2022, Front Door Design, on behalf of Mr SA Stacey and Ms A Vaughan (applicant) applied to the Shire of Toodyay (Shire) for development approval for a transport depot and two permanent shipping containers at Lot 500 (No. 40) Salt Valley Road, Hoddys Well (subject land). The applicant seeks approval to use the subject land for the parking of commercial vehicles that are required for their earth moving business (proposed development).

The transport depot will be used as a base for machinery parking and maintenance. Generally, machines are on a job site, and will be at the depot if not being moved directly to another job or are having maintenance undertaken. Two of the low loader trailers will generally be parked at the depot, along with the prime mover when not on site with other machinery.

### **Machinery list**

- 1 x prime mover
- 3 x low loader trailers
- 2 x excavator

1 x loader

1 x skid steer

The business activities are confined to the immediate area around the shed.

### **Machinery Wash-down Area**

The vehicle wash-down area is sealed so inert solid matter (dirt / mud) that is washed off the machines can be checked for contamination prior to being disposed of on site. The amount of wash off is minimal. The machines would also be washed down on job sites if any works were undertaken on potential contamination risk areas prior to returning to the depot. The sealed area also provides safety for any spill of fuel or oil, which can then be controlled with a spill kit or an approved cleaner.

For further details, please refer to Attachment 1.

### **COMMENTS AND DETAILS**

Officers acknowledge that this development application has generated a significant amount of community feedback and notes that it is a very emotive topic. Emotions must be set aside and instead a determination must be made on statutory considerations, orderly and proper planning, and seeking good planning outcomes, which benefit and protect the community.

When considering an application, the statutory framework is an important factor; however, it is not the only factor that should be used to assess the suitability of a land use on a particular parcel of land.

In this case, the land is zoned Rural under the Scheme. Much of the rural zoned land in the Shire is cleared and suited for a mix of land uses, which may be more industrial in nature – primarily because the land in this zone usually does not have as many issues with a higher population density in the immediate vicinity. Other issues commonly associated with rural industry or other industries such as noise and dust can be better managed with reduced impact in rural zoned land.

Lot 500 Salt Valley Road differs in this instance because it is heavily vegetated. Such is the significance of the ecology of the site (and of the immediate vicinity) – that it is identified in a conservation covenant. The covenant requires landowners to manage this land in such a way as to retain and promote the growth of native vegetation. The conservation covenant requires that registered proprietors of the land recognise the value of sound land management practices and the value of protecting areas identified in the covenant. The fact that the covenant is an irrevocable instrument means that the conservation of this land should be considered above all other uses.

The main issues in contention are relating to the appropriateness of the development and impact on amenity.

It is clearly evident that there has been extensive clearing in the area of the shed to provide for the operation of this business, which is a cause for concern. It is counter to the aims and requirements of the conservation covenant.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

The application has undergone community and stakeholder consultation in accordance with the Shire's adopted *Local Planning Policy – Advertising of Planning Proposals*.

The application was advertised in the November 2022 edition of the Toodyay Herald and on the Public Notices section of the Shire's website.

We sent mail outs to all adjoining properties and other interested landowners. The proposal was also sent to the Commissioner of Soils division of the Department of Primary Industries and Regional Development (DPIRD) and the Department of Water and Environmental Regulation (DWER).

The matter was not workshopped with the Council due to the shorter time frames in December; however, elected members have been kept well informed about this application and the ongoing community concerns.

The Shire received sixteen submissions during this process. Fourteen were strongly opposed and two supported the proposal.

The common themes raised in the opposing submissions were:

- impact on amenity
- impact on environment
- concerns about noise, dust and traffic numbers
- concerns about risk of spillage or contamination from fuel and chemicals
- inappropriateness of the development for the locality
- lack of attention to bushfire planning

It is noted that these submissions were strongly critical of the compliance issues raised from the applicant commencing the development, altering and clearing the land without seeking approvals. This is, however, a compliance matter between the Shire and the applicant and should not be the determining factor in this application. The Shire will address this matter in a separate officer recommendation.

The supporting submissions recognised the importance of the Shire being able to support small business and did not have an issue with matters such as noise or truck volumes.

Redacted submissions are available for viewing as Attachment 2.

### **Strategic:**

*Shire of Toodyay Community Strategic Plan – Toodyay 2028*

S1.1 Promote environmentally sustainable development that is consistent with our rural setting

### **Preserve and protect our natural assets for future generations.**

S2.5 Support conservation protection covenants and planning policies to safeguard native vegetation

### **Provide accountable and transparent leadership for the community.**

*Shire of Toodyay Local Planning Strategy 2017.*

The Shire is within the Southwest Australia Eco region, a biodiversity hotspot, with approximately 48% of the Shire's area covered by relatively intact remnant vegetation.

However, a significant proportion of these areas have been under pressure due to clearing for agricultural activities, mining, rural living and rural residential development, subdivision and other developmental activities. The challenge is to manage the important biodiversity assets of the Shire as early as possible within the planning process through identification, preservation, conservation and protection measures. Further issues such as bushfire risk, overstocking of animals and on-site sewerage management, particularly on rural living type proposals need to be balanced with biodiversity conservation and environmental impact.



Furthermore, the Shire must ensure that development applications consider bushfire protection requirements and include specified bushfire protection measures in accordance with SPP3.7.

These developments should achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

Consistent with SPP3.7, in instances where biodiversity values conflict with bushfire risk management measures and significant clearing of native vegetation is the only means of managing bushfire risk, Council will generally not support the proposal.

**Policy related:**

*Local Planning Policy 11 – Car Parking*

The policy generally requires vehicle movement areas to be sealed and bituminised and line marked. An acceptable alternative would be to do a gravel seal to improve appearance.

*Local Planning Policy Advertising of Planning Proposals*

The application was advertised in accordance with this policy.

**Financial:**

**Application fee**

As the development has already commenced, the applicant has paid the applicable fee pursuant to Schedule 2 of the *Planning and Development Regulations 2009*.

**Non-compliance penalties**

Pursuant to section 223 of the *Planning and Development Act 2005*, unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

However, section 227 of the Act provides that a modified penalty must be applied in whatever the circumstances in which the offence is committed. The modified penalty is therefore \$500.00 per offence.

It should be noted that at the time of writing this report, no infringement has been issued to A Vaughan & SA Stacey. Given the seriousness of the non-compliance, it is recommended that Council resolves to infringe the applicants to set an example and to signal to the community that the tolerance for non-compliance when landowners are undertaking development without approval is very low.

**Appeals**

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 Number 4*

Under the Scheme, a transport depot is defined as:

*“transport depot” means premises, or a portion of a premises, use for the parking or garaging of two or more commercial vehicles for financial reward, and*

- (i) may include the maintenance and refuelling of those vehicles and the storage of goods brought to the premises by those vehicles, provided that those activities are ancillary to the parking or garaging of the commercial vehicles; and*
- (ii) may include the transfer of goods or persons from one motor vehicle to another*

A commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —

- a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph a);

The current development is consistent with this definition.

A transport depot is an ‘A’ use for the Rural zone defined under the Scheme which in relation to a zone, means a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is not permitted in the zone unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64.

**Risk related:**

Risk Type	Comment	Score
Health	Mental health risk to administration staff when dealing with complaints or compliance issues relating to the development. This can lead to increased stress and the potential for stress leave.	3
Financial Impact	The Applicant has the right of appeal through the State Administrative Tribunal of Council’s decision on this matter. This would potentially expose the Shire to increased legal costs.	9
	A development of this nature in proximity to sensitive land uses has the potential for increased community <b>complaints, which</b> may have a financial impact by using up officer time.	9
Service Interruption	A development of this nature in proximity to sensitive land uses has the potential for increased community <b>complaints, which</b> may have an impact by using up officer time. This will impact other service delivery as these matters are dealt with.	9
Compliance	No noticeable regulatory or statutory impact.	1
Reputational	Poor decision making can lead to reputational damage to the local government	6

Risk Type	Comment	Score
Property	Increased traffic associated with this development may result in increased wear on Shire road and footpath infrastructure.	8
Environment	There are potentially increased noise and dust impacts related to traffic.	8

Overall, this development has an average potential risk score of 6.635, which places it in the moderate level. The average existing controls to manage this risk is adequate, however.

#### **Workforce related:**

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.

### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council

- Notes the submissions received regarding the application an existing transport depot and two shipping containers at Lot 500 (No. 40) Salt Valley Road in Hoddys Well.
- Pursuant to Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; refuses the development application an existing transport depot and two shipping containers at Lot 500 (No. 40) Salt Valley Road in Hoddys Well, for the following reasons:
  - The proposal is inconsistent with the orderly and proper planning of the location.
  - The development is considered detrimental to the amenity of the area by reasons of unacceptable noise.
  - The development is inconsistent with the objectives of the conservation covenant, which binds the landowner/occupier to maintain and promote the growth of native vegetation on the lot.
  - An approval would set an undesirable precedent.
- Requests the CEO to issue the maximum fine of \$500 per offence committed pursuant to regulation 42 of the *Planning and Development Regulations 2009* to the Applicant for breaching s.214 of the *Planning and Development Act 2005*.
- Requests the CEO to issue a Directions Notice to the applicant to cease and desist this land use and to prepare an end of use plan to the satisfaction of the Shire of Toodyay.

### 9.1.3 Lot 3 Stirling Terrace, Toodyay - Conservation works - replacement of roof and repair of two chimneys.

Date of Report:	21 November 2022
File Reference:	P2022-98 / A2021/3STIT
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> <li>1. P2022-98 - Application and plans; and <a href="#">⇒</a></li> <li>2. HCWA Submission. <a href="#">⇒</a></li> </ol>

#### SUMMARY

Applicant:	Cheryl Jean
Owner:	Cheryl Jean
Proposal:	Conservation works - replacement of roof and repair of two chimneys.
Location:	Lot 3 Stirling Terrace, Toodyay

#### PURPOSE OF THE REPORT

To consider an application for development approval for the replacement of the roof and repair of two chimneys, due to water egress at "The Ship" Lot 3 Stirling Terrace in Toodyay. As this application is in the Roman Catholic Church precinct, it may only be determined by Council.

#### BACKGROUND

Lot 3 Stirling Terrace in Toodyay is a 2,034m<sup>2</sup> (0.2034 ha) property within the Central Toodyay Heritage Area. It is currently zoned 'Mixed Business' under the Shire of Toodyay's *Local Planning Scheme No. 4* (LPS4).

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

#### Proposal

On 18 October 2022, the Shire of Toodyay received an application for conservation works - replacement of the roof and repair of the deteriorated mortar and render on two chimneys. A winter of strong winds and heavy rains has resulted in water getting under the roof sheets and gutters and causing substantial damage to the roof supports and wall render in the interior of the home.

Water egress has caused the roof supports to rot, and the nails in the supports to come loose allowing the roof sheets and guttering to move. Due to the age of the home, the mortar

on the chimneys has deteriorated and allowed water to penetrate the brick work. The water has run down the chimneys and into the interior of the house causing the render to fall off the brickwork around a fireplace and window. Fortunately, the water egress has not impacted the interior of the roof or original shingles.

For more information, please refer to the **Attachment 1: P2022-98 - Application and Plans**.

Timeframe to determine.

The Shire received this application on 18 October 2022, which required advertising. Pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days, being 16 January 2022.

## COMMENTS AND DETAILS

The proposed reroofing and repair of brickwork due to water egress is of vital importance to ensure the cultural and heritage significance of 'The Ship' is preserved.

The HCWA, in its submission, has stated that the proposed development is supported subject to the conditions of which further information will be provided in the consultative implications to consider following this section of the report.

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

## IMPLICATIONS TO CONSIDER

### Consultative:

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

The HCWA, in its submission, has stated that they support the proposed development subject to the conditions:

1. Roofing material should be short sheet galvanised where replaced.
2. The mortar mix for repointing brickwork should match the original in terms of composition and finish and should not include any cementitious products.

It is recommended that the HCWA conditions are applied to any development approval. For more details, please refer to **Attachment 2: HCWA Submission**

### Strategic:

*Shire of Toodyay Strategic Community Plan -Toodyay 2028*

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

*Shire of Toodyay Heritage Master Plan 2015*

2.2.1 Place No.11; Catholic Church Precinct

Encourage the private owners to retain and conserve the area.

*Shire of Toodyay Local Planning Strategy 2018*

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

**Policy related:*****State Planning Policy 3.5 Historic heritage conservation*****6.6 Development control principles**

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

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

**Alterations, extensions or change of use affecting a heritage place**

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

***Shire of Toodyay Local Planning Policy No. 20*****Objectives**

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

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

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

**Principles of Development**

All applications within the Central Toodyay Heritage Area shall have regard to and respect the following principles of development:

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

- c) Additions to heritage places must ensure that they do not visually intrude on the existing building or street context and that they are in sympathy with the character of the existing property. Additions should be distinguishable from the original building and the distinction may be subtle if desired.

**Financial:**

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

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

**Legal and Statutory:**

*Planning and Development Act 2005*

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

*Planning and Development Regulations 2009*

*Heritage Act 2018*

*Heritage Regulations 2019*

*Shire of Toodyay Local Planning Scheme No. 4*

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

**Risk related:**

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 to reroof and repair of two chimneys at Lot 3 Stirling Terrace, Toodyay, subject to the following conditions:

- (a) The development hereby permitted must be commenced within two years from the date of this decision letter.
- (b) The development hereby permitted taking place in accordance with the approved plans.
- (c) Roofing material should be short sheet galvanised where replaced.
- (d) The mortar mix for repointing brickwork should match the original in terms of composition and finish, and should not include any cementitious products
- (e) All reconstruction of brickwork and render shall be carried out in a like for like manner that matches existing materials, profiles, and finishes.
- (f) A photographic archival record shall be made according to the guide.
- (g) The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.



**9.1.4 Lot 109 MacDonald Retreat, Dumbarton - Change of Use**

Date of Report:	29 November 2022
File Reference:	A4143/109MAC
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> <li>1. P2022-34 - Application &amp; Plans; <a href="#">⇒</a></li> <li>2. P2022-34 - Amended plans; and <a href="#">⇒</a></li> <li>3. Schedule of submissions. <a href="#">⇒</a></li> </ol>

**SUMMARY**

**Applicant:** W Andela  
**Owner:** W Andela  
**Proposal:** Change of use – Outbuilding to Single Dwelling  
**Location:** Lot 109 MacDonald Retreat, Dumbarton

**PURPOSE OF THE REPORT**

Council to consider an application for development approval for a change of use of an outbuilding to a single dwelling. Council is being requested to determine this application as multiple submissions opposing the proposal were received during the consultation period.

**BACKGROUND**

The applicant is seeking approval for an outbuilding to be changed to a single dwelling after a complaint was received regarding a person living in the outbuilding at Lot 109 MacDonald Retreat, Dumbarton. A site visit confirmed the applicant was living in on site. At the time of the site visit, the applicant had not constructed any internal modifications to the outbuilding.

Property information

Lot 109 MacDonald Retreat, Dumbarton is a 10,594m<sup>2</sup> (1.594ha) property and is in the Glencoe Estate. The property backs on to Northam Toodyay Road.

The property is zoned Special Residential R2.5 under the Shire of Toodyay *Local Planning Scheme No. 4*.

Existing development on the site is a Council approved outbuilding which was approved in 2018 in conjunction with a single dwelling which was never constructed.

Proposal



The applicant seeks development approval to convert the mezzanine floor of an existing outbuilding to a single dwelling.

The proposed conversion of the mezzanine floor is approximately 57m<sup>2</sup> and will consist of one-bedroom, combined kitchen living and a bathroom. Externally will be a 36m<sup>2</sup> veranda and 36m<sup>2</sup> free-standing carport and a limestone retaining wall.

#### Time to determine

The application was received on 31 March 2022 and was stopped on 20 June 2022 to allow the applicant some time to gather further information. The clock was restarted on 18 October 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 January 2023.

### COMMENTS AND DETAILS

The outbuilding in question was proposed to be built in conjunction with a single dwelling in 2018. When the property was sold without the single dwelling being constructed, the new owner saw the non-habitable outbuilding as a place to live.

A site visit conducted by the Planning and Compliance Officer and the Environmental Health Officer, lead to the applicant applying to convert the mezzanine floor of the existing outbuilding to a single dwelling. An overwhelming number of objections were received in the advertising period, stating the proposed development was not compatible with the existing quality of homes within Glencoe Estate and did not comply with the *Local Planning Policy – Glencoe Estate Design Guidelines*.

#### **Attachment 1 – Application and Plans**

Taking into consideration the objections received, two options were discussed with the applicant.

**Option One:** to convert the outbuilding into an ancillary dwelling, with the addition of a main dwelling added to the development application. This option provided the applicant with an immediate solution for his lack of accommodation and would bring the development application in line with the *Local Planning Policy – Glencoe Estate Design Guidelines*. This option however was not financially viable for the applicant.

**Option two:** to amend the existing plans to make the exterior of the outbuilding more consistent with the exterior of a single dwelling.

Option two was chosen and amended plans with the addition of a veranda, freestanding carport, additional windows and retaining wall was submitted. The application was readvertised to the adjoining landowners. Submissions received acknowledged the changes however, the development was again strongly objected, as it did not compliment the surrounding homes in Glencoe Estate or meet the *Local Planning Policy – Glencoe Estate Design Guidelines*, as it still appeared to be an outbuilding.

#### **Attachment 2 – Amended Plans**

Whilst the applicant has made reasonable efforts to modify the external appearance of the outbuilding to proposed single dwelling conversion, its design with an exterior entirely clad in Colourbond, no defined front entrance to orientate towards the primary street, oversized bulk and lack of decorative features, it presents itself as an outbuilding and not as single dwelling.

To approve this application would set an undesirable precedent, which could impact the future development within Glencoe Estate.

It is recommended that Council refuses this application.

However, the Officer would also like to recognise the emotive nature of this decision and the associated implications for Mr Andela, who would be made homeless. Therefore, it is also recommended that Council agree to a benevolent approach, and allow reasonable timeframes for the shed to be vacated and for Mr Andela to find alternative living arrangements.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

The initial and amended applications were 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 for each application. With the advertising periods closing on 20 May 2022 and 30 November 2022 respectively.

Multiple submissions were received during both advertising periods, objecting to the proposed development, stating the development was not compatible with the character of the locality, nor did it comply with the Shire's Local Planning Policy – Glencoe Estate Design Guidelines which all other landowners within Glencoe Estate have had built their homes to and have spent a considerable amount in doing so.

### **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:**

*Local Planning Policy – Glencoe Design Guidelines*

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council, pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, refuses the application for development approval for a change of use – from outbuilding to single dwelling at Lot 109 (No. 1986) MacDonald Retreat in Dumbarton, for the following reason:

1. The Development is inconsistent with the Local *Planning Policy – Glencoe Estate Design Guidelines*.
  - (a) The development would set an undesirable precedent, which could impact future development within the Glencoe Estate.

## 9.2 CORPORATE AND COMMUNITY SERVICES

## 9.2.1 Monthly Financial Statements - November 2022

Date of Report:	1 December 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 Nov 2022. <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

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

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

### Key Financial areas

The following information provides balances for key financial areas for the Shire of Toodyay's financial position for month ending 30 November 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 November 2022 was \$3,248,522.41 compared to October 2022 closing balance of \$3,511,749.90.

The Shire of Toodyay proposed to implement a Mining Differential Rate to address the revenue requirements to maintain the additional infrastructure and road expenditure generated by the mining exploration industry in the Shire.

An application for Ministerial Approval was made, and later rejected, for a differential rate over twice the minimum in the Unimproved Value (UV) category to raise a total of \$200,000 across the 35 Mining Tenements in the Shire.

Consequently, the rates notices for the mining properties were held back and will be reissued once the matter has been finalised in the State Administrative Tribunal.

This means that whilst a reduction in the rates revenue of approximately \$152,715 is anticipated, Officers envisage this decrease to be offset by an increase to fees and charges. A revised budget will be presented for Council's consideration.

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 November 2022 was \$247,009.09 broken down as follows:

Category	31/10/2022	30/11/2022
----------	------------	------------

> 90 days and over	\$183,990.65	\$178,239.35
> 60 days and over	-\$7,507.94	\$35.18
> 30 days and over	\$1,676.83	\$16,439.69
Current	\$29,044.16	\$52,294.87
<b>TOTAL</b>	<b>\$207,203.70</b>	<b>\$247,009.09</b>

The table above shows an increase in the outstanding sundry debtors balance compared to the previous month. There is an amount of \$124,980 in the 90 days and over category for water charges at the Toodyay Recreation Centre. This amount has been recognised as a doubtful debt as part of the 2020/21 financial audit.

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

## IMPLICATIONS TO CONSIDER

### Consultative:

Datacom

### Strategic:

***Shir of Toodyay Strategic Community Plan 2028***

*Governance: The way the Shire leads and operates.*

Objective 3: Ensure rigorous organisational systems.

### Policy related:

- F2 Authorised Signatories
- F3 Purchasing
- F11 Corporate Credit Cards
- F16 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.

The Shire's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance with the Shire's investment policy.

The Shire's investment portfolio is diversified across two accredited financial institutions.

As at 30 November 2022, the total funds held in the Shire's operating accounts (including an 11AM At Call account) is \$2,490,955.34 and the total of all interest bearing term deposits invested for the period ended 30 November 2022 was \$5,181,984.00.

### Legal and Statutory:

*Local Government Act 1995*

Section 6.4 requires a local government to prepare financial reports.

Section 6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

*Local Government (Financial Management) Regulations 1996*

Regulation 34 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 November 2022.

**9.2.2 List of Payments - November 2022**

Date of Report:	2 December 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	Ms Y Tyson – Accounts Payable/Payroll Officer
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
Attachments:	1. List of Payments - November 2022 <a href="#">↗</a>

**PURPOSE OF THE REPORT**

To present cheques and electronic payments raised during November 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 November 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.

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:**

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

*Governance: The way the Shire leads and operates*



O1: Provide and accountable and transparent leadership for the community.

O3: 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 and F.3 Purchasing.

**Financial:**

Payments made in November 2022 total \$1,578,046.06.

**Legal and Statutory:**

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

Section 6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

*Local Government (Financial Management) Regulations 1996*

Regulation 13 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 November 2022 as attached to this report, summarised as follows:

Direct Debits	\$ 71,441.13
EFTs	\$ 1,215,936.84
DD Loans	\$ 0.00
Payroll	\$ 280,602.63
Municipal Cheques	\$ 10,065.46
<b>TOTAL</b>	<b>\$1,578, 046.06</b>

**9.2.3 Indicative Timeline and Process for adoption of the 2023/2024 Annual Budget**

Date of Report:	7 December 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30/FIN8/FIN31
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. 2023-2024 Budget Indicative Timeline <a href="#">🔗</a>

**PURPOSE OF THE REPORT**

To seek Council's endorsement of a proposed timeline for the adoption of the 2023/2024 Annual Budget.

**BACKGROUND**

The local government is required under s.6.2 (1) of the *Local Government Act 1995* (the Act), to prepare and adopt by absolute majority a budget for the following financial year.

The Act prescribes that the deadline is between 1 June and 31 August for the financial year ending 30 June following that August.

Regulations 22-32 of the *Local Government (Financial Management) Regulations 1996* (Regulations) outlines the information required to be included in the budget.

The requirements for a mid-year review of the annual budget are outlined in r.33A.

The annual budget is required to be lodged with the Department of Local Government, Sport and Cultural Industries (DLGSC) within 30 days of its adoption by the local government in accordance with r.33.

**COMMENTS AND DETAILS**

Officers have developed an indicative timeline for the development and adoption of the 2023/2024 Annual Budget (**Attachment 1**). The timeline outlines the process to be followed and includes a number of opportunities for Council's input and direction. A summary of the proposed timeline is below.

Month	Summary of actions
December 2022	<ul style="list-style-type: none"> <li>Council receives the proposed timeline and process.</li> </ul>
January 2023	<ul style="list-style-type: none"> <li>Finalisation of financials for mid-year budget review.</li> </ul>

Month	Summary of actions
February 2023	<ul style="list-style-type: none"> <li>• Officer review of mid-year financials; and</li> <li>• Council inspections of roads, land and buildings.</li> </ul>
March 2023	<ul style="list-style-type: none"> <li>• Community Funding opens;</li> <li>• Council adoption of mid-year budget review; and</li> <li>• Submission of mid-year budget review to DLGSC.</li> </ul>
April 2023	<ul style="list-style-type: none"> <li>• Council Budget Workshop 1 – community funding applications, fees and charges.</li> </ul>
May 2023	<ul style="list-style-type: none"> <li>• Council Budget Workshop 2 – draft budget - operating, rates;</li> <li>• Council Budget Workshop 3 – draft budget - capital projects; and</li> <li>• Council Workshop 4 – second draft budget, rates in the dollar for advertising.</li> </ul>
June 2023	<ul style="list-style-type: none"> <li>• Special Council Meeting to adopt rates for advertising; and</li> <li>• Advertising of Differential rates.</li> </ul>
July 2023	<ul style="list-style-type: none"> <li>• Council Workshop 5 – final draft Budget; and</li> <li>• Adoption of 2022/2023 Annual Budget.</li> </ul>
August 2023	<ul style="list-style-type: none"> <li>• Submission of adopted budget to DLGSC.</li> </ul>

Once Council has received the indicative timeline, an Officer will send out diarised dates for budget workshops. Officers will keep Councillors informed in the event of any changes or delays to the timeline.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

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

### **Strategic:**

#### **Governance: The way the Shire leads and operates**

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

### **Policy related:**

*Financial Governance.*

**Financial:**

Nil.

**Legal and Statutory:*****Local Government Act 1995***

Part 6 – Financial Management

***Local Government (Financial Management) Regulations 1996***

Regulations 22 – 33A

**Risk related:**

The proposed timeline was prepared to ensure that the budget processes would meet statutory requirements. The indicative timeline has been prepared for Council's information.

There are compliance and financial risks associated with not adopting the annual budget within the required timeframes each year. Development of a timeline supports budget preparations and mitigates potential risks. It should be noted that the timeline is indicative only and may be impacted by factors outside the control of officers.

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives and notes the indicative timeline and process for the adoption of the 2023/2024 Annual Budget.

### 9.3 EXECUTIVE SERVICES

#### 9.3.1 Draft Reportable Conduct Scheme

Date of Report:	29 November 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	S Schafers – Governance 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. Draft Reportable Conduct Scheme <a href="#">↗</a>

#### PURPOSE OF THE REPORT

To review and adopt the Draft Reportable Conduct Scheme Policy (**Attachment 1**).

#### BACKGROUND

The *Reportable Conduct Scheme* (the Scheme) is intended to make Western Australian children safer. The Scheme was established under the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022* (the Act), following the outcome of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The Scheme will commence on a date to be proclaimed, which is expected to be 1 January 2023.

The Scheme provides that child abuse in organisations will always be:

- Notified to an impartial and independent body;
- Investigated fully; and
- Dealt with to ensure children are protected from abuse.

The Scheme applies to any organisation, which exercises care, supervision or authority over children. The Shire of Toodyay (the Shire) has been identified as meeting the criterion of the Scheme at six Shire facilities namely:

- Community Resource Centre;
- Toodyay Library;
- Toodyay Recreation Centre;
- Toodyay Visitors Centre;
- Newcastle Gaol Museum; and
- Connor's Mill Museum.

## COMMENTS AND DETAILS

The types of reportable conduct and the process for reporting and investigating allegations under the Scheme are detailed in the Draft Reportable Conduct Scheme Policy (**Attachment 1**).

The Shire is required to have systems in place to enable them to better protect against and respond to reportable conduct. These systems will need to be developed in consultation with the Ombudsman. Recent discussions with a representative from the Ombudsman's office has identified that the Ombudsman recognises and understands there are time constraints in having systems in place prior to proclamation. Notably the Ombudsman's office is still in the process of preparing guidance material to support organisations in preparing for the Scheme. The Ombudsman representative reiterated that preparing these systems would take time and were sympathetic to the pressure that has been placed on organisations in preparing for the Scheme. Nonetheless, the Shire will endeavour to have a basic system in place prior to proclamation.

The CEO and all employees should be made aware of the Scheme and the reporting obligations. Under s 19U (6) of the Act, it is an offence if the CEO, or a delegate of the CEO, fails to notify the Ombudsman of reportable conduct without reasonable excuse. The penalty for such conduct is \$5,000.00.

Twelve months after inception of the Scheme, reportable conduct will also include:

- Significant neglect of a child; and
- Any behaviour that causes significant emotional or psychological harm to a child.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

The draft policy was provided to Councillors via the Teams environment prior to being discussed at the Council workshop in December.

Officers will continue to seek advice and assistance from the Ombudsman as required.

### **Strategic:**

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

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

The strategic outcome is to consistently improve our governance practices and ensure rigorous organisational systems.

### **Policy related:**

HRD.1 Employee Code of Conduct

Legislative Compliance

### **Financial:**

Nil

### **Legal and Statutory:**

*Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022*

*Criminal Procedure Act 2004*

*Parliamentary Commissioner Act 1971*

s.5.41 of the *Local Government Act 1995*

**Risk related:**

This policy plays a key role in underpinning the systems that the Shire is compelled to have in place to protect against and respond to reportable conduct, pursuant to s.19R of the Act.

There are compliance and reputational risks involved with not adopting the policy.

**Workforce related:**

Systems will be developed in-house by Shire Officers.

The Reportable Conduct Scheme policy will require review within twelve months, to adapt to any process changes that have occurred, including the introduction of additional reportable conduct.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council:

1. Adopts the Reportable Conduct Scheme policy (**Attachment 1**); and
2. Authorises the CEO, or her representative, to undertake the reporting obligations of the Reportable Conduct Scheme, which are described in the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022*.

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

Date of Report:	8 December 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. Correspondence referring to "a rate" rather than a particular differential rate. <a href="#">📎</a>

#### PURPOSE OF THE REPORT

To present details of correspondence with the Department of Local Government, Sport and Cultural Industries (DLGSC) from 10 November 2022 to 8 December 2022.

#### BACKGROUND

This report is presented to Council in accordance with a June 2018 Ordinary Council Meeting (Resolution No. 122/06/18) stated below:

*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.*

#### COMMENTS AND DETAILS

Governance correspondence with the DLGSC since 10 November 2022 (**Attachment 1**) includes the following:

- Correspondence referring to "a rate" rather than a particular differential rate.

It should be noted that if any action is required in relation to the above, 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 high reputational and compliance risk if Council do not resolve the recommendation below.

**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 November 2022 to 8 December 2022, as attached to this report.

**9.3.3 WALGA Best Practice Governance Review**

Date of Report:	9 December 2022
Applicant or Proponent:	WALGA
File Reference:	MAN12
Author:	S Schafers – Governance Officer M Rebane – Executive Assistant
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. WALGA - Governance Review Background Paper; and <a href="#">⇒</a> 2. WALGA - Governance Review Consultation Paper - Model Options. <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To review WALGA's 'Best Practice Governance Review': Background Paper and Consultation Paper – Model Options, with a view to providing Member feedback in the form of a Council decision.

**BACKGROUND**

In 2019, WALGA conducted a governance review, which led to numerous process changes. WALGA subsequently developed a five (5) year Corporate Strategy that identified the need for a governance model. The Corporate Strategy was developed based on nineteen (19) interviews and two (2) workshops covering twenty (20) Local and State Government leaders.

WALGA subsequently conducted further surveys and interviews across ninety-five (95) Local Governments, which resulted in the State Council commissioning the Best Practice Governance Review (BPGR). The Background Paper (**Attachment 1**) describes the insights and analysis of comparator organisations, which supported the development of the governance principles.

**COMMENTS AND DETAILS**

In October 2022, WALGA published a Best Practice Governance Review paper (*the paper*) (**Attachment 2**) that provided governance principles endorsed by members at the 2022 AGM. The paper also details the four new potential governance model options and the structure and roles associated with each option, and a fifth option to stay with the current model. Those options are:

1. Two tier model, existing Zones;
2. Board, Regional Bodies;

3. Board, Amalgamated Zones;
4. Member elected Board, Regional Groups; and
5. Current Model.

WALGA has requested local governments consider the governance models put forward and provide a Council endorsed position, ranking the options in order of preference, to WALGA prior to 23 December 2022.

There are some similarities between the options. For instance, Options 2, 3, 4 and 5 have policy teams / Forums/ Committees. Other similarities and differences are noted below:

Options 1 and Option 5 have at least two similarities. The only difference is that Option 1 could be a Board and the Policy Team would become the Policy Council with 25 members (as the state Council is currently). With Option 1, the Zone structures would still underpin the Policy Council.

The board as the governance body of Options 1 and 2 are similar. Zones are not mentioned for Option 2 and in its place the term regional bodies has been used but it would only be for four metropolitan and four country bodies. Option 2 would allow local governments to nominate their preferred regional body with membership of the regional bodies to be determined by the board. The challenge that is apparent with Option 2 is that there will be challenges in defining accountabilities and responsibilities of regional bodies.

Option 3 also seems to change the composition of the current zone membership. There are currently four zone maps (refer to: <https://walga.asn.au/about-walga/structure/zones.aspx>). These maps cover particular metropolitan/peel and country zones in Option 3. The challenges that Option 3 mentions are:

- There may be composition challenges for amalgamated zones;
- Amalgamation of zones down to 12
- Board meetings are aligned to zone meetings
- Prioritisation and focus may be a challenge.

Option 4 is different again. Its Board is similar to Options 1, 2 and 3, however the regional groups are determined by members to suit needs and the structure listed in the paper suggests that this is determined by members of the board to suit the needs of the governance body.

Option 5 is to stay with the status quo, the current model and this is a decision for Councillors to make, however the recommendation that has been forward, and the choice of options, ranked in order of preference is proposed.

Following consultation and engagement with Members, WALGA will provide a final report to the March 2023 State Council meeting with a recommended direction.

## IMPLICATIONS TO CONSIDER

### Consultative:

WALGA has offered to present material in relation to the Background Paper (**Attachment 1**) and Consultation Paper – Model Options (**Attachment 2**) and/or facilitate a workshop to assist Council with its deliberations.

WALGA has also issued a survey to all CEOs and elected members to gain individual feedback.

**Strategic:*****Shire of Toodyay Strategic Community Plan 2028*****Governance: the way the Shire leads and operates**

Objective 2: Consistently improve our governance practices

**Policy related:**

Nil

**Financial:**

Nil.

**Legal and Statutory:**

Nil.

**Risk related:**

Nil

**Workforce related:**

The Chief Executive Officer will notify WALGA once a Council decision has been made.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council endorses options within the WALGA's 'Best Practice Governance Review': Background Paper and Consultation Paper – in the following order:

1. Option 1: Two tier model, existing Zones;
2. Option 5: Current Model;
3. Option 3: Board, Amalgamated Zones;
4. Option 2: Board, Regional Bodies – nominating the preferred regional body as being for the country: (a) Agricultural; (b) Mining & Pastoral; and (c) Peel;
5. Option 4: Member elected Board, Regional Group.

**9.4 INFRASTRUCTURE AND ASSETS**

Nil.

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

Date of Report:	8 December 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Extract of Audit and Risk Committee Minutes from meeting held on 7 Dec 2022; ➡</li> <li>2. LGIS Shire of Toodyay Cyber Review 2022; (confidential) Section 5.23(2) <i>(f)(iii) a matter that if disclosed, could be reasonably expected to prejudice the maintenance or enforcement of a lawful measure for protecting public safety</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i></li> <li>3. Risk Management Action Plan – Cyber Security Controls; (confidential) Section 5.23(2) <i>(f)(iii) a matter that if disclosed, could be reasonably expected to prejudice the maintenance or enforcement of a lawful measure for protecting public safety</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i></li> <li>4. The REVISED 10-year Assurance Cycles Plan ➡</li> <li>5. The REVISED Authorised Signatories Policy; ➡</li> <li>6. The REVISED Corporate Credit Card Policy; ➡</li> <li>7. The REVISED Financial Hardship Policy; ➡</li> </ol>

	8. The REVISED Investment of Surplus Funds Policy; ➡ 9. The REVISED Long-Term Financial Planning Policy; and ➡ 10. The REVISED Risk Management Policy. ➡
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## PURPOSE OF THE REPORT

To receive the minutes (**Attachment 1**) from the last Audit & Risk Committee (ARC) Meeting held on 7 December 2022 and consider recommendations made by the ARC.

## BACKGROUND

The ARC Committee made eight recommendations to Council at their December 2022 meeting as follows:

### Recommendation No. 1 – Risk Management Action Plan

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

*That Council:*

1. *Notes the LGIS Shire of Toodyay Cyber Review 2022 (Confidential Attachment 1);*
2. *Adopts the Risk Management Action Plan – Cyber Security Controls (Confidential Attachment 2); and*
3. *Requests the CEO to provide a progress update to the Audit and Risk Committee no later than 31 May 2023, including any budget requests for inclusion in the draft Annual Budget 2023/2024.*

### Recommendation No. 2 – 10 year Assurance Cycles Plan (assessed annually)

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

*That Council adopts the REVISED 10-year Assurance Cycles Plan assessed annually (Attachment 2).*

### Recommendation No. 3 – Authorised Signatories Policy

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

*That Council:*

1. *Adopts the policy Authorised Signatories (Attachment 2); and*
2. *Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.*

### Recommendation No. 4 – Corporate Credit Cards Policy

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

*That Council:*

1. *Adopts the policy Corporate Credit Cards (Attachment 4); and*
2. *Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.*

Recommendation No. 5 – Financial Hardship Policy

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

*That Council:*

- 1. Adopts the policy Financial Hardship (Attachment 6); and*
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.*

Recommendation No. 6 – Investment of Surplus Funds Policy

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

*That Council:*

- 1. Adopts the policy Investment of Surplus Funds (Attachment 8); and*
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.*

Recommendation No.7 – Long-Term Financial Planning Policy

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

*That Council:*

- 1. Adopts the policy Long-term Financial Planning (Attachment 10); and*
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.*

Recommendation No.8 – Risk Management Policy

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

*That Council:*

- 1. Adopts the reformatted policy Risk Management (Attachment 2).*
- 2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.*

Recommendation No.9 – Meeting dates for 2023

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

*That the commencement time of the Audit and Risk Committee Meetings in 2023 be changed from 2.00pm to 12.30pm.*

Recommendation No.10 – Resignation of Community Member

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

*That Council authorise the CEO to advertise expressions of interest for the Audit & Risk Committee on Facebook immediately, and in the Toodyay Herald February 2023 edition.*

**COMMENTS AND DETAILS**

It is recommended that Council adopts all seven recommendations made by the ARC.

Recommendation regarding the Risk Management Action Plan

The ARC reviewed the cyber review and action plan (**Confidential Attachments 2 and 3**) and made a recommendation to Council. The items identified in the action plan will support cyber-risk management initiatives and future budget requests if, and when required.

As the protection of data held by the Shire of Toodyay and the individuals/organisations to which it refers is paramount, it is imperative that the results of the review and associated action plan are kept confidential.

#### Recommendation regarding the 10 year Assurance Cycles Plan (assessed annually)

A number of factors affected progress on the Assurance Cycles Plan including staff turnover, on-going workload issues associated with the Datascape transition, and legislation changes.

#### Recommendations regarding the Financial Policies

Council implemented a review of all Shire policies in February 2022.

Old Ref	New Ref	Policy Name	Adoption Date	Most recent <b>Council Resolution No.</b> <i>where applicable</i>
F.2	<a href="#">FIN2</a>	Authorised Signatories	27/10/2020	CRN: 291/10/20
F.11	<a href="#">FIN11</a>	Corporate Credit Cards	22/01/2019	CRN: 18/01/2019
F.22	<a href="#">FIN22</a>	Financial Hardship	28/04/2020	CRN: 140/04/20
F.9	<a href="#">FIN9</a>	Investment of Surplus Funds	27/10/2020	CRN: 291/10/20
F.18	<a href="#">FIN18</a>	Long-term Financial Planning	27/10/2020	CRN: 291/10/20

Amendments to the above policies were noted in the ARC Minutes. It is recommended that all policies are adopted.

#### Recommendation regarding the Meeting times for 2023

A recommendation was made to change the commencement time for the Audit and Risk Committee meetings from 2pm to 12:30pm. This proposal fits into the existing meeting schedule and it is recommended the change be made.

#### Recommendation regarding the Resignation of Community Member

As a result of receiving the resignation of a Committee member, it is recommended that requests for expressions of interest be advertised via the Shire's Website and Facebook page and in the February edition of the Toodyay Herald.

<https://www.toodyay.wa.gov.au/council/council-meetings-committees/council-committees/expressions-of-interest-to-participate-in-a-committee-of-council.aspx>

## IMPLICATIONS TO CONSIDER

### Consultative:

The revised policies were provided to Councillors through the Teams environment on 30 November 2022.



The ARC Agenda was published on 2 December 2022. Councillors on the Committee, and Community Members were sent the link through email.

LGIS

Professional PC Services

Australian Cyber Security Centre Annual Threat Report 2022: [ACSC-Annual-Cyber-Threat-Report-2022.pdf](#)

Cyber Security in Local Government [Report-9\\_Cyber-Security-in-Local-Government.pdf \(audit.wa.gov.au\)](#)

**Strategic:**

*Strategic Community Plan 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.*

*O 3: Ensure rigorous organisational systems.*

**Policy related:**

In November 2021, Council approved the Corporate Documents policy which set the minimum requirements for policy templates. The policies presented with this report incorporate the requirements.

**Financial:**

Nil.

**Legal and Statutory:**

*r.11 Local Government (Financial Management) Regulations 1996*

**Risk related:**

There are compliance, financial and reputational risks involved with not adopting the ARC recommendations. The Office of the Auditor General recommends that local government entities should ensure they maintain the integrity of their financial control environment by:

- periodically reviewing and updating all financial, asset, human resources, governance, information systems and other management policies and procedures and communicating these to staff;
- conducting ongoing reviews and improvement of internal control systems in response to regular risk assessments;
- regularly monitoring compliance with relevant legislation; and
- promptly addressing control weaknesses brought to their attention by our audits, and other audit and review mechanisms.

**Workforce related:**

Officers will update the policies on the website and emails are sent out to all workers regarding the adoption of Council policies.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the extract of minutes of the Audit & Risk Committee from its 7 December 2022 meeting.

**AUDIT & RISK COMMITTEE RECOMMENDATION 1**

That Council:

1. Notes the LGIS Shire of Toodyay Cyber Review 2022 (**Confidential Attachment 2**);
2. Adopts the Risk Management Action Plan – Cyber Security Controls (**Confidential Attachment 3**); and
3. Requests the CEO to provide a progress update to the Audit and Risk Committee no later than 31 May 2023, including any budget requests for inclusion in the draft Annual Budget 2023/2024.

**AUDIT & RISK COMMITTEE RECOMMENDATION 2**

That Council adopts the REVISED 10-year Assurance Cycles Plan assessed annually (**Attachment 4**).

**AUDIT & RISK COMMITTEE RECOMMENDATION 3**

That Council:

1. Adopt the Authorised Signatories Policy (**Attachment 5**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 4**

That Council:

1. Adopt the Corporate Credit Cards Policy (**Attachment 6**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 5**

That Council:

1. Adopt the Financial Hardship Policy (**Attachment 7**) as amended; and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 6**

That Council:

1. Adopt the Investment of Surplus Funds Policy (**Attachment 8**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 7**

That Council:

1. Adopt the Long-term Financial Planning Policy (**Attachment 9**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 8**

That the Audit & Risk Committee recommends:

That Council:

1. Adopts the reformatted policy Risk Management (**Attachment 10**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 9**

That the commencement time of the Audit and Risk Committee Meetings in 2023 be changed from 2.00pm to 12.30pm.

**AUDIT & RISK COMMITTEE RECOMMENDATION 10**

That Council authorise the CEO to advertise expressions of interest for the Audit & Risk Committee on Facebook immediately, and in the Toodyay Herald February 2023 edition.

**9.5.2 Museum Advisory Committee Recommendations**

Date of Report:	8 December 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:	<ol style="list-style-type: none"> <li>1. Extract of Museum Advisory Committee Minutes from meeting held on 7 Dec 2022; and <a href="#">↗</a></li> <li>2. REFORMATTED Public Art Policy. <a href="#">↗</a></li> </ol>

**PURPOSE OF THE REPORT**

To consider recommendations made by the Museum Advisory Committee (MAC) at its meeting held on 7 December 2022.

**BACKGROUND**

At the December 2022 MAC meeting they made the following recommendations:

Recommendation 1: Museum Advisory Committee Update

*That the Museum Advisory Committee recommends to Council the following:*

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

Recommendation 2: Public Art Policy

*That the Museum Advisory Committee recommends to Council the following:*

That Council:

1. Adopts the REFORMATTED Public Art Policy (**Attachment 2**) as amended.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

Recommendation 3: Meeting Dates and times

*That the Museum Advisory Committee recommend to Council the following:*

*That the commencement time of Museum Advisory Committee Meetings be moved from 4.00pm to 2.30pm.*

**COMMENTS AND DETAILS**

Council is being asked to receive the minutes of the MAC and consider the recommendations made by the Committee. Commentary about the recommendations made appears below.

**Recommendation 1: Museum Advisory Committee Update**

This report is a standard update that goes to the Committee at each meeting and Council receive it at the next available Council Meeting. It is recommended that the update be received.

**Recommendation 2: Public Art Policy**

The recommendation made by the MAC was to adopt the policy as amended.

The words “as amended” were inserted because at the meeting the Committee made several amendments to the DRAFT REFORMATTED Public Art Policy.

Now these amendments are incorporated into the policy, it is recommended that the policy be adopted.

**Recommendation 3: Meeting Dates and times**

As the minutes will show, the Chairperson advised that at the Audit and Risk Committee Meeting (a meeting held prior to the MAC Meeting) that a motion was passed to change the commencement time of those meetings to 12.30pm.

This would have meant that the members who attend the Audit & Risk Committee and the MAC meetings would have to either wait until 4.00pm or find something to do between meetings. To mitigate this impost, the earlier timeslot of 2.30pm is proposed and it is recommended that this change occur.

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

Nil

**Strategic:*****Shire of Toodyay Community Strategic Plan – Toodyay 2028***

*Social: Our community well-being and connection*

O3: Support the development of places and spaces for recreation, learning, art and culture

**Policy related:**

Committee Recommendations Policy

**Financial:**

Nil

**Legal and Statutory:**

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

**Workforce related:**

An Officer will update the policy on the website and inform the Shire.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the extract of the Museum Advisory Committee Minutes (**Attachment 1**) from the meeting held on 7 December 2022.

**MUSEUM ADVISORY COMMITTEE RECOMMENDATION 1**

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

**MUSEUM ADVISORY COMMITTEE RECOMMENDATION 2**

That Council:

1. Adopts the REFORMATTED Public Art Policy (**Attachment 2**) as amended.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**MUSEUM ADVISORY COMMITTEE RECOMMENDATION 3**

That the commencement time of Museum Advisory Committee Meetings be moved from 4.00pm to 2.30pm.

**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****14.1 Residential Tenancy Agreement For 19b Clinton Street, Toodyay****14.2 Residential Tenancy Agreement For 19a Clinton Street, Toodyay****RECOMMENDATION**

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

**14.1 Residential Tenancy Agreement for 19B Clinton Street, TOODYAY**

This matter is considered to be confidential under Section 5.23(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees

**14.2 Residential Tenancy Agreement for 19A Clinton Street, TOODYAY**

This matter is considered to be confidential under Section 5.23(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees

**15 NEXT MEETINGS**

Ordinary Council Meeting	22 February 2023
Agenda Briefing	15 February 2023
Audit & Risk Committee Meeting	1 March 2023
Bushfire Advisory Committee Meeting	1 February 2023
Environment Advisory Committee Meeting	1 February 2023
Local Emergency Management Committee Meeting	8 March 2023
Museum Advisory Committee Meeting	1 March 2023

**16 CLOSURE OF MEETING**